In the
Indiana Supreme Court

STATE OF INDIANA, Appellant,	)	Supreme Court Cause No. 49S00-1201-PL-15
v.	)	Marion Superior Court Cause No. 49D10-1005-PL-21451
INTERNATIONAL BUSINESS MACHINES CORPORATION, Appellee.	)	

ORDER REVERSING TRIAL COURT ORDER

This litigation involves claims arising from the State of Indiana's cancelation of a contract with International Business Machines Corporation ("IBM"). In response to IBM's motion to depose Governor Mitchell E. Daniels, Jr., the trial court, the Honorable David J. Dreyer presiding, issued an order on December 15, 2011, granting the motion. Trial of the case is scheduled to commence on February 27, 2012.

The State filed a "Verified Emergency Motion to Accept Jurisdiction of Interlocutory Appeal of Order Compelling Deposition of the Governor," pursuant to Indiana Appellate Rule 14(B)(2), and a "Verified Emergency Motion to Accept Immediate Jurisdiction of Interlocutory Appeal of Order Compelling Deposition of the Governor, and to Set Expedited Briefing and Oral Argument Schedule," pursuant to Indiana Appellate Rule 56(A). The Court granted both motions, assumed jurisdiction over this appeal, ordered expedited briefing, and heard oral argument earlier today.

Having considered the written submissions and having heard the arguments of counsel, the Court REVERSES the order of the trial court, concluding that the trial court's order is contrary to Indiana Code section 34-29-2-1. The Court will issue a written opinion in due course explaining more fully its reasons for reversing the trial court's order. The time to seek rehearing will commence from the date the Court's opinion is issued. The pendency of these matters in this Court does not stay the proceeding in the trial court.

The Clerk of the Supreme Court is directed to send a copy of this order to the Hon. David J. Dreyer, Judge of the Marion Superior Court, and to all counsel of record. The Clerk is further directed to post this order to the Court's website.

Done at Indianapolis, Indiana, this 13th day of February, 2012.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

SHEPARD, C.J., and DICKSON, RUCKER, and DAVID, JJ., concur.
SULLIVAN, J., concurs in result.