



IN THE
Court of Appeals of Indiana

Sharon Parsons, as Personal Representative of the Estate of
Timothy Parsons, et al.,
Appellants-Plaintiffs

v.

Crum & Forster Specialty Insurance Company,
Appellee-Defendant

and

Danielle Benjamin, et al.,
Defendants

August 14, 2026

Court of Appeals Case No.
25A-CT-2307

Appeal from the LaPorte Superior Court
The Honorable Richard R. Stalbrink, Judge

Opinion on Rehearing
Judges Brown and Altice concur.

DeBoer, Judge.

[1] In our June 22, 2026 Opinion, we held that the claims filed by the Estate of Timothy Parsons and his parents (collectively, the Parsons) against Crum & Forster Specialty Insurance Company’s (Crum & Forster’s) insureds are covered by the commercial general liability part of the primary policy, not the third-party pollution liability coverage part. We did not comment on whether Crum & Forster will ultimately have a duty to indemnify its insureds, as that issue was not put before us and, even if it had been, it is not ripe for adjudication at this procedural juncture. *See Ind. Ins. Co. v. Kopetsky*, 11 N.E.3d 508, 529 (Ind. Ct. App. 2014) (“[T]he issue of indemnity is not ripe for review on any basis when there has been no finding of liability in the underlying lawsuit.”), *trans. denied*.

[2] Crum & Forster petitions for rehearing and asks us to clarify that the trial court should refrain from ruling on the issue of indemnity until liability has been determined on the Parsons’ underlying claims. We write solely to explain that on remand, the trial court should (1) deny Crum & Forster’s motion for summary judgment, (2) deny at this juncture the Parsons’ cross-motion for

summary judgment to the extent it seeks a ruling on the issue of indemnity, and (3) otherwise grant the Parsons' cross-motion as set forth in our Opinion. In all other respects, our decision is affirmed.

[3] Opinion affirmed.

Brown, J., and Altice, J., concur.

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