

In the  
Indiana Supreme Court

JASON J. CHISMAR

vs.

MARK DAVIS

) Supreme Court No. 62S00-0612-SJ-3384  
)  
)  
) Case No. 62C01-0607-PL-332  
) in the Perry Circuit Court



ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Perry Circuit 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 Perry Circuit Court and Judge Lucy Goffinet. The Chronological Case Summary reveals that the delay that led to the withdrawal of the submission of this case occurred during the term of the Honorable James A. McEntarfer. The remedy for failing to timely rule on a matter is the assignment of a new judge. In this case, that remedy was accomplished when Judge Goffinet replaced Judge McEntarfer on January 1, 2007.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Perry Circuit Court and Judge Goffinet.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Lucy Goffinet, Perry Circuit Court, 2219 Payne Street, Tell City, IN 47586, and to the Clerk of the Perry Circuit Court.

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

DONE at Indianapolis, Indiana, this 31<sup>st</sup> day of January, 2007.

  
\_\_\_\_\_  
Randall T. Shepard  
Chief Justice of Indiana