In the
Indiana Supreme Court

FILED
MAR 10 2015
CLERK OF THE
INDIANA SUPREME COURT
COURT OF APPEALS
AND TAX COURT

IN THE MATTER OF THE	)	
	)	
APPROVAL OF LOCAL RULES	)	Case No. 45S00-1503-MS- 122
	)	
FOR LAKE COUNTY	)	

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Lake Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Lake Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR45-AR1-01 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR45-AR1-01 for Lake Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective the date of this Order.

DONE at Indianapolis, Indiana, on March 10, 2015.

Loretta H. Rush
Chief Justice of Indiana

LR45-AR1-01 PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

I. Pursuant to TR81(A), the Lake Circuit and Superior Courts adopt this Rule, effective February 2, 2015, governing the assignment of all cases filed in the Lake Circuit or Superior Courts as required by and in accordance with A.R. 1(E). Unless changed by the court through addition, deletion and/or amendment, these rules shall remain in effect until December 31, 2016. Notwithstanding the enactment of the following statutes, IC 33-28-1-2, IC 33-29-1-1.5, IC 33-29-1.5-2 and IC 33-31-1-9, which address jurisdictional issues, the Lake Circuit and Superior Courts adopt the following case assignment schedule:

1. All MR, FA, FB, FC (Murder and Felony Levels 1,2 3,4 and 5 after June 30, 2014) shall be filed in the Criminal Division pursuant to L.R. 45 C.R. 2.2.1 in such a manner so as to ensure the equal distribution of them in the Criminal Division Courts.

2. FD (Level 6 cases after June 30, 2014) cases shall be assigned amongst the four Criminal Division and four County Division Courts pursuant to the requirements of L.R. C.R.-2.2.1 in such a manner so as to ensure the equal distribution of them between the Criminal and County Division Courts.

3. PC, CM, and MC cases shall be filed pursuant to the requirements of L.R. 45 C.R. 2.2.1 with the following exception:

A. an additional 350 CM cases are to be filed in County Division 1 to meet caseload utilization requirements.

4. The filing of IF and OV cases is addressed in LR45-C.R.2.2.1, as modified below:

A. County Division 1 – (D07) will receive 60% of all IF cases filed in the County Division.

B. County Division 2 – (D08) No IF cases shall be filed.

C. County Division 3 – (D09) will receive 25% of all IF cases filed in the County Division.

D. County Division 4 – (D12) will receive 15% of all IF cases filed in the County Division.

5. All JC, JD, JS, JP, JM, and JT cases shall be filed in the Superior Court, Juvenile Division.

6. All CT and PL cases shall be filed in the Clerk's Office in Crown Point. CT and PL cases shall be distributed throughout the Circuit Court and Superior Court, Civil Division, Rooms 1, 2, 4, 5, 6 and 7 in such a manner so as to comply with Administrative Rule 1(E). The Circuit and Superior Court shall cooperate to ensure such compliance. Any new CT or PL case which seeks emergency relief shall be brought to the attention of the Judge of the Lake Circuit Court or a Judge of the Superior Court, Civil Division, Rooms 6 or 7. That Judge shall address the emergency matter. The case shall thereafter be transmitted to the assigned Court as provided in this rule.

7. All MF and MI cases shall be filed in the Clerk's Office in Crown Point, where said cases shall be randomly assigned to the Circuit Court and Civil Division, Rooms 1, 2, 4, 5, 6 and 7, in such a manner so as to ensure an equal division of these cases in each court. However, MI cases seeking a name change may be filed in the Clerk's Office in Crown Point, Gary, Hammond or East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts at each location.

8. CC cases shall be filed in the Clerk's Office in Crown Point, Gary, Hammond and East Chicago. Such cases shall be randomly assigned by the Clerk at each location in such a manner so as to ensure an equal division of them to the Circuit and Civil Division Courts, with the following exception:

A. During any calendar year, no more than 400 CC cases shall be filed in Superior Court, Civil Division, Room 2, sitting at East Chicago.

9. Protective Order (PO) cases may be filed in the Circuit Court, Superior Court, Civil Division and Juvenile Division Courts by court location in the following manner:

A. In PO cases filed in Crown Point, where the parties are married with children and have a pending or previous dissolution case, the PO case shall be assigned to the Court having jurisdiction over the previous or pending case.

B. In PO cases filed in Crown Point, where the parties are married with children but no dissolution case has been filed, the PO case shall be assigned to the Circuit Court.

C. In PO cases filed in Crown Point, where the parties are not married but have children, the PO case shall be assigned to the Juvenile Division.

D. In PO cases filed in Crown Point, where the parties are not married but have children and have a pending case in the Juvenile Division, the PO case shall be assigned to the Juvenile Division.

E. Notwithstanding the above listed paragraphs A through D, in the event there is an emergency, serious injury, and/or threat of serious injury to the Petitioner, the PO case filed in Crown Point shall be assigned to the Circuit Court, Superior Court, Civil Division or Juvenile Division. After due consideration and determination of the Petition for Protective Order, said court shall transfer any further action on the Protective Order to the Court having jurisdiction over the companion case (dissolution or paternity).

F. In PO cases filed in Crown Point, where there is alleged domestic violence and the parties are not married and have no children, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

G. In PO cases filed in Crown Point, where stalking is alleged, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

H. In PO cases filed in Crown Point, where there has been domestic violence and one of the parties is in custody or criminal charges have been filed, the PO case shall be assigned to the Circuit Court or Superior Court, Civil Division.

I. In PO cases filed in Crown Point, where there has been sexual abuse of a minor alleged, the PO case shall be assigned to the Juvenile Division.

J. In PO cases filed in Gary, where the parties are married with children and have a pending or previous dissolution case in the Superior Court, Civil Division, Room Three, the PO case shall be assigned to Superior Court, Civil Division, Room Three.

K. Notwithstanding the above assignment parameters established for PO cases, all other Protective Orders filed in Crown Point, Gary and Hammond shall be assigned by the Clerk of the Circuit Court and Superior Court, Civil Division in such a manner so as ensure equal case distribution. All PO cases filed in the Clerk's Office on East Chicago shall be assigned to the Superior Court, Civil Division, Room 2 sitting in East Chicago.

L. The Clerk of the Circuit Court, Superior Court, Civil Division and Juvenile Division shall process all PO case filings and have them assigned and delivered to the proper Court consistent with these rules no later than 3:30P.M. unless there has been serious bodily injury or threat of bodily injury.

10. All DR and RS cases shall be filed in either the Circuit Court in Crown Point or in the Superior Court, Civil Division - Room 3 in Gary.

11. All MH, ES, EU GU and TR cases shall be filed in either the Circuit Court or in the Superior Court, Civil Division Rooms 2, 4 and 5. GU petitions filed by the Volunteer Advocates for Seniors and Incapacitated Adults (VASIA) program or any other volunteer adult guardian program shall be filed in Civil Division, Room 7.

12. All Petitions for Guardianship over the person of minors with no assets shall be filed in the Superior Court of Lake County, Juvenile Division. All other Petitions for Guardianship, including those over minors with assets, shall continue to be filed in either Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom having a probate division. This shall not affect any pending GU case in either Lake Circuit Court or Lake Superior Court, Civil Division.

13. All Petitions for Adoption (AD) shall be filed in the Superior Court of Lake County, Juvenile Division. Any such AD case may be transferred to either the Lake Circuit Court or any Lake Superior Court, Civil Division Courtroom by either the Judge of the Juvenile Division or by the Chief Judge of the Lake Superior Court. This shall not affect any pending AD case in either the Lake Circuit Court of Lake Superior Court, Civil Division.

14. The County Division shall have exclusive original jurisdiction of all Small Claims Cases, appeals, and/or Trials De Novo of civil cases from City or Town Courts. The County Division courts shall maintain a Plenary Docket, with limited jurisdiction as more fully described below:

A. There shall be no random filing of civil cases in the County Division.

B. The Plenary Docket is limited to cases designated as PL, CT, CC and MI.

C. Damages awarded in any case filed on the Plenary Docket shall not exceed $10,000.00 (ten-thousand dollars).

D. The term "damages" shall include attorney fees, but excludes court costs, post judgment interest and any sanctions that a court may impose.

15. No case seeking equitable relief shall be filed in the County Division except as follows:

A. Orders directing the Bureau of Motor Vehicles to issue car titles, car registrations and driver's licenses,

B. Evictions,

C. Replevins, provided the value of the property at issue does not exceed $10,000.00,

D. Civil proceedings against property related to criminal activities, provided the value of the property does not exceed $10,000.00.

16. This rule shall not be construed as limiting the powers of the County Division Courts with respect to collecting judgments, punishing contempts or enforcing its orders.

17. These rules should not be construed to exclude a County Division Judicial Officer from adjudicating a case by way of transfer or special judge assignment that would otherwise exceed the jurisdictional limits set forth in these rules for the County Division Courts.

18. By filing suit on the Plenary Docket or by filing a counterclaim or cross claim, a party waives any right to relief that is beyond the County Division's jurisdictional limits set forth in these rules. However, if a party can establish that the claim was mandatory or that due diligence would not have disclosed the need to request such relief prior to filing their suit, or that transfer is appropriate pursuant to T.R. 75(B), upon motion, the case shall be transferred to the Circuit or Civil Division Courts. Upon such transfer, the case shall no longer be constrained by the jurisdictional limits set forth in these rules.