

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

TRANSAMERICA LIFE INSURANCE COMPANY,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:25-CV-00444-CCB-SJF
	)	
ROSE LYPHOUT, JAMES LYPHOUT, JONATHAN LYPHOUT, JOSEPH LYPHOUT, JOHN VIVIANI II, and NICK VIVIANI.	)	
	)	
	)	
Defendants.	)	

**FINAL JUDGMENT
ORDER IN INTERPLEADER**

This matter, coming to be heard on the parties’ Joint Motion for Final Judgment Order in Interpleader (ECF 38), due notice having been given, and this Court being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The parties’ Joint Motion for Final Judgment Order in Interpleader is GRANTED;
2. On November 19, 2025, Transamerica deposited the total sum of \$420,106.77 for its admitted liability with the Court’s registry (the “Annuity Proceeds”). (ECF 37);
3. All Parties have now resolved all claims in this matter, Transamerica Life Insurance Company takes no position on the disbursal of the Annuity Proceeds, and Defendants have agreed to disbursal of the Annuity Proceeds;
4. The amount of the Annuity Proceeds to be disbursed is \$420,106.77;
5. Prior to disbursal of the Annuity Proceeds, the Clerk is allowed to deduct from the total accrued interest the applicable administrative fees;

6. Rose Lyphout, James Lyphout, Joseph Lyphout, Jonathan Lyphout, John Viviani II, and Nick Viviani are, during the pendency of this case and thereafter permanently and perpetually, enjoined from commencing or prosecuting any proceeding or claim against Transamerica Life Insurance Company in any state or federal court or other forum with respect to proceeds payable under the terms of Annuity policy no. xxxxx7LK8, or on account of the death of Irene Viviani, the Annuitant, and that said injunction issue without bond or surety;

7. Judgment is granted to and entered in favor of Transamerica Life Insurance Company, and against Rose Lyphout, James Lyphout, Joseph Lyphout, Jonathan Lyphout, John Viviani II, and Nick Viviani, on its Complaint for Interpleader, with this Court finding that Transamerica Life Insurance Company has no further liability to Rose Lyphout, James Lyphout, Joseph Lyphout, Jonathan Lyphout, John Viviani II, and Nick Viviani, or to any person or entity claiming through them, for the proceeds payable under the terms of Annuity Policy no. xxxxx7LK8 or on account of the death of Irene Viviani;

8. This Court finds that Transamerica Life Insurance Company has established all of the requirements for interpleader relief pursuant to 28 U.S.C. § 1335 and FED. R. CIV. P. 22 and acted in good faith by interpleading the proceeds of Annuity policy no. xxxxx7LK8 and depositing its admitted liability with the Clerk of the Court;

9. This Court authorizes and directs the Clerk to draw checks on the Annuity Proceeds deposited in the Registry of this Court in the following principal amounts, plus all accrued interest, less the applicable Clerk's administrative fee deducted from all accrued interest, payable to the named payees, and mail the checks to the following named payees:

- a) Interpleader Law, LLC IOLTA (Payee)
c/o William J. Perry
(Attorney for John Viviani II)
Interpleader Law, LLC
9015 Bluebonnet Boulevard
Baton Rouge, LA 70810

One-Hundred Five Thousand Twenty-Six Dollars and Sixty-Nine Cents (\$105,026.69)

plus 25% of any accrued interest less the applicable Clerk's administrative fee;

- b) Interpleader Law, LLC IOLTA (Payee)
c/o William J. Perry
(Attorney for Nick Viviani)
Interpleader Law, LLC
9015 Bluebonnet Boulevard
Baton Rouge, LA 70810

One-Hundred Five Thousand Twenty-Six Dollars and Sixty-Nine Cents (\$105,026.69)

plus 25% of any accrued interest less the applicable Clerk's administrative fee;

- c) Anderson Agostino & Keller, P.C. Trust Account (Payee)
c/o Michael J. Anderson
(Attorney for Joseph Lyphout)
131 South Taylor Street
South Bend, Indiana 46601

One-Hundred Five Thousand Twenty-Six Dollars Sixty-Nine Cents (\$105,026.69) plus

25% of any accrued interest less the applicable Clerk's administrative fee;

- d) Michael J. Anderson (4004-71)
Anderson Agostino & Keller, P.C. Trust Accoun (Payee)
c/o Michael J. Anderson
Attorney for Jonathan Lyphout)
131 South Taylor Street
South Bend, Indiana 46601

One-Hundred Five Thousand Twenty-Six Dollars and Seventy Cents (\$105,026.70) plus

25% of any accrued interest less the applicable Clerk's administrative fee.

10. This matter is dismissed with prejudice, with each party bearing its own costs.

SO ORDERED on December 10, 2025.

/s/Cristal C. Brisco
CRISTAL C. BRISCO, JUDGE
UNITED STATES DISTRICT COURT