**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

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| RELIASTAR LIFE INSURANCE COMPANY, )<br><br>Plaintiff, )<br><br>v. )<br><br>ALESIA WARRIOR and )<br>ANNETTE CONDE, in her capacity of )<br>Guardian for a minor A.W. )<br>and as mother of Jeremy Warrior, )<br><br>Defendant. ) | CIVIL ACTION<br><br>No. 06-2486-CM |

## MEMORANDUM AND ORDER

Plaintiff Reliastar Life Insurance Company brings this action for Interpleader against

defendants Alesia Warrior and Annette Conde, in her capacity as Guardian for a minor, A.W., and as

mother of the deceased Jeremy Warrior. Reliastar Life Insurance Company's Motion to Interplead,

Dismiss, and for Fees (Doc. 26) is pending before the court. Before the court can consider plaintiff's

motion, the court must consider whether it has subject matter jurisdiction of this action.

Plaintiff alleges, and defendants admit in their answers, that this court has jurisdiction over

its claim pursuant to 28 U.S.C. § 1331 because the insurance policy at issue is an employee welfare

benefit plan under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §

1002(1). The court has reviewed 28 U.S.C. §§ 1331 and 1335 and ERISA's civil enforcement

provisions. Based on the record before it, the court is uncertain whether it has jurisdiction over

plaintiff's claims. Plaintiff has not alleged that it is a fiduciary or otherwise entitled to bring its

claim under ERISA. And the residency of defendant Warrior is disputed. The court needs

additional information from the parties before it can determine whether it has subject matter jurisdiction over plaintiff's claim.

The parties are ordered to file briefs demonstrating the court's jurisdiction within ten days of this order. The briefs shall not exceed five pages. The parties may file a joint brief if they so desire.

**IT IS THEREFORE ORDERED** that the parties shall file briefs setting forth the court's jurisdiction within ten days of the filing of this order.

Dated this 10th day of September 2007, at Kansas City, Kansas.

> **s/ Carlos Murguia**
> **CARLOS MURGUIA**
> **United States District Judge**