

**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

Distribution:

Matthew S. Ponzi  
FORAN GLENNON PALANDECH & PONZI, PC  
mponzi@fgppr.com

Matthew P. Fortin  
FORAN GLENNON PALANDECH PONZI & RUDLOFF PC  
mfortin@fgppr.com

Michael Eugene Simmons  
HUME SMITH GEDDES GREEN & SIMMONS  
msimmons@humesmith.com

William David Beyers  
HUME SMITH GEDDES GREEN & SIMMONS  
bbeyers@humesmith.com

Eric C. McNamar  
LEWIS WAGNER LLP  
emcnamar@lewiswagner.com

John Carl Trimble  
LEWIS WAGNER LLP  
jtrimble@lewiswagner.com

David E. Miller  
SAEED & LITTLE  
david@sllawfirm.com