

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

GREEN MOUNTAIN FINANCIAL	)	
FUND, LLC,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	1:09-cv-1216-SEB-TAB
	)	
LORI RAPPAPORT LACROIX, et	)	
al.,	)	
	)	
Defendants/Third Party	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
MARGUERITE DOWNS	)	
RAPPAPORT, et al.,	)	
	)	
Third Party Defendants.	)	

**ENTRY**

1. The renewed motion to vacate the Entry of September 27, 2011 filed by Lori Rappaport LaCroix and Lori Rappaport LaCroix, Trustee of the Trust, [294], is **denied**. See *Patel v. Gonzales* 442 F.3d 1011, 1015-16 (7th Cir. 2006) (“A motion to reconsider asks that a decision be reexamined in light of additional legal arguments, a change of law, or an argument that was overlooked earlier . . .”).

2. Lori Rappaport LaCroix has filed a motion to disqualify Dennis Stilger, counsel for defendants Barry Bohannon and John George, alleging that he will be a material witness in this case. Rule 3.7 of the Indiana Rules of Professional Conduct provides the following:

- (a) A lawyer shall not act as advocate at a trial in which the lawyer is likely to be a necessary witness unless:
  - (1) the testimony relates to an uncontested issue;
  - (2) the testimony relates to the nature and value of legal services rendered in the case; or
  - (3) disqualification of the lawyer would work substantial hardship on the client.
- (b) A lawyer may act as advocate in a trial in which another lawyer in the

lawyer's firm is likely to be called as a witness unless precluded from doing so by Rule 1.7 or Rule 1.9.

Lori and defendants Bohannon and George shall have **through November 4, 2011**, in which to further discuss their position on the motion to disqualify. They should include a discussion of the application of Rule 3.7.

3. Each of the third party defendants shall have **through November 14, 2011**, in which to summarize briefly the claims against them in the third party complaint and their defenses to those claims.

**IT IS SO ORDERED.**

Date: 10/25/2011



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

All electronically registered counsel

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