

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MICHELLE DESPAIN,

PLAINTIFF

VS.

No. 3:12-cv-00105 KGB

**THE NORTHWESTERN MUTUAL
LIFE INSURANCE COMPANY**

**DEFENDANT/COUNTERCLAIMANT
IN INTERPELADER**

**THE NORTHWESTERN MUTUAL
LIFE INSURANCE COMPANY**

**THIRD-PARTY COMPLAINANT
IN INTERPLEADER**

VS.

**JACK DESPAIN and TANA DESPAIN,
IN THEIR INDIVIDUAL CAPACITIES**

THIRD-PARTY DEFENDANTS

ORDER

Before the Court is the motion of defendant, counterclaimant and third-party claimant in interpleader Northwestern Mutual Life Insurance Company (“NWM”), for entry of an order of dismissal and for costs and fees (Dkt. No. 16). No response to the motion has been filed.

IT IS, THEREFORE, ORDERED:

A. That the amount hereunder issued by NWM and deposited into the registry of the Court is the extent of NWM’s liability to anyone under the terms and conditions of the Policy;

B. That all parties to this action, including, Michelle Despain, Jack Despain and Tana Despain, shall be, and hereby are, directed to assert and litigate their claims to the funds paid into the registry of the Court so as to settle among themselves their right to claim the proceeds due under the Policy;

C. That Michelle Despain, Jack Despain, Tana Despain, their agents, attorneys, successors, personal representatives, heirs, devisees, legatees, and assigns are hereby and

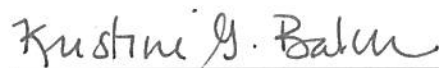
permanently enjoined and restrained from asserting, instituting or prosecuting any and all demands, claims, actions or causes of action against NWM in regard to, pertaining to, or in any manner relating to or arising out of the Policy;

D. That an award should be, and hereby is, made to NWM of the funds herein deposited into this Court to pay for reasonable costs, counsel fees and other expenses which NWM was compelled to expend in defense of this action and in the prosecution of its Counterclaim and Third-Party Complaint in Interpleader;

E. That within thirty (30) days of the entry of this Order, NWM shall submit an Agreed Bill of Costs and Fees, signed and agreed to by representatives of all parties hereto, which shall indicate the amount of NWM's reasonable costs, counsel fees and other expenses incurred to date for the Court's review and approval. In the event the parties are unable to agree on the reasonableness of NWM's costs, counsel fees and other expenses, NWM shall submit, within thirty (30) days of the entry of this Order, affidavit proof as to its reasonable costs, counsel fees and other expenses incurred to date.

F. That upon the entry of the Court's Order determining whether to award an amount of costs and attorney fees to NWM, it shall be dismissed from this action with prejudice and fully discharged from any further liability which in any manner may arise under the Policy at issue herein.

SO ORDERED this 10 day of September, 2012.



Kristine G. Baker
United States District Judge