

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CRYSTAL GANN

PLAINTIFF

v.

No. 3:13-cv-71-DPM

**HOUSEHOLD LIFE INSURANCE
COMPANY**

DEFENDANT

ORDER

Gann's motion for reconsideration, *No 109*, is denied. First, Gann makes a new argument, which is not properly asserted at this point because it was available before. Second, Gann relies on the faulty premise that the Court held that the policy was rescinded. It did not. The Court stated, as a matter of fact, that Household Life sent Gann the premiums that Ms. Griffin had paid instead of the policy proceeds. *No 107 at 2*. The Court held that Household Life was entitled to rescind under the statute, not that rescission had occurred. Finally, Household Life did not waive its statutory misrepresentation defense; nor were its rescission efforts improper. No good reason to reconsider the merits decision is presented by Gann's post-judgment motion. The Court appreciates Household Life's expedited response.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 April 2015