

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNUM LIFE INSURANCE COMPANY
OF AMERICA,

Plaintiff,

v.

LYNETTE JOHNSON, As Trustee of the
Pamela Kay DeSantis Living Trust, and
FREDERICK GURTNER,

Defendants.

ORDER

12-cv-343-bbc

A hearing was held on September 19, 2012 on plaintiff Unum Life Insurance Company of America's motions to deposit funds and to enter default judgment against defendant Frederick Gurtner. Plaintiff appeared by telephone, as did defendant Lynette Johnson. Frederick Gurtner made no appearance.

Plaintiff's motions were unopposed and were granted. Plaintiff will be dismissed from the case with prejudice because it does not claim any interest in the proceeds of the life insurance at issue in this case. I will enter default against defendant Gurtner as to plaintiff's claim against him, but give him an opportunity to be heard on any claim he has to the proceeds of the insurance policy on his mother's life.

Defendant Gurtner may have until October 3, 2012 in which to advise the court and defendant Johnson of his intention to prosecute his claim to the insurance proceeds. If he

fails to do this, the court will enter default judgment against him as to any claim to the proceeds and award the proceeds to defendant Johnson. If he advises the court that he wishes to be heard on the matter, a pretrial conference will be held before the United States Magistrate Judge to set a schedule for resolution of the competing claims.

ORDER

IT IS ORDERED that

1. Plaintiff Unum Life Insurance Company of America's motions for leave to deposit insurance proceeds into the court and for default judgment as to its claim against defendant Frederick Gurtner are GRANTED.

2. Defendant Gurtner may have until October 3, 2012, in which to advise the court and defendant Johnson of his intention to prosecute his claim to the insurance proceeds at issue; if he fails to do so, default judgment will be entered against him and the proceeds will be distributed to defendant Johnson.

3. If defendant Gurtner advises the court that he wishes to assert a claim to the proceeds, the case will be set for a pretrial conference before United States Magistrate Judge Stephen Crocker.

Entered this 19th day of September, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge