

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

SUSIE SHEPPARD,

Cross-Claimant & Cross-
Defendant,

v.

Case No. 3:22-cv-814-TJC-MCR

HERBERT NIXON, SENIOR,

Cross-Defendant & Cross-
Claimant.

ORDER

This interpleader case is before the Court on the cross-Motions for Summary Judgment. Docs. 28, 30. Plaintiff The Prudential Insurance Company of America filed the case because Defendants Susie Sheppard and Herbert Nixon have competing claims to the death benefits of Mary Brooks, whom Prudential insured. Doc. 1 ¶¶ 7–11, 14–20. Sheppard and Nixon filed cross-claims. See Doc. 8 at 3–9 (Sheppard’s cross-claim); Doc. 16 at 7–10 (Nixon’s cross-claim). Prudential has deposited the interpleader funds with the clerk and been dismissed from the case. Docs. 27, 32. On summary judgment, Sheppard contends she and Nixon are each entitled to half of the benefits, see Doc. 28, and Nixon contends he is entitled to the full benefits, see Doc. 30.

On January 22, 2024, the assigned United States Magistrate Judge issued a Report and Recommendation recommending granting Sheppard's motion and denying Nixon's motion. Doc. 39. No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Upon de novo review of the file and for the reasons stated in the Report and Recommendation, Doc. 39, it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 39, is **ADOPTED** as the opinion of the Court.

2. Susie Sheppard's Motion for Summary Judgment, Doc. 28, is **GRANTED**.

3. Herbert Nixon's Motion for Summary Judgment, Doc. 30, is **DENIED**.

4. Sheppard is entitled to 50% of the funds deposited with the Court on April 24, 2023, see Doc. 32, plus 50% of accrued interest. The funds shall be made payable to "Susan Sheppard" and shall be mailed to Susan Sheppard, c/o Fisher, Tousey, Leas & Ball, Attn: Asa Johnston, Esq., 501 Riverside Avenue, Suite 700, Jacksonville, Florida 32202.

5. Nixon is entitled to the remaining 50% of the funds deposited with the Court on April 24, 2023, see Doc. 32, plus the remaining 50% of accrued

interest. The funds shall be made payable to “Herbert Nixon, Senior” and shall be mailed to Herbert Nixon, Senior, c/o Christopher J. Brochu, 841 Prudential Drive, Suite 1200, Jacksonville, Florida 32207.

6. The clerk is **DIRECTED** to terminate any pending deadlines and close the file.

DONE AND ORDERED in Jacksonville, Florida, the 20th day of February, 2024.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judge

vng

Copies to:

The Honorable Monte C. Richardson
United States Magistrate Judge

Counsel of record