

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

<b>GENERAL WASTE PRODUCTS, INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>3:01-cv-96-WGH-RLY</b>
	)	
<b>CONTINENTAL CASUALTY COMPANY,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER RESOLVING PENDING MOTIONS AND  
DISMISSING REMAINING CLAIMS**

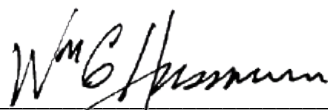
**By separate order entered this date, this court has approved the Trustee's Final Report, granted the request to make final distributions, and ordered the Trustee to terminate the Trust upon receipt of the federal tax refund and disbursement of the remaining assets of the Trust. (Docket No. 43).**

**Remaining before the court are the Motion to Intervene (Docket No. 12) and Motion to Enforce Payment of Real Estate Commission (Docket 13). Those motions have been granted pursuant to a prior order of this court. (Docket No. 32).**

**Also remaining before the court are a Motion in Support of Termination of the Trust and Motion for Deposit of Trust Proceeds with the Vanderburgh Clerk of Court filed by the Estate of Allan I. Trockman (Docket No. 17) and the Estate's Supplemental Brief (Docket No. 34). The Magistrate Judge concludes that the appropriate disposition of the remainder of the "Trockman Share" is a matter that**

**involves the appropriate application of Indiana real estate, contract, and probate law. Those issues do not arise out of the common core of operative facts relevant to this suit or the administration of the Trust. There has been no showing of an appropriate jurisdictional basis for this court to act further, and there are no pending claims or cross-claims between any party to this litigation. Therefore, the Magistrate Judge declines to undertake the resolution of the remaining claims between the Estate participants and Mr. Mounts as to any remaining amounts in dispute between those parties and leaves those to resolution by agreement of the parties or decision by an appropriate Indiana state court.**

**SO ORDERED the 4<sup>th</sup> day of February, 2013.**



William G. Hussmann, Jr.  
United States Magistrate Judge  
Southern District of Indiana

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