

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE PENN MUTUAL LIFE INSURANCE
COMPANY,

Plaintiff,

v.

THE ESTATE OF SUSAN SMITH, et al.,

Defendants.

Case No. 1:23-cv-00722-SAB

ORDER GRANTING MOTION FOR
ENTRY OF FINAL JUDGMENT AND
ORDER OF INTERPLEADER
DISBURSEMENT

ORDER VACATING HEARING SET FOR
JANUARY 10, 2024

(ECF No. 31)

On May 10, 2023, Plaintiff the Penn Mutual Life Insurance Company (“Penn”) filed this interpleader action against Defendants: (1) the Estate of Susan Smith, by and through its administrator, Christopher R. Wilson (“Smith Estate”); and (2) Vassar Smith (“Vassar”). (ECF No. 1.) On July 20, 2023, pursuant to the consent of the parties, this action was reassigned to Magistrate Judge Stanley A. Boone. (ECF No. 18.) On August 9, 2023, the parties filed a stipulated motion for interpleader relief. (ECF No. 21.) On September 8, 2023, the Court granted the motion and dismissed Penn from the action. (ECF No. 26.)

The parties proffer that on or about September 28, 2023, Penn deposited the disputed life insurance death benefit and applicable interest totaling \$682,400.22 (the “Funds”) into the registry of the Court. (ECF No. 31.)

On November 29, 2023, Defendant filed both a notice of settlement and joint motion for entry of final judgment and order of interpleader disbursement. The parties contend that the remaining parties (the Estate of Susan Smith and Vassar Smith) have resolved their dispute and agree the Funds, plus accumulated interest, should be disbursed. (ECF Nos. 30, 31.) Based on the Court's review of the stipulated motion, the Court finds the matter suitable for decision without oral argument, and the hearing set for January 10, 2024, shall be vacated. The Court GRANTS the joint motion or entry of final judgment and order of interpleader disbursement.

Accordingly, it is HEREBY ORDERED that:

1. The hearing set for January 10, 2024, in Courtroom 9, is VACATED;
2. Pursuant to the agreement of the remaining parties to this action, from the Funds on deposit with the Court totaling \$682,400.22, Vassar Smith is entitled to receive, and the Clerk shall disburse to him, Four Hundred Eighty-Two Thousand Four Hundred Dollars and Twenty-Two Cents (\$482,400.22), payable to "Interpleader Law, LLC IOLTA" and mailed to: Michael Hoover, Interpleader Law, LLC, 5800 One Perkins Place Dr., Suite 2A, Baton Rouge, LA 70808;
3. Pursuant to the agreement of the remaining parties to this action, from the Funds on deposit with the Court totaling \$682,400.22, The Estate of Susan Smith is entitled to receive, and the Clerk shall disburse to it, Two Hundred Thousand Dollars and Zero Cents (\$200,000.00), payable to "H. Ty Kharazi, APLC Trust Account" and mailed to: Ty Kharazi, H. Ty Kharazi, APLC, 1300 East Shaw Ave., Suite 170, Fresno, CA 93710;
4. One Hundred Percent (100%) of all accrued interest on the deposited Funds, if any, less any fee assessed, shall be disbursed to Vassar Smith, payable to "Interpleader Law, LLC IOLTA" and mailed to: Michael Hoover, Interpleader Law, LLC, 5800 One Perkins Place Dr., Suite 2A, Baton Rouge, LA 70808;

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1 5. Upon distribution of the Funds and interest as specified hereinabove, this matter
2 shall be dismissed with prejudice and the Clerk of Court shall CLOSE the file in
3 this case; and

4 6. There is no just reason to delay the entry of this Judgment as a final judgment in
5 this action. The Clerk of the Court is DIRECTED to immediately enter this Final
6 Judgment in this action.

7
8 IT IS SO ORDERED.

9 Dated: November 30, 2023


UNITED STATES MAGISTRATE JUDGE