

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 OF DISMISSAL OF  
PLAINTIFF NATIONWIDE LIFE AND  
ANNUITY INSURANCE COMPANY**

BEFORE THE COURT is the motion of the Plaintiff, Nationwide Life and Annuity Insurance Company (hereinafter “Nationwide”), requesting that the Court enter an Order dismissing it from this action. For good cause shown, the Court 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 provided that “[a]fter depositing the proceeds, Plaintiff shall be DISMISSED WITH PREJUDICE from this action and discharged from all liability with respect to the deposited funds.” (Dkt. No. 16.)

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. The clerk of court issued an acknowledgment of receipt of the checks. (Dkt. No. 18.)

Because Nationwide has deposited the proceeds, pursuant to the Court's February 1, 2016 Order, Nationwide is hereby **DISMISSED WITH PREJUDICE** from this action.

**IT IS SO ORDERED.**

July 22, 2016  
Florence, South Carolina

s/ R. Bryan Harwell  
R. Bryan Harwell  
United States District Judge