UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON

Protective Life Insurance Company v. Kim Eugene Brain and Julie Lynn Brain

Protective Life · No. 1:25-CV-03075-JAG · Decided January 21, 2026

SUMMARY

The United States District Court for the Eastern District of Washington granted Protective Life Insurance Company's motion for default judgment against Julie Lynn Brain in an interpleader action involving a $200,000 life-insurance death benefit. The court held that Brain forfeited any rights and claims to the benefit, directed Protective Life to deposit the proceeds into the court registry, discharged Protective Life from liability, and dismissed the case with prejudice.

OPINION

1 FILED IN THE 2 U.S. DISTRICT COURT EASTERN DISTRICT OF WASHINGTON 3 Jan 21, 2026 4 SEAN F. MCAVOY, CLERK UNITED STATES DISTRICT COURT 5 EASTERN DISTRICT OF WASHINGTON 6 7 PROTECTIVE LIFE INSURANCE No. 1:25-CV-03075-JAG 8 COMPANY, 9 Plaintiff, ORDER GRANTING DEFAULT 10 JUDGMENT AS TO JULIE LYNN 11 v. BRAIN 12 KIM EUGENE BRAIN and JULIE MOTION GRANTED 13 LYNN BRAIN, (ECF No. 13) 14 Defendants.

15 16 Pending before the Court is Plaintiff’s Motion for Default Judgment, 17 18 Interpleader, Discharge, and Dismissal. ECF No. 13. Following entry of the 19 Clerk’s Order of Default, ECF No. 11, Plaintiff seeks default judgment against 20 Julie Lynn Brain due to her failure to appear in the case. Fed. R. Civ. P. 55 21 authorizes entry of default judgment by the clerk where a defendant fails to appear 22 and plaintiff’s claim is for a sum certain, but when, as in this case, Plaintiff seeks 23 nonmonetary relief, the Plaintiff must apply to the court for a default judgment.

24 Fed. R. Civ. P. 55. Although “default judgments are ordinarily disfavored,” where 25 a Defendant has not appeared, a court may grant default judgment. Eitel v. 26 McCool, 782 F.2d 1470, 1472 (9th Cir. 1986). 27 28 The following factors guide the Court’s analysis of whether to grant default 1 2 judgment: 3 (1) the possibility of prejudice to the plaintiff, (2) the merits of plaintiff's substantive claim, (3) the sufficiency of the complaint, (4) the 4 sum of money at stake in the action; (5) the possibility of a dispute 5 concerning material facts; (6) whether the default was due to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil 6 Procedure favoring decisions on the merits.

7 Eitel v. McCool, 782 F.2d 1470, 1471–72 (9th Cir. 1986). 8 Defendant Julie Brain has not appeared or filed an Answer, despite 9 demonstrating the wherewithal to file her own lawsuit. See Brain v. Brain, 1:25- 10 CV-03119-JAG. Plaintiff's failure to respond to the suit makes it difficult for the 11 Court to assess her position, but upon review of the Eitel factors and the case, the 12 Court finds that all factors except the fourth factor weigh in favor of granting 13 default judgment.

First, without default Plaintiff will have no remedy, thus the 14 possibility of prejudice is great. Considering the second, third and fifth factors 15 together, the Complaint appears to state a clear claim and facts supporting that 16 claim. Based on the Court's review of the Complaint, the substantive claims have 17 18 merit, the Complaint is sufficient, and the material facts appear to be largely 19 undisputed.

The primary point of contention appears to be whether Plaintiff should 20 have considered Defendant Julie Brain's contribution via community property to 21 the decedent's (Defendant's former husband) life insurance when determining the 22 beneficiary rather than honoring the designated beneficiary. This is primarily a 23 legal determination, not an issue of contested material fact.

As for the sixth factor, 24 the Court has no indication that the default was due to excusable neglect. The 25 Answer was due July 2, 2025. Despite initiating her own lawsuit, Julie Brain never 26 appeared or filed anything addressing the instant lawsuit despite having been 27 personally served. Lastly, turning to the fourth factor, although the sum of money 28 1 || at stake is substantial, the amount does not countervail the factors weighing in favor of default judgment.

Therefore, although strong policy favors resolution on 3|| the merits, the Eite/ factors weigh in favor of granting default. 4 Julie Lynn Brain filed an Interpleader Action against Kim E. Brain, co-5|| Defendant in Brain v. Brain, 1:25-CV-3119-JAG.

The Court will dismiss that case 6|| with prejudice under separate order. 7 Accordingly, IT IS ORDERED: 8 1. Plaintiff's Motion for Default Judgment as to Julie Brain, ECF?|| No. 13, is GRANTED. 10 2. The Court finds that Defendant Julie Brain has forfeited any and all rights and claims to the Certificate's death benefit. Consequently, Protective shall deposit the Certificate's $200,000.00 death benefit into the Court's Registry.

I3 3. Protective Life is discharged of liability arising from the Certificate and/or Certificate's death benefit. Further suit on the policy/certificate and benefit addressed in Brain v. Brain, 1:25-CV-03075-JAG will not be entertained.: 4. This case is DISMISSED WITH PREJUDICE. 13 IT IS SO ORDERED. 19 The District Court Executive is directed to file this Order, provide copies to 0 counsel, enter a judgment in favor of Plaintiff and CLOSE this file.

21 DATED January 21, 2026. 23 JAMES A. GOEKE 24 a UNITED STATES MAGISTRATE JUDGE 25 26 27 28