

NOT INTENDED FOR PUBLICATION IN PRINT

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

IN RE: DAVID A. STINNETT, )  
Debtor )

\_\_\_\_\_) )  
DAVID A. STINNETT, )  
Appellant, )

vs. )

R. STEPHEN LAPLANTE, )  
Appellee. )

\_\_\_\_\_) )  
UNITED STATES OF AMERICA, )  
Appellant, )

vs. )

R. STEPHEN LAPLANTE, Trustee, DAVID A.)  
STINNETT, and GUARDIAN LIFE INS. CO., )  
Appellees. )

\_\_\_\_\_) )  
DAVID A. STINNETT, )  
Appellant, )

vs. )

R. STEPHEN LAPLANTE, Trustee, UNITED )  
STATES OF AMERICA, GUARDIAN LIFE )  
INS. CO., )  
Appellees. )

3:03-cv-168-RLY-WGH

3:03-cv-116-RLY-WGH

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3:03-cv-116-RLY-WGH

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STATES OF AMERICA, GUARDIAN LIFE )  
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## ENTRY ON UNITED STATES' MOTION FOR PARTIAL REHEARING

In its entry dated January 18, 2004, this court addressed the above-captioned appeals. *See* docket #28 of cause no. 3:03-cv-168-RLY-WGH. The matter is now back before the court on the United States' Motion for Partial Rehearing, in which the United States asks the court, pursuant to Bankruptcy Rule 8015, to clarify its January 18 mandate. Stinnett has objected to the rehearing, but the court finds that a clarification and small alteration of its conclusion will be helpful. As such, the United States' Motion for Partial Rehearing is **granted**. The court hereby alters the final paragraphs of its Entry dated January 18 to read as follows:<sup>1</sup>

### VI. Conclusion

For the foregoing reasons and based on the record before this court, Stinnett's exemption of his disability payments from the bankruptcy proceedings is limited to \$6,000 per month. Also, the Guardian disability payments are property of the bankruptcy estate, and the tax liens asserted by the government against Stinnett have attached to the Guardian payments. Consequently, the bankruptcy court's September 12 Order is **affirmed** and its June 26 Order is **affirmed in part and reversed in part**.

Northwestern and Guardian shall continue to make all payments to Trustee LaPlante. LaPlante shall continue to deliver the monthly sum of \$6,000 to Stinnett for so long as LaPlante continues to receive both payments under the disability policies, except to the extent that the Bankruptcy Court modifies these instructions in a manner that is not inconsistent with today's decision.

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<sup>1</sup> The court will also amend its Entry of Final Judgment to remand the case to the Bankruptcy Court, in order to be consistent with today's Entry.

This matter is now remanded to the Bankruptcy Court, which is instructed to enter judgment that the tax liens attach to the Guardian disability payments, and for further proceedings consistent with this decision. Nothing in this decision shall be construed to make the United States a party to Stinnett's appeal from the September 12 Order (cause no. 3:03-cv-168-RLY-WGH). The question of any potential relationship between tax liens and the Northwestern disability payments is not before the court today, and the court issues no opinion regarding such question.

**IT IS SO ORDERED** this 24th day of February 2005.

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RICHARD L. YOUNG, JUDGE  
United States District Court  
Southern District of Indiana

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