

In the
Indiana Supreme Court



WHISKEY BARREL PLANTERS)	Supreme Court Cause No.
CO., INC., et al.,)	04S03-1209-PL-503
Appellants,)	
)	Court of Appeals Cause No.
v.)	04A03-1011-PL-582
)	
AMERICAN GARDENWORKS,)	Trial Court Cause No.
INC., et al.,)	04C1-0811-PL-233
Appellees.)	

PUBLISHED ORDER

By order dated August 31, 2012, the Court granted a petition seeking transfer of jurisdiction from the Court of Appeals. After further review, including considering the points presented by counsel at oral argument and further discussion among the justices in conference after the oral argument, the Court has determined that it should not assume jurisdiction over this appeal and that the Court of Appeals opinion reported as Whiskey Barrel Planters Co., Inc. v. American Gardenworks, Inc., 966 N.E.2d 711 (Ind. Ct. App. 2012), should be reinstated as Court of Appeals precedent. Accordingly, the order granting transfer is VACATED and transfer is hereby DENIED. Pursuant to Appellate Rule 58(B), this appeal is at an end.

The Court DIRECTS the Clerk to certify this appeal as final and to send copies of this order to the Hon. Margret G. Robb, Chief Judge of the Court of Appeals; the Hon. Rex W. Kepner, Judge the Benton Circuit Court; to Steve Lancaster and Danielle Sheff; and to all counsel of record.

The Court further DIRECTS the Clerk to send a copy of this Order to LexisNexis and to Thomson/Reuters for publication on-line and in the bound volumes of this Court's decisions.

Done at Indianapolis, Indiana, this 29th day of October, 2012.

/s/ Brent E. Dickson
Chief Justice of Indiana

All Justices concur.