

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

GLOBE LIFE AND ACCIDENT)	
INSURANCE COMPANY)	
Plaintiff,)	Civil Action No. 5:16-cv28
)	
v.)	<u>REPORT & RECOMMENDATION</u>
)	
SHERRY STURROCK, <i>et al.</i> ,)	By: Joel C. Hoppe
Defendants.)	United States Magistrate Judge

This matter is before the Court on Plaintiff’s, Globe Life and Accident Insurance Company (“Globe”), Motion for Leave to Deposit Life Insurance Policy Proceeds in Interpleader (“Interpleader Motion”), ECF No. 4. The presiding District Judge, Michael F. Urbanski, took under advisement the Interpleader Motion until Defendants had been served with the Complaint for Interpleader, ECF No. 1, and responded to the Interpleader Motion. ECF No. 5. Judge Urbanski referred all motions in this action to the undersigned Magistrate Judge. ECF No. 14.

Globe brought this interpleader action to resolve which of the Defendants was entitled to the proceeds of a life insurance policy on the insured, Peggy J. Phillips. In the Interpleader Motion, Globe asks to deposit the face value of the life insurance policy benefits, \$20,000.00, into the Court’s registry. The draft order tendered with its motion provides that upon deposit of the life insurance proceeds, Defendants and any party not yet joined to this action would be enjoined from bringing any suit against Globe on the life insurance policy, Globe would be released from all liability and any claims related to the life insurance policy, and Globe would be dismissed with prejudice from this action.

On August 4, 2016, the undersigned Magistrate Judge held a scheduling conference on the record with the parties. I asked each Defendant whether he or she opposed the Interpleader Motion. Ken Biggs, Malinda Biggs, Frank Biggs, and Iva Biggs-Gordon each stated that he or

she did not oppose the motion. Sherry Sturrock requested additional time to consider the motion. Accordingly, I allowed Defendants fourteen days to file any opposition to the Interpleader Motion. ECF No. 18. Only Ms. Sturrock filed a response, and she wrote that she had “no objection to Globe’s [Interpleader] Motion.” ECF No. 19.

Finding that the Interpleader Motion is unopposed and the relief requested therein is otherwise appropriate, I RECOMMEND that the presiding District Judge GRANT the motion, ECF No. 4, and all requested relief.

Notice to Parties

Notice is hereby given to the parties of the provisions of 28 U.S.C. § 636(b)(1)(C):

Within fourteen days after being served with a copy [of this Report and Recommendation], any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

Failure to file timely written objections to these proposed findings and recommendations within fourteen (14) days could waive appellate review.

The Clerk shall send certified copies of this Report and Recommendation to all counsel of record and unrepresented parties.

ENTERED: September 12, 2016



Joel C. Hoppe
United States Magistrate Judge