

FEB 04 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THRIVENT FINANCIAL FOR
LUTHERANS,

Plaintiff - Appellee,

v.

LUCIA E. ANDRONESCU, FKA Lucia E.
Anderson,

Defendant-cross-defendant -
Appellee,

v.

JOHANNA M. ANDERSON,

Defendant-cross-claimant -
Appellant.

No. 11-35437

D.C. No. 1:10-cv-00156-RFC

MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Richard F. Cebull, Chief District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Submitted June 5, 2012**
Seattle, Washington

Before: SILVERMAN and MURGUIA, Circuit Judges, and HALL, District Judge.***

In a dispute over who is the proper beneficiary of Brent Anderson's life insurance policy, the district court granted judgment on the pleadings in favor of Lucia Andronescu—Anderson's ex-wife—because it found that Mont. Code Ann. § 72-2-814, which revokes, upon divorce, the designation of a spouse as a beneficiary of a life insurance policy, did not apply retroactively.

We certified the question to the Montana Supreme Court and now reverse because the Montana Supreme Court has ruled that Mont. Code. Ann. § 72-2-814 operates at the time of the insured's death and revoked Andronescu's status as a beneficiary of Anderson's policy. *Thrivent Fin. for Lutherans v. Andronescu*, 2013 MT 12, ___ P. 3d. ___, No. OP 12–0408, 2013 WL 227954 (Jan. 22, 2013).

REVERSED.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Janet C. Hall, District Judge for the U.S. District Court for the District of Connecticut, sitting by designation.