

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

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| FRONTIER INSURANCE COMPANY IN REHABILITATION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Cause No. 1:08-cv-00531-TWP-DML |
| vs. |) | |
| |) | |
| J. ROE HITCHCOCK, TERRY G. WHITESELL, and TIMOTHY S. DURHAM, |) | |
| |) | |
| Defendants. |) | |
| |) | |

ENTRY ON MOTION TO CORRECT ERRORS

Defendants' Rule 60(a) Motion to Correct Errors (Dkt. 131) is **GRANTED**. In conjunction with this order, the Court will issue an accompanying Amended Memorandum Opinion and Order ("Amended Memorandum") and an Amended Final Judgment.

The Amended Memorandum will include the following revisions, corrections, additions, and clarifications:

- (1) On page 4, the Court corrects the amount of collateral demanded to \$1,200,000.00 (not \$12,000,000.00).
- (2) On page 5, the Court corrects that the case was initiated in 2008 (not 2006).
- (3) On page 10 of the previous Memorandum (page 9 of the Amended Memorandum), the Court removes the word "Life" in reference to Plaintiff Frontier Insurance Company in Rehabilitation.
- (4) An additional provision of the Bond – beginning with the phrase "PROVIDED, FURTHER, that the Initial Amount . . ." – was added to page 2 of the Amended Memorandum.
- (5) Cosmetic changes were made to the Amended Memorandum. However, the underlying substance of the opinion remains unchanged.


The Amended Final Judgment will include the following revisions/additions:

- (1) The Amended Final Judgment reflects that the Court is finding in favor of Frontier Insurance Company in Rehabilitation – not Frontier Insurance Company.
- (2) The Amended Final Judgment will include the requisite language from Fed. R. Civ. P. 54(b).

Additionally, in light of Defendants' request, the Court clarifies the following:

- (1) The Amended Final Judgment accompanying this Order is an appealable Final Judgment. The Seventh Circuit previously ruled that the requirements for finality had not been met, primarily because the district court had not determined how much money Defendants must deposit. That issue has now been resolved.
- (2) The deposit of funds must be made pursuant to Fed. R. Civ. P. 67. However, the Court sees no reason to include any related language in the Amended Final Judgment.

SO ORDERED: 10/07/2011



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution attached.

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