

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 02-2945

LOUIS SIMON; HOWARD ASHER;
HENRY F. MILLER; SUZANNE PETERSON,
EXECUTORS OF THE ESTATE
OF B. KENIN HART, DECEASED*,

Appellant

v.

UNITED STATES OF AMERICA

*(Amended in accordance with Clerk's Order dated 8/27/02)

(D.C. Civil No. 01-cv-05671)

Nos. 02-3996, 02-3997

MARY SCHALLIOL, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF DENNIS SCHALLIOL, DECEASED

v.

JOHN FARE, JR., AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF JOHN FARE;
HART DELAWARE CORPORATION;
UNITED STATES OF AMERICA

Mary Schalliol,

Appellant in 02-3996

John Fare, Jr.,

Appellant in 02-3997

(D.C. Civil No. 01-cv-00224)

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
District Judge: Honorable Marvin Katz

Before: SLOVITER, AMBRO, and BECKER, *Circuit Judges*

ORDER

The interlocutory appeal came before us on a certification by the District Court pursuant to 28 U.S.C. §1292(b), which presented us with the question whether Indiana's or Pennsylvania's choice-of-law rules govern a suit against the United States by the estates of passengers killed in the crash of a small private aircraft.

On August 20, 2003, we filed an opinion, 341 F.3d 193 (3d Cir. 2003), accompanied by a certification of the following questions to the Indiana Supreme Court: (1) whether a true conflict exists between Indiana's and D.C.'s choice-of-law rules; and (2) if there is a true conflict and Indiana's choice-of-law rules therefore control per our

“last significant act” test, how to resolve a split among the *Hubbard* factors in choosing a jurisdiction’s substantive law when one factor points toward Indiana, another toward Pennsylvania, and the third is indeterminate, and what substantive law Indiana would choose under these facts.

On March 31, 2003, the Indiana Supreme Court filed an opinion, No. 94S00-0308-CQ-377, responding to the certified questions.¹

The questions certified to us by the District Court now having been answered, the case is remanded to the District Court for further proceedings.

BY THE COURT:

/s/ Edward R. Becker
Circuit Judge

DATED: April 21, 2004

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¹We note that the District Court accurately predicted the Indiana Supreme Court’s holding.