

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RELIANCE STANDARD LIFE )  
INSURANCE COMPANY, )  
 )  
Plaintiff, )  
 )  
v. ) Civ. No. 07-655-SLR  
 )  
JERMEASE ROSS and TERESA )  
GONZALEZ, )  
 )  
Defendants. )

**MEMORANDUM ORDER**

At Wilmington this 21st day of January, 2009, having considered the motion for summary judgment filed by defendant Teresa Gonzalez and the response by plaintiff Reliance Standard Life Insurance Company;

IT IS ORDERED that said motion (D.I. 12) is granted, for the reasons that follow:

1. Plaintiff commenced this action by filing its interpleader complaint in order to resolve competing claims of the defendants to insurance benefits held by plaintiff. (D.I. 1)

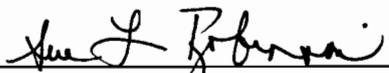
2. The insurance benefits in question became payable upon the death of defendant Gonzalez's sister, Elizabeth Ware ("the decedent"), who died as a result of multiple stab wounds on March 2, 2007. Defendant Jermease Ross, who pled guilty to decedent's murder in the first degree, did not file a response to the pending motion for summary judgment. (D.I. 12 at exs. D, E)

3. Defendant Gonzalez, as guardian of decedent's minor children,<sup>1</sup> argues that the children are entitled to the disputed benefits under 12 Del. C. § 2322 (under which a slayer is treated as having predeceased the insured)<sup>2</sup> and the beneficiary provisions of the insurance policies (which provide for the children of the insured to take in the event of the failure of any named beneficiary).<sup>3</sup>

4. Based upon the record presented and pursuant to Fed. R. Civ. P. 56, the court finds that there are no genuine issues of material fact and that defendant Gonzalez is entitled to judgment as a matter of law. THEREFORE, IT IS FURTHER ORDERED that:

5. Judgment is hereby entered in favor of defendant Teresa Gonzalez and against defendant Jermease Ross with respect to all counts of the complaint.

6. On or before **February 1, 2009**, the disputed benefits in the amount of \$21,000.00 (plus interest thereon at the rate of 3% per year from May 3, 2007 until the date of payment) shall be paid by Reliance Standard Life Insurance Company to Teresa Gonzalez, as guardian of the property of the minor children of Elizabeth Ware.

  
United States District Judge

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<sup>1</sup>(See D.I. 12 at ex. G)

<sup>2</sup>More specifically, defendant Ross is a "slayer" as defined by 12 Del. C. § 2322(a)(3); 12 Del. C. § 2322(h)(1) provides that insurance proceeds are to be paid according to the terms of any insurance contracts as though the slayer had predeceased the victim.

<sup>3</sup>(See D.I. 12, ex. B at 7.14; ex. C at 14)