

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

STATE FARM LIFE INSURANCE CO.,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO. 1:12-cv-1500-WTL-MJD
)	
TROY JONAS, et al.,)	
)	
Defendants.)	

ENTRY ON MOTION TO DISMISS

This cause is before Court on the Plaintiff’s motion seeking to be dismissed from this case now that it has deposited the insurance proceeds at issue into the Court’s registry. Defendant Troy Jonas objects to the Plaintiff being dismissed; however, the Court already has addressed and rejected—initially and on reconsideration—Jonas’s arguments regarding the application of the Texas statutory interest rate and will not address them again here.¹ The Plaintiff has satisfied its obligation to deposit the insurance funds, and inasmuch as there are no counterclaims pending against the Plaintiff, it is entitled to the dismissal it seeks. Accordingly, the motion to dismiss (dkt. no. 65) is **GRANTED** and the Plaintiff is **DISMISSED WITH PREJUDICE**.

¹The Court notes that Jonas curiously objects to the Plaintiff being dismissed “until such time at [sic.] the United States Circuit Court of Appeals for the Seventh Circuit has made a decision in this matter in the event the Court denies this objection and request for interest as stated above and attorney fees.” Jonas Objection at 1. Until the Plaintiff is dismissed and final judgment is entered, there would not appear to be any occasion for the Court of Appeals to make a decision in this matter, as there would not be a final appealable order. The Court further notes that Jonas incorrectly asserts in his Surreply to the instant motion—which was improperly filed without leave of court—that his motion for summary judgment has not been addressed. It was denied in Docket No. 42. Jonas moved to reconsider that ruling and that motion also was denied. *See* Dkt. Nos. 45 and 46.

The Court will not enter final judgment at this time. Rather, the remaining Defendants—Troy Jonas, V.J., T.A.J. and S.J.—shall either interplead and litigate among themselves or stipulate as to the proper disposition of the funds being held by the Court. They shall be prepared to discuss their intended course of action at the status conference scheduled on December 18, 2013, with Magistrate Judge Dinsmore, and shall file the appropriate documents **within 45 days of the date of this Entry**. Final judgment will be entered once the disposition of the funds has been resolved.

In light of this ruling, the final pretrial conference scheduled for January 24, 2014, and the trial scheduled for February 24, 2014, are **VACATED**, to be reset at the appropriate time if necessary to resolve any claims asserted between the remaining Defendants.

SO ORDERED: 11/26/2013

A handwritten signature in black ink that reads "William T. Lawrence". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Copies to all counsel of record via electronic notification