

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PROVIDENT LIFE AND ACCIDENT
INSURANCE COMPANY,

ORDER

Plaintiff,

v.

13-cv-221-wmc

PAUL S. BLAIR, individually and as
parent and natural guardian to his
minor children NPB and NB,

Defendant.

On March 29, 2013, plaintiff Provident Life and Accident Insurance Company filed this interpleader action, asking the court to decide whether and how to split about \$77,000 in life insurance proceeds between defendant Paul S. Blair and his minor children, defendants NPB and NB. Blair was served with the complaint on April 22, 2013, making his answer or other response due by April 11, 2013. The record does not reflect that NPB or NB have been served, plaintiff's attorney has reported contact with the attorney for the children's conservator.

In the absence of any answer from Blair, or any other action in this case, the court set a telephonic status conference for June 20, 2013. At that conference, plaintiff's attorney reported that the insurance company had reached a settlement agreement with Blair and NPB and NB that plaintiff anticipated filing with the court within two or three weeks. But no settlement got filed, so the court convened another telephonic status conference on July 25, 2013. Only plaintiff appeared, and its attorney reported that although Blair had not communicated any change of heart regarding settlement, neither had he signed and returned the settlement agreement.

The court concludes from this that Blair does not intend to sign the agreement. Accordingly, we have a live lawsuit. Technically, Blair already has defaulted, but this likely can be cured and this case can be scheduled for discovery, motions practice and trial to resolve the apparent dispute over whether Blair or his minor children should receive the insurance proceeds.

IT IS ORDERED that a telephonic status conference is set for **August 15, 2013 at 2:30 p.m.**, at which the court intends to discuss future scheduling and perhaps set dates and deadlines in consultation with the parties and their representatives. Plaintiff is responsible for arranging the conference call to chambers. Plaintiff's attorney has indicated that he can contact the lawyer for NPB and NB's conservator, who should participate in this call, regardless whether NB or NPB have been served. Not later than August 2, 2013, Blair must provide plaintiff's attorney with a telephone number at which he—or his attorney if he retains one—can be reached to participate in this conference call. If the parties submit a signed settlement agreement by August 14, 2013, then the August 1st, 2013 telephonic hearing will be cancelled as unnecessary.

Entered this 26th day of July, 2013.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge