

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Nationwide Life and Annuity Insurance
Company,

Plaintiff,

vs.

Margaret Rose C. Sims, as the duly
appointed representative of The Estate of
David Lee Sims, Jr. and Heather Sims,

Defendants.

Civil Action No. 4:15-cv-01649-RBH

**ORDER GRANTING DISBURSEMENT
OF AWARD OF ATTORNEYS' FEES**

BEFORE THE COURT is the motion of the Plaintiff, Nationwide Life and Annuity Insurance Company (hereinafter "Nationwide"), with the consent of counsel for the Defendants, requesting that the Court allow the disbursement of the award of attorneys' fees made to the Plaintiff in the Court's prior Order dated February 1, 2016. In light of the stay of these proceedings ordered by the Court, the Court finds it appropriate to allow for the immediate disbursement of the award of attorneys' fees and, accordingly, GRANTS the Plaintiff's motion.

THE RECORD REFLECTS the following facts pertinent to the Plaintiff's request:

1. On February 1, 2016, the Court issued an Order granting Nationwide leave to deposit with the registry of the Court the death benefit proceeds of the subject insurance policy. This Order further provided for the discharge of Nationwide of further liability, an injunction against further legal action against Nationwide, and an award to Nationwide of attorneys' fees in the amount of \$5,874.50. The Order provided that this amount is "to be deducted from the Stake and paid to Plaintiff *when the final judgment in this case is entered.*" (2/1/16 Order at 4.)

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2. On February 11, 2016, Nationwide deposited the sum of \$797,962.56 with the clerk of court, representing the entirety of the death benefit proceeds owed plus interest and a refund of unearned premium.

3. On May 12, 2016, the Court issued a text order granting the Defendants' joint motion to stay this case until the conviction of Heather Sims for voluntary manslaughter has been finally decided by the state court, including criminal post-trial motions and direct appeal.

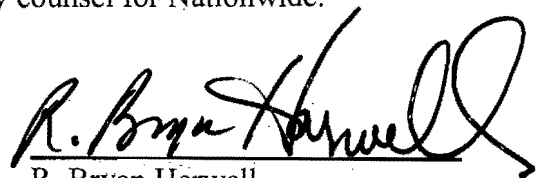
THE COURT IS INFORMED THAT, in light of the stay in this action, the Defendants have consented to Nationwide's request that the award of attorneys' fees in the amount of \$5,874.50 be immediately disbursed, rather than after the final judgment in this case, so that Nationwide may close its file in this matter.

THE COURT FINDS THAT, in light of the stay of this action, good cause exists to pay Nationwide Life its award of attorneys' fees immediately rather than after the final judgment in this case. The immediate payment of this amount will have no effect on the final distribution of the remaining proceeds at issue in this action.

NOW, THEREFORE, the Clerk of Court is directed that \$5,874.50 of the proceeds previously deposited in this action shall be disbursed to counsel for Nationwide. Payment shall be made in accordance with instructions to be provided by counsel for Nationwide.

IT IS SO ORDERED.

July 5, 2016
Florence, South Carolina


R. Bryan Harwell
United States District Judge

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