

**STATE OF INDIANA – COUNTY OF ORANGE
IN THE ORANGE CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
July 7, 2023**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Orange County Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to:

- A. Amend the Local Rule(s) on Caseloads for the courts of record of Orange County, effective January 1, 2024. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Caseloads and may not take effect until approved by the Supreme Court.
- B. Issue a new Local Rule on Continuances for the courts of record of Orange County, effective January 1, 2024. All new text is shown by underlining and deleted text is shown by ~~striketrough~~.
- C. Amend the Index to include the new Local Rule and update numbering of the Local Rules.

The time period for the bar and the public to comment shall begin on July 7, 2023, and shall close on August 7, 2023. The proposed amendments to the rule will be adopted, modified or rejected before September 1, 2023, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Hon. Debra Andry, Judge of the Orange Superior Court, Attn: Public Comment on Local Rules, Orange County Superior Court, 205 E Main Street, Ste. 16, Paoli, Indiana 47454; or orangesuperiorcourt@outlook.com.

Hon. Steve Owen, Judge of the Orange Circuit Court, Attn: Public Comment on Local Rules, Orange County Circuit Court, 1 E Court St., Paoli, Indiana 47454; or orangecircuitcourt@outlook.com.

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Orange County, Orange County Courthouse, 1 E Court St., Paoli, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan and continuances at the following websites:
<http://www.courts.IN.gov/rules/local>

/s/Steve Owen
Steve Owen, Judge
Orange Circuit Court

/s/Debra Andry
Debra Andry, Judge
Orange Superior Court

ORANGE COUNTY
CIRCUIT AND SUPERIOR COURTS
LOCAL COURT RULES

(Updated January 1, 2024)

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LR59-AR00-1
CASELOADS

The Courts of Orange County, Indiana adopt the following local rule in regard to caseloads pursuant to Administrative Rule 1(E) after reviewing the 2019 Weighted Caseload Measures and determining that the same complies with the 0.40 utilization Caseload Variance.

1. Unless precluded by state statute or state court rule, the following types of causes shall be filed exclusively in the Orange Superior Court:
 - a. Infractions (“IF” cause numbers),
 - b. Ordinance Violations (“OV” and “OE” cause numbers),
 - c. Criminal Misdemeanors (“CM” cause numbers),
 - d. Criminal Level 6 Felonies (“F6” cause numbers),
 - e. Protective Orders (“PO” cause numbers),
 - f. Small Claims in which the debt or damage claimed, or value of the property sought does not exceed the jurisdictional amount of \$10,000.00 (“SC” cause numbers),
 - g. Civil Plenary Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“PL” cause numbers),
 - h. Civil Collection Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“CC” cause numbers),
 - i. Domestic Relations cases filed between July 1st and September 30th inclusive (“DC” and “DN” cause numbers),
 - j. Miscellaneous Civil cases in which the debt or damage claimed, or the value of the property sought does not exceed \$10,000.00, and which do not seek injunctive relief (“MI” cause numbers), and
 - k. Eviction (“EV” cause number) inclusive of cases placed on small claims docket and civil collection docket.
2. Unless precluded by state statute or state court rule, Miscellaneous Criminal cases (“MC” cause numbers) including but not limited to Search Warrants may be filed in either the Orange Circuit or Superior Courts.
3. Unless precluded by state statute or state court rule, Red Flag cases (“RF” cause numbers) will be assigned to Judges configured to hear “MC” cases and may be filed in either the Orange Circuit or Superior Courts.
- 3 4. Unless precluded by state statute or state court rule, Petitions to Expunge Convictions, Petitions to Seal Criminal Records, and Petitions for Specialized Driving Privileges (“MI” cause numbers) shall be filed in that Court that entered the conviction or license suspension at issue. Petitions for Specialized Driving Privileges in regard to license suspensions imposed by the Indiana Bureau of Motor Vehicles (“MI” cause numbers) may be filed in either the Orange Circuit or Superior Courts.

- ~~4~~ 5. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Circuit Court shall be filed in the Orange Circuit Court. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Superior Court or Orange County Court shall be filed in the Orange Superior Court.
- ~~5~~ 6. Unless precluded by state statute or state court rule, all other causes shall be filed exclusively in the Orange Circuit Court.
- ~~6~~ 7. This rule does not preclude the following filings in the Orange Circuit Court:
- a. Petitions for Protective Orders (“PO” cause numbers; when litigation between the same parties is pending in the Orange Circuit Court, or when the Respondent in the Protective Order is a juvenile.
 - b. Criminal Level 6 Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
 - c. Criminal Level 6 Felonies (“F6” cause numbers) and Criminal Misdemeanors (“CM” cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.

LR59-TR53.5-7
CONTINUANCES

The Courts of Orange County, Indiana, adopt the following local rule regarding continuance pursuant to Rule 53.5 of the Indiana Rules of Trial Procedure.

- A. Motion for Continuance. Unless made during trial or hearing, a motion for continuance shall be in writing and state with particularity the following:
- (1) the grounds for such request;
 - (2) that all opposing counsel or parties have been contacted concerning the motion;
 - (3) whether opposing counsel or parties consent or object to the continuance, or if counsel or the party have not been contacted, the reason(s) such information is not available at the time of the filing.
- B. Time for Filing. Motions or Stipulations for Continuance shall be filed as soon after the cause for continuance or delay is discovered by the party seeking the same, and no later than seven (7) days before the scheduled date, unless the reason therefore is shown by affidavit to have occurred within such seven (7) day period.
- C. Small Claims. The provisions of the rule shall also apply to small claim matters, excepting the requirements for filing of affidavits in paragraph B above.