

In the
Indiana Supreme Court

MARK J. SCHUSTER)	Supreme Court No. 02S00-0507-SJ-341
)	
vs.)	
)	
DUPONT ORAL & MAXILLOFACIAL SURGERY, P.C. and JAMES E. DUMAS, DDS)	Case No. 02D01-0310-CT-420 in the Allen Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Allen Superior Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Allen Superior Court and Special Judge George E. Brown. The materials presented to the Court reflect that Judge Brown was not notified of his appointment to this case until after the praecipe for withdraw of the submission was filed. The purpose of Ind.Trial Rule 53.1 is to require judges to rule on pending matters in a timely fashion. In this case, Judge Brown did not receive notification of his appointment and therefore had no opportunity to rule on the pending motions.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Allen Superior Court and Judge Brown.

The Clerk of this Court is directed to forward notice of this Order to the Hon. George E. Brown, LaGrange Superior Court, 105 North Detroit Street, LaGrange, IN 46761-1896; Hon. James A. Heimann, Adams Superior Court, P.O. Box 569, Decatur, IN 46733-0569, and to the Clerk of the Allen Superior Court.

The Clerk of the Allen Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this _____ day of August, 2005.

Acting Chief Justice of Indiana