

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

**ENTRY ON MOTION FOR RECONSIDERATION**

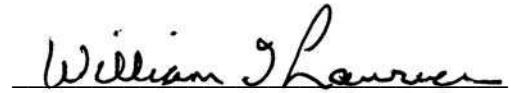
Before the Court is the Defendant's Motion for Reconsideration (Docket No. 22). This motion is fully briefed, and the Court, being duly advised, now **DENIES** the motion for the reasons set forth below.

The gist of the Defendant’s argument in favor of reconsideration is that the Court “erroneously determined that Monroe Bank, as a loss payee, is a third party beneficiary of the insurance contract between State Farm and the Rollinses, with standing to bring this action in its own name.” Docket No. 23 at 3. In support of its position, the Defendant cites *Property Owners Insurance Co. v. Hack*, 55 N.E.2d 396 (Ind. Ct. App. 1990), *Cain v. Griffin*, 849 N.E.2d 507 (Ind. 2006), as well as two Illinois state court decisions. Having reviewed all of the Defendant’s cited authority, the Court is not convinced that its previous ruling is erroneous. Accordingly, the Defendant’s motion to reconsider is **DENIED**.

The Defendant also argues that certification to either the Indiana Supreme Court or the Seventh Circuit Court of Appeals is warranted. However, because the Court does not believe that there is a conflict of law, the Court declines to certify a question or issue to either court.

For the foregoing reasons, the Defendant's Motion for Reconsideration or in the Alternative for Certification (Docket No. 22) is **DENIED**.

SO ORDERED: January 19, 2011



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

Copies to:

Dennis F. Cantrell  
Cantrell, Strenski & Mehringer, LLP  
dcantrell@csmlawfirm.com

Margaret M. Christensen  
Bingham McHale, LLP  
mchristensen@binghamchale.com

Sarah Stites Fanzini  
Hopper Blackwell, P.C.  
sfanzini@hopperblackwell.com

Christopher Charles Hagenow  
Hopper Blackwell, P.C.  
chagenow@hopperblackwell.com

Karl L. Mulvaney  
Bingham McHale, LLP  
kmulvaney@binghamchale.com

Tara Stapleton Lutes  
Cantrell, Strenski & Mehringer, LLP  
tlutes@csmlawfirm.com