

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

| | | |
|---|---|-----------------------|
| NEW YORK LIFE |) | |
| INSURANCE COMPANY |) | |
| |) | |
| Plaintiff |) | CIVIL ACTION FILE NO. |
| |) | |
| v. |) | 4:17-CV-00057-CDL |
| |) | |
| RANDOLPH C. BELL, as Trustee of |) | |
| the Phyllis S. Denson Irrevocable Trust |) | |
| Dated May 20, 2015; and |) | |
| JOY R. WEBSTER, as Chapter 7 |) | |
| Trustee |) | |
| |) | |
| Defendants |) | |

CONSENT ORDER

Plaintiff New York Life Insurance Company filed this interpleader action pursuant to Fed. R. Civ. P. 22 to determine the correct recipient of a death benefit in the amount of \$975,614.93, payable under Policy No. 45 207 811 (“the Policy”), a life insurance contract insuring the life of Phyllis S. Denson (“the Insured”), now deceased.

As stated in the complaint, New York Life received competing claims from defendant Randolph C. Bell, Trustee of the Phyllis S. Denson Irrevocable Trust Dated May 20, 2015 (“the Trust”), the named beneficiary of the Policy at the time of the Insured’s death, and from defendant Joy R. Webster, Chapter 7 Trustee in Adversary Proceeding No. 16-4010 in the United States Bankruptcy Court for the Middle District of Georgia, Columbus Division, arising from Case No. 16-40453 JTL.

Pursuant to this Court's order dated May 18, 2017 (Doc. 12), New York Life paid into the Court registry the sum of \$1,012,020.06, representing the death benefit of \$975,614.93, plus interest of \$36,405.13 ("the interpleader fund"). The parties agree that New York Life is a disinterested stakeholder of the interpleader fund.

New York Life Insurance Company has moved for the entry of an order discharging from further liability under the Policy, for a permanent injunction, for an award of attorney's fees and expenses in a negotiated amount, and for dismissal as a party to this action with prejudice. Good cause having been shown, and all parties having consented, it is hereby ORDERED as follows:

- (a) New York Life is hereby discharged from any further liability under the Policy;
- (b) Defendants are hereby permanently restrained and enjoined from instituting or prosecuting in any State or United States Court any other proceeding against New York Life pertaining to the interpleader fund and/or the Policy;
- (c) Upon receipt of an executed W-9 from New York Life, the Clerk of this Court is authorized and directed to draw a check on the interpleader fund on deposit in the registry of this Court in the amount of \$7,500, principal only and not to include any interest, as a negotiated award of attorney's fees and costs, payable to "New York Life Insurance Company," to be mailed to its attorney, H. Sanders Carter, Jr., Smith Moore Leatherwood LLP, Regions Plaza, 1180 West Peachtree Street, Suite 2300, Atlanta, Georgia 30309;

(d) New York Life is hereby dismissed as a party to this action with prejudice;
and

(e) The balance of the interpleader fund shall remain in the Court registry until further order of this Court.

SO ORDERED, this 1st day of June, 2017.

s/Clay D. Land
Clay D. Land, Chief Judge
U.S. District Court, Middle District of Georgia

Order presented by:

Attorneys for Plaintiff
New York Life Insurance Company

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Consented to by:

s/ W. Donald Morgan, Jr.

W. Donald Morgan, Jr.
Georgia Bar No. 523150

Attorney for Defendant RANDOLPH C.
BELL, as Trustee of the Phyllis S. Denson
Irrevocable Trust Dated May 20, 2015

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s/ Robert M. Matson

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Joy R. Webster, as Chapter 7 Trustee

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