

United States District Court
Southern District of Texas

ENTERED

February 14, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STATE FARM LIFE INSURANCE
COMPANY,

Plaintiff,

VS.

MARY LOUISE COLEY SMITH and
ALEJANDRO PLASCENCIA

Defendants.

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CIVIL ACTION NO. H-17-2950

**ORDER TO DEPOSIT INTERPLEADER FUND INTO THE REGISTRY
OF THE COURT AND FOR DISMISSAL WITH PREJUDICE**

State Farm Life Insurance Company filed a Motion to Deposit Interpleader Funds into the Registry of the Court and for Dismissal with Prejudice. The motion is unopposed. State Farm is an innocent stakeholder subject to competing adverse claims by Mary Louise Coley Smith and Alejandro Plascencia to the proceeds of Policy No. LF-2188-6495, which create a reasonable doubt as to the proper payment of the proceeds. State Farm’s interpleader of the policy proceeds is proper and is not a breach of contract or of its common-law or statutory duties.

State Farm has incurred and expects to incur reasonable and necessary attorney fees and costs totaling \$5,221.00 associated with this interpleader. This amount may be deducted in advance from the fund.

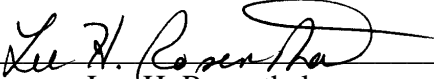
The Clerk of the Court will receive and deposit into the Registry of the Court the policy proceeds and interest amount of ONE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED THIRTEEN DOLLARS AND 24/100THS (\$117,413.24) (representing the face amount of the policy

with all interest accrued to date (\$122,634.24), less the awarded fees and costs of \$5,221.00 noted above), plus any additional interest accruing between the date of this Order and the date of deposit.

Upon making this deposit, State Farm Life Insurance Company is discharged from all liability that has been or may be asserted against it by any party to this action with respect to the deposited policy proceeds and to the handling of the adverse claims to the policy proceeds. These claims include but are not limited to claims for breach of contract, breach of the duty of good faith and fair dealing, Texas Insurance Code violations, and DTPA violations.

When the deposit is made, a judgment dismissing State Farm Life Insurance Company with prejudice will be entered.

SIGNED on February 14, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge