

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
At Wheeling

U.S. DISTRICT COURT
FILED AT WHEELING, WV

JUL 16 2007

NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

JACQUELINE MOORE, individually and
as Administrator of the ESTATE OF KEITH
KARWACKI, deceased,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-CV-169
Honorable Frederick P. Stamp, Jr.

LIFE INSURANCE COMPANY OF NORTH
AMERICA, a foreign corporation, CIGNA
CORPORATION, d.b.a. CIGNA GROUP INSURANCE,
a foreign corporation, and METROPOLITAN LIFE
INSURANCE COMPANY, a foreign corporation,

Defendants,

and

METROPOLITAN LIFE INSURANCE COMPANY,

Counterclaim and Third-Party Plaintiff,

v.

JACQUELINE MOORE,

Counterclaim Defendant

and

DEBORAH NAUGHTON and SHARON L. KARWACKI,

Third-Party Defendants.

**AGREED ORDER ON DISTRIBUTION OF METROPOLITAN
LIFE INSURANCE COMPANY PROCEEDS**

Come now Jacqueline Moore, Deborah Naughton and Sharon Karwacki, all by their respective counsel; whereupon the parties advised the Court that they have reached an agreement as to the distribution of the proceeds of the Metropolitan Life Insurance policy applicable to the Plaintiff's decedent, Keith Karwacki, and whereupon Motion was made that the Court approve the agreement reached by the parties and direct the distribution of the Metropolitan policy proceeds, which were paid into Court and have been placed on deposit by the Clerk of the Court pursuant to the Court's Order of July 28, 2006, Docket No. 41.

The parties advised the Court that they have agreed to share equally in the Metropolitan Life Insurance policy proceeds, and all interest which has accrued thereupon. The parties' agreement to the distribution of the Metropolitan Life Insurance proceeds shall not, however, constitute any admission or waiver by any party with respect to any policy proceeds which may subsequently be available to some or all of the parties under the terms of the LINA policy at issue in the above-styled action.

And the Court, believing the aforesaid Motion of the parties to be proper, is of the opinion to and does hereby **ORDER** that the Clerk of the Court distribute the Metropolitan Life Insurance policy proceeds, and all interest accrued thereupon as follows:

1. One-third (1/3) payable to, "Jacqueline Moore and Brent K. Kesner, her attorney," forwarded to Brent K. Kesner at Kesner, Kesner & Bramble, P.O. Box 2587, Charleston, West Virginia 25329;
2. One-third (1/3) payable to, "Deborah Naughton and Scott Blass, her attorney," forwarded to Scott Blass at Blass & Bordas, L.C., 1358 National Road, Wheeling, West Virginia 26003; and

3. One-third (1/3) payable to, "Sharon Karwacki and Damon Ellis, her attorney," forwarded to Damon Ellis at Mani & Ellis, P.O. Box 1266, Charleston, West Virginia 25325-1266.

The distribution by the Clerk of the Metropolitan Life Insurance proceeds and all interest accrued thereon shall complete all matters at issue related to the Metropolitan Life Insurance policy and the proceeds due thereunder.

The Clerk of the Court is instructed to forward certified or attested copies of this Order to counsel of record as follows:

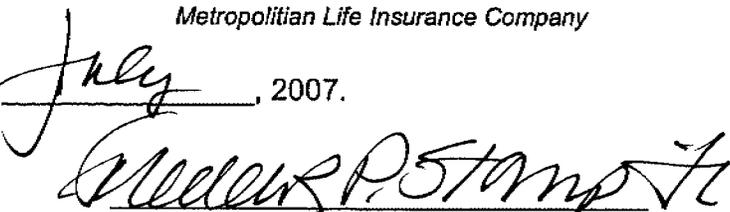
Brent K. Kesner, Esq.
Kesner, Kesner & Bramble, PLLC
P. O. Box 2587
Charleston, WV 25329
Counsel for Plaintiff

Scott S. Blass, Esq.
Bordas & Bordas, PLLC
1358 National Rd
Wheeling, WV 26003
Counsel for Third-Party Defendant Deborah Naughton

Damon L. Ellis, Esq.
Jonathan R. Mani, Esq.
Mani & Ellis, PLLC
P.O. Box 1266
Charleston, WV 25325-1266
Counsel for Sharon Karwacki

John C. Lynch, Esq.
Troutman Sanders LLP
P.O. Box 61185
Virginia Beach VA 23462-1185
*Counsel for Defendants LINA/CIGNA and
Metropolitan Life Insurance Company*

ENTERED this 16th day of July, 2007.


Honorable Frederick P. Stamp, Jr.

PREPARED BY:

/s/ Brent K. Kesner
Brent K. Kesner (WV Bar #2022)
Kesner, Kesner & Bramble, PLLC
P. O. Box 2587
Charleston, WV 25329
Counsel for Plaintiff

APPROVED BY:

/s/ *Scott S. Blass*

Scott S. Blass, Esq. (WV Bar #4628)
Bordas & Bordas, PLLC
1358 National Rd
Wheeling, WV 26003
Counsel for Third-Party Defendant
Deborah Naughton

/s/ *Damon L. Ellis*

Damon L. Ellis, Esq. (WV Bar # 8802)
Mani & Ellis, PLLC
P.O. Box 1266
Charleston, WV 25325-1266
Counsel for Sharon Karwacki