

MAR 06 2013

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
 BY: *J. C. Dudley*
 DEPUTY CLERK

HARTFORD LIFE AND ACCIDENT)
 INSURANCE COMPANY,)

Plaintiff,)

Civil Action No.: 7:11-cv-411

v.)

CHARLES PATRICK KING, et al.,)

By: Hon. Michael F. Urbanski
 United States District Judge

Defendants.)
)

ORDER

This interpleader action was referred to the Honorable Robert S. Ballou, United States Magistrate Judge, pursuant to 28 U.S.C. §636(b)(1)(B), for proposed findings of fact, conclusions of law, and a recommended disposition. On February 6, 2013, the Magistrate Judge filed a report and recommendation, recommending that the Court grant the motion for summary judgment filed by Hartford Life and Accident Insurance Company (“Hartford”), permanently enjoin Joan Gnegy and any other potential beneficiary from asserting any claim or right to the proceeds of the Hartford life insurance and group accidental death and dismemberment policies at issue in this matter, grant the joint motion of the parties to disburse \$21,660.67¹ from the interpleaded funds to Hartford for attorneys’ fees and costs incurred in filing this interpleader action, grant the joint motion of the parties to disburse the remaining interpleaded funds and accrued interest to Rebecca Reed, Executor of the Estate of Ann Gnegy King, for disbursal in accordance with the parties’ settlement agreement, and dismiss this action with prejudice as to all parties.

¹ The report and recommendation erroneously states the amount requested as attorney’s fees as \$20,667.67.

No objections to the report and recommendation have been filed, and the court is of the opinion that the report and recommendation should be adopted in its entirety. It is accordingly **ORDERED** and **ADJUDGED** as follows:

- 1) Hartford's Motion for Summary Judgment (Dkt. # 15) is **GRANTED**;
- 2) Pursuant to 28 U.S.C. § 2361, Joan Gnegy and any other potential beneficiaries of the policies are **PERMANENTLY ENJOINED** from asserting any claim or right to the proceeds of the Hartford policies;
- 3) The parties' joint motion to disburse \$21,660.67 from the interpleaded funds to Hartford for attorney's fees and costs is **GRANTED**. The Clerk is directed to disburse \$21,660.67 from the interpleaded funds with a check made payable to "Hartford Life and Accident Insurance Company," and delivered to Kevin W. Holt, Gentry Locke Rakes & Moore, LLP, counsel for Hartford.
- 4) The parties' joint motion to disburse the remaining interpleaded funds and accrued interest to Rebecca Reed, the Executor of the Estate of Ann Gnegy King, for disbursement in accordance with the parties' settlement agreement is **GRANTED**. The Clerk is directed to disburse the remaining funds and all accrued interest to James W. Shortt, counsel for Rebecca Reed, Executor of the Estate of Ann Gnegy King.

This matter is hereby **DISMISSED** with prejudice, and **STRICKEN** from the active docket of the court.

Enter: March 5, 2013

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge