

**BERKOWITZ, LICHTSTEIN,
KURITSKY, GIASULLO & GROSS, LLC**

Evan Silagi, Esq.
75 Livingston Avenue
Roseland, New Jersey 07068
Phone: (973) 325-7800
Fax: (973) 325-7930
Esilagi@blkgg.com
Attorneys for Defendant Dena Lawless

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

DENA LAWLESS, CARI LAWLESS, T.L.,
A MINOR, R.L., A MINOR, and
WILLIAM LAWLESS,

Defendants.

Case No.: 3:19-CV-13688-MAS-ZNQ

**[PROPOSED] FINAL JUDGMENT
AND ORDER OF INTERPLEADER
DISBURSEMENT**

This matter having come before the Court upon the Joint Motion for Approval of Minors' Settlement and *Ad Litem* Fees, and Entry of Final Judgment of Order of Interpleader Disbursement filed by Defendants Dena Lawless, Cari Lawless, William Lawless, and Guardian *Ad Litem* Michele Clark, on behalf of the minor defendants R.L. and T.L.; in accordance with Local Rule 83.3 and referencing New Jersey Court Rule 4:44-3 the Court finds, adjudges, and orders, on this 27th day of April, 2020, as follows:

WHEREAS, the attorneys for the parties having reported to the Court that they have arrived at a settlement of all claims, including the claims of the minor defendants, which resolve any and all claims by and between all defendants, both in this matter and in all pending State Court

matters, including any derivative claims and all individual claims which may be asserted by the minor defendants, R.L. and T.L., now or in the future arising out of the events giving rise to this action; and the Court having further found that all parties, including the minors' natural parent and sole surviving guardian, their mother, Cari Lawless, sufficiently understands the terms of the settlement and consents to the entry of this Order; and the Court having further found that the *Guardian Ad Litem* appointed by the Court sufficiently understands the terms of the settlement, consents to the entry of this Order, and believes same to be in the best interests of the minor defendants; and the Court having reviewed the claims of all parties as set forth in the pleadings and the relevant proofs; and the Court being satisfied that the settlement amount is fair and reasonable and in the minors' best interests; and the Court further finding that the terms of the settlement constitute and full and final release of all obligations on behalf of all the Defendants by and between each other; and the Court further finding that in light of the many risks posed in litigation and the potential that no monetary award would be granted even if there were a trial, that the settlement is fair and in the best interests of the minor defendants, R.L. and T.L.; and

WHEREAS, this suit involves a dispute regarding the proceeds of three group life insurance policies payable by Metropolitan Life Insurance Company ("MetLife") insuring the life of Thomas Lawless. On September 6, 2019, attorney Michele Clark was appointed as guardian *ad litem* for the minor children defendants, R.L. and T.L. (ECF No. 20). On January 6, 2020, MetLife deposited the sum of \$9,714,711.14 (the "Funds") into the registry of the Court and was dismissed as a party. (ECF No. 47); and

WHEREAS, the Court has conducted a hearing on the record prior to executing this Order; and

WHEREAS, the Court has reviewed the fees to be paid to all attorneys and to the *Guardian Ad Litem* pursuant to the terms of this Order and finds same to be fair and reasonable and permissible pursuant to all applicable Rules of Court; and

WHEREAS, the remaining parties have resolved their dispute and submitted a joint motion for approval, evidencing the financial terms of the settlement; and

WHEREAS, the Court having approved the terms of the settlement it is, therefore, pursuant to the agreement of the parties, and the record in this matter:

ORDERED that the Joint Motion for Approval of Minors' Settlement and *Ad Litem* Fees, and Entry of Final Judgment of Order of Interpleader Disbursement is hereby GRANTED.

IT IS FURTHER ORDERED that Michele Clark's request for fees for her services as guardian *ad litem* in this and two other state court proceedings is hereby GRANTED.

IT IS FURTHER ORDERED that from the Funds, Dena Lawless is entitled to and the Clerk shall disburse to her Four Million Six Hundred Thirty-One Thousand Nine Hundred Seventy-Four Dollars and Twenty-Seven Cents (\$4,631,974.27), payable to: "Berkowitz, Lichstein, Kuritsky, Giasullo & Gross, LLC Trust Account" and mailed to: Evan Silagi, Berkowitz, Lichstein, Kuritsky, Giasullo & Gross, LLC, 75 Livingston Ave., Roseland, NJ 07068.

IT IS FURTHER ORDERED that from the Funds, Cari Lawless is entitled to and the Clerk shall disburse to her One Million Five Hundred Thousand Dollars (\$1,500,000.00), payable to: "Miller & Gaudio Attorney Trust Account f/b/o Cari Lawless" and mailed to: David Cardamone, Miller & Gaudio, P.C., 104-110 Maple Ave., Red Bank, NJ 07701.

IT IS FURTHER ORDERED that from the Funds, William Lawless is entitled to and the Clerk shall disburse to him Fifty Thousand Dollars (\$50,000.00), payable to: "Miller & Gaudio

Attorney Trust Account f/b/o William Lawless” and mailed to: David Cardamone, Miller & Gaudio, P.C., 104-110 Maple Ave., Red Bank, NJ 07701.

IT IS FURTHER ORDERED that from the Funds, Miller & Gaudio, P.C. is entitled to and the Clerk shall disburse to it One Hundred Twenty-Five Thousand Dollars (\$125,000.00), payable to: “Miller & Gaudio, P.C.” and mailed to: David Cardamone, Miller & Gaudio, P.C., 104-110 Maple Ave., Red Bank, NJ 07701.

IT IS FURTHER ORDERED that from the Funds, R.L. and T.L. are collectively entitled to share equally and the Clerk shall disburse to them a total of Three Million Two Hundred Eighty-Two Thousand Seven Hundred Thirty-Six Dollars and Eighty-Seven Cents (\$3,282,736.87), payable to: “Birdsall & Laughlin, LLC Trust Account” and mailed to: Michele Clark, Birdsall & Laughlin, LLC, P.O. Box 1380, Wall, NJ 07719. Upon receipt of the funds into the Birdsall & Laughlin, LLC Trust Account”, said funds shall be transferred to trust accounts for the benefit of R.L. and T.L. in accordance with four separate trusts which will be prepared by Michele Clark, Esq. Said trusts shall reflect the dispositive provisions found in the trust contained in the Last Will and Testament of Thomas Lawless with designated trustees as agreed upon by William Lawless, Cari Lawless and Clark, as Guardian *ad litem*.

IT IS FURTHER ORDERED that having reviewed the request for fees and disbursements of Michele Clark, Esq., guardian *ad litem* for R.L and T.L., the Court hereby approves said request for fees and disbursements totaling \$125,000.00 and hereby finds said fees to be reasonable. Thus, from the Funds, Michele Clark, for her service as guardian *ad litem*, is entitled to and the Clerk shall disburse to her One Hundred Twenty-Five Thousand Dollars (\$125,000.00), payable to: “Birdsall & Laughlin, LLC” and mailed to: Michele Clark, Birdsall & Laughlin, LLC, P.O. Box 1380, Wall, NJ 07719.

IT IS FURTHER ORDERED that Forty-Seven Point Six Eight Percent (47.68%), or the nearest round number of such percentage as permitted by the Court, of any accrued interest on the entirety of the Funds deposited, less any assessed fee for the administration of the Funds, shall be disbursed to Dena Lawless, payable to: “Berkowitz, Lichstein, Kuritsky, Giasullo & Gross, LLC Trust Account” and mailed to: Evan Silagi, Berkowitz, Lichstein, Kuritsky, Giasullo & Gross, LLC, 75 Livingston Ave., Roseland, NJ 07068.

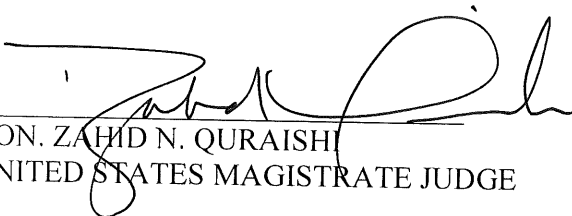
IT IS FURTHER ORDERED that Fifty-Two Point Three Two Percent (52.32%), or the nearest round number of such percentage as permitted by the Court, of any accrued interest on the entirety of the Funds deposited, less any assessed fee for the administration of the Funds, shall be disbursed in equal shares to R.L. and T.L., payable to: “Birdsall & Laughlin, LLC Trust Account” and mailed to: Michele Clark, Birdsall & Laughlin, LLC, P.O. Box 1380, Wall, NJ 07719.

IT IS FURTHER ORDERED that Michele Clark, guardian *ad litem* for R.L. and T.L., having represented the interests of R.L. and T.L., be and hereby is discharged from any further obligation, as guardian *ad litem* for R.L. and T.L., in this proceeding.

IT IS FURTHER ORDERED that each party shall bear its own costs and attorneys’ fees.

IT IS FURTHER ORDERED that this matter is hereby dismissed with prejudice.

Dated: April 27, 2020.


HON. ZAHID N. QURAISHI
UNITED STATES MAGISTRATE JUDGE