

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

NATIONWIDE LIFE AND ANNUITY)
INSURANCE COMPANY, a corporation,)

Plaintiff,)

vs.)

JAY P. DUNSHIE, et al.,)

Defendants.)

Case No.: 6:22-cv-00995-MK

**FINAL JUDGMENT AND ORDER OF
INTERPLEADER DISBURSEMENT**

(Interest-Bearing Account - Interpleader)

Magistrate Jurisdiction

On the Amended Joint Motion for Entry of Final Judgment and Order of Interpleader Disbursement filed by Defendants Jay Dunshie (“Dunshie”) and Douglas Middlestetter (“Middlestetter”), on behalf of the Estate of Sharon Hudinchia, the Court finds, adjudges, and orders as follows:

This suit involves a dispute regarding the proceeds of an annuity contract payable by Nationwide Life and Annuity Insurance Company (“Nationwide”) due to the death of Sharon Hudinchia. On March 3, 2023, Nationwide was ordered to deposit the disputed death benefit into the registry of the Court. (ECF No. 32). On April 12, 2023, Nationwide deposited the death benefit and applicable interest totaling \$404,920.94 (the “Funds”) into the interest-bearing

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Disputed Ownership Fund (“DOF”) within the Court Registry Investment System (“CRIS”) administered by the Administrative Office of the United States Courts pursuant to 28 U.S.C. § 2045. (ECF No. 40). Thereafter, Nationwide was granted interpleader relief and dismissed from the case. (ECF Nos. 56, 57).

The remaining parties, Dunshie and Middlestetter, have now resolved their dispute and submitted an Amended Joint Motion for Entry of Final Judgment and Order of Interpleader Disbursement, evidencing the financial terms of the settlement. Therefore, in accordance with this Final Judgment and Order of Interpleader Disbursement, IT IS HEREBY ORDERED that the Funds previously deposited with the Clerk of Court shall be withdrawn and disbursed as follows:

1. **DOF Fees:** Pursuant to Standing Order No. 2016-11, a DOF fee for the management of investments and tax administration has been previously deducted from the interest earned on the funds deposited with the Court.
2. **Payments:** The remaining funds shall be disbursed as follows:
 - a) Nationwide Life and Annuity Insurance Company (Payee)
c/o Ali Haque (Attorney for Nationwide Life)
Baker Hostetler LLP
200 Civic Center Drive, Suite 1200
Columbus, OH 43215

Amount: Fifteen Thousand Dollars (\$15,000.00)
 - b) Interpleader Law, LLC IOLTA (Payee)
c/o Michael Hoover (Attorney for Jay Dunshie)
Interpleader Law, LLC
5800 One Perkins Place Dr., Suite 2A
Baton Rouge, Louisiana 70808

Amount: One Hundred Ninety-Four Thousand Nine Hundred Sixty Dollars and Forty-Seven Cents (\$194,960.47), plus Fifty Percent (50%) of any accumulated interest.

- c) Sherman Sherman Johnnie & Hoyt, LLP Trust Account (Payee)
c/o Don Grim (Attorney for Douglas Middlestetter)
Sherman Sherman Johnnie & Hoyt, LLP
P.O. Box 2247
Salem, OR 97308

Amount: One Hundred Ninety-Four Thousand Nine Hundred Sixty Dollars and Forty-Seven Cents (\$194,960.47), plus Fifty Percent (50%) of any accumulated interest.

The Clerk of Court is to disburse funds to the payees via electronic funds transfer to the account provided on the AO-213P forms.

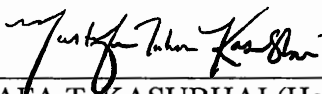
The Clerk of Court, through the Financial Administrator, has pre-approved the form of this order pursuant to Local Rule 67-3(b).

The Clerk of Court is absolved of any liability by compliance with this Order. It shall be counsel's responsibility to confirm that any action required of the Clerk of Court or her designee by this Order has been performed.

IT IS FURTHER ORDERED that each party shall bear its own costs and attorneys' fees.

IT IS FURTHER ORDERED that this matter is hereby dismissed with prejudice.

Dated: _____ July 24, 2023.



MUSTAFA T. KASUBHAI (He/Him)
United States Magistrate Judge

For Court Use Only

APPROVED AS TO FORM:

Melissa Aubin, Clerk of Court

Renee McDaniel
By: Financial Administrator