STATE OF INDIANA )
) SS:
COUNTY OF [redacted] )

[redacted] CIRCUIT COURT

MAR 2 4 2009

Clerk of the [redacted] Circuit Court

LVNV FUNDING, LLC,
Plaintiff,
-vs-
[redacted]
Defendant.

CAUSE NO.
[redacted]

ORDER

The Court, having reviewed the record of this cause and being duly advised in the premises, now finds that on March 23, 2009, the Plaintiff filed its Motion to Reconsider and Reinstate Case to Court's Active Docket. Further, the Defendant filed his Response and Opposition to Plaintiff's Motion to Reconsider and Reinstate Case to Court's Active Docket.

On March 11, 2009, the Court held a hearing on the Defendant's Motion to Reconsider the Court's ruling on the previously denied motion to dismiss under Trial Rule 12(B)(6), which had erroneously been labeled by the Defendant as a "Motion for Judgment on the Pleadings." The Court granted the Defendant's Motion to Reconsider and then dismissed the Plaintiff's Complaint pursuant to Trial Rule 12(B)(6) of the Indiana Rules of Procedure for failure to comply with Trial Rule 9.2 of the Indiana Rules of Procedure.

The Court understands the Plaintiff's motion that it was unable to appear at the hearing due to an alleged error of local counsel; however, the Plaintiff's failure to appear, either in person or by counsel, had no bearing on the Trial Rule 12(B)(6) dismissal issue.