

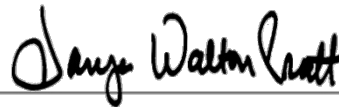
**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ROCKY TOP AT MISSION HILLS LLC,)	
)	
Plaintiff,)	
)	
vs.)	No. 1:16-cv-01924-TWP-MJD
)	
TRAVELERS INDEMNITY COMPANY OF AMERICA,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

The Magistrate Judge submitted his Report and Recommendation [Dkt. 48] on Defendant's Motion to Dismiss Count II [Dkt. 27]. The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections; none were filed. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby adopts the Report and Recommendation. Accordingly, Defendant's Motion to Dismiss Count II is **GRANTED** and Count II of Plaintiff's Complaint [Dkt. 1-1] is **DISMISSED WITHOUT PREJUDICE**.

Date: 12/6/2016



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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