

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

SYMONS INTERNATIONAL GROUP, INC., )

Plaintiffs, )

vs. )

1:01-cv-00799-RLY-MJD

CONTINENTAL CASUALTY COMPANY, )

Defendant. )

CONTINENTAL CASUALTY COMPANY, )  
and 1911 Corp., )

Counterplaintiffs and )  
Third-Party Plaintiffs, )

vs. )

SYMONS INTERNATIONAL GROUP, INC., )  
IGF HOLDINGS, INC., )

CounterDefendants, )

and )

ALAN G SYMONS, ROBERT SYMONS, as )  
successor in interest to G. GORDON )  
SYMONS, )  
GRANITE REINSURANCE COMPANY, )  
LTD., and GORAN CAPITAL, INC., )

Third Party Defendants. )

**ENTRY ON ROBERT T. SYMONS' MOTION TO AMEND  
AMENDED FINAL JUDGMENT OF JULY 14, 2014**

The Amended Final Judgment in this case names Counterdefendant and Third-Party Defendant Robert Symons as the successor in interest of G. Gordon Symons. It makes no specific mention of Symons' limited role as Executor. Symon therefore moves for an indicative ruling clarifying/amending the court's July 14, 2014 Amended Final Judgment, Paragraph C, to more clearly and accurately reflect Robert Symons' role in this case as Executor of the Estate of G. Gordon Symons only. As the case is currently on appeal, Symons asks the court to indicate whether it would grant the motion were the motion properly before it. *See* Fed. R. Civ. P. 62.1(a)(3) ("If a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending, the court may . . . (c) state either that it would grant the motion if the court of appeals remand for that purpose or that the motion raises a substantial issue.").

The court finds the relief sought by Symons – changing the caption and paragraph C of the Amended Final Judgment from "Robert Symons, as successor in interest of G. Gordon Symons" to "Robert Symons, as Executor of the Estate of G. Gordon Symons" – is unnecessary. Under either scenario, Symons, who was substituted as a party pursuant to Federal Rule of Civil Procedure 25, is a defendant only in his capacity as a

representative of the Estate of G. Gordon Symons. Accordingly, Symons' Motion to Amend Amended Final Judgment of July 14, 2014 (Filing No. 575), is **DENIED**.

**SO ORDERED** this 12th day of December 2014.



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RICHARD L. YOUNG, CHIEF JUDGE  
United States District Court  
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record.