# Marion Superior Court

# Criminal Rules

# MARION SUPERIOR COURT
# CRIMINAL DIVISION RULES


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# MARION SUPERIOR COURT
# CRIMINAL DIVISION RULES

## LR49-CR2.2-100. RANDOM ASSIGNMENT

(a) [1]All criminal cases filed in Marion County in the Superior Courts shall be assigned to an individual courtroom on a random basis. The random assignment rule for criminal cases does not apply to certain cases designated by the Court and Prosecutor as belonging in the:

- domestic violence courts; or
- major felony and class D felony drug court; or
- community court; or
- traffic court; or
- those cases involved in case consolidation noted below.

This rule strives for the equalization of caseload among all of the individual courtrooms.

(b) All hearings for Major Felony cases will be conducted in the Major Felony Court. Any new filing for a major felony case shall be randomly assigned to one of the multiple courtrooms designated as Major Felony Courts (G01, G02, G03, G04, G05 ,G06 and G22) with the exception of a major felony drug offense case, which shall be randomly assigned to major felony drug courts G20 and G23.

(c) Initial hearings for all Class D Felony Cases that are the result of a custodial arrest where the defendant is still in custody shall be conducted in the Initial Hearing Court (F11). These cases shall be subsequently assigned on a random basis to one of the multiple courtrooms designated as Class D Felony Courts (F09, F15 ,F18 and F24). The random assignment rule for criminal cases does not apply to D felony cases involving allegations of domestic violence or to Class D felony cases designated as drug court cases. Cases involving an allegation of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Class D felony drug cases shall be assigned to the D felony drug court (G14).

(d) Initial hearings for cases involving Misdemeanor Cases that are a result of a custodial arrest where the defendant is still in custody shall be conducted in the Initial Hearing Court, Court 11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Misdemeanor Courts (F07, F08, F10 and F19). Misdemeanor cases involving allegations of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Misdemeanors involving allegations of violations of traffic laws, with the exception of Operating a Vehicle While Intoxicated, shall be assigned to the Traffic Court (F13). Misdemeanors where the alleged offense occurred within the boundaries of the Community Court Project shall be assigned to the Community Court (F12).

[1] LR 49-CR2.2-1-(a) amended July 27, 1999.

(e) If a case involving allegations of domestic violence parties to a civil protective order cases, the criminal cases shall be filed in the same courtroom as the civil protective order cases.

(f) [2]In the event that a defendant has a Misdemeanor or D Felony Domestic Violence case, and that case is amended to include a class C Felony charge, that case shall stay in the Domestic Violence Court to which is was originally assigned.

## LR49-CR2.3-101. CASE CONSOLIDATION

It shall be the policy of the Marion Superior Court, that wherever possible consistent with good case management principles, cases involving the same defendant shall be consolidated into one court for resolution of all of the pending cases.

(a) **Murder, A, B and C Felony Cases (hereinafter "Major Felony case")**

Any subsequently filed Major Felony case shall be assigned and/or transferred to the Court where the defendant's oldest Major Felony case is pending.

Any subsequently filed D Felony or Misdemeanor Case shall be assigned and/or transferred to the Court where the defendant's oldest Major Felony case is pending.

In the event the defendant has an open D Felony or Misdemeanor case pending in any criminal court and is subsequently charged with a Major Felony case, the pending D Felony or Misdemeanor case shall be transferred to the Major Felony Court.

In the event the defendant has an open probation case pending in any criminal court and is subsequently charged with a Major Felony case, the probation case shall be transferred to the Major Felony Court, unless the probation case can be resolved without the resolution of the new Major Felony case.

"Pending" as defined herein means any existing Major Felony, D Felony or Misdemeanor case which is in pre-disposition status.

No classification of cases are exempt from consolidation under this sub-paragraph.

(b) **D Felony Cases**

Any subsequently filed Misdemeanor or Class D Felony case shall be assigned and/or transferred to the Court where the defendant's oldest existing Class D Felony case is pending.

In the event the defendant has an open Misdemeanor case in any criminal court and is subsequently charged with a D Felony case, the Misdemeanor case shall be transferred to the D Felony Court.

In the event the defendant has an open probation case pending in any D Felony or Misdemeanor Court and is subsequently charged with a D Felony

[2] LR49-CR2.2-100 (f) Adopted by General Term 7/31/2007

case, the probation case shall be transferred to the D Felony Court where the new case has been filed, unless the probation case can be resolved without the resloution of the new D Felony case.

"Pending" as defined herein means any existing Class D Felony or Misdemeanor case which is in pre-disposition status.

This rule shall not apply to Domestic Violence cases, cases assigned to Domestic Violence Courtrooms 16 and 17 or cases that are linked with a co-defendant. However, if one of the co-defendant's is eligible for transfer to Court 8, per sub-sections (d) or (e), then the eligible co-defendant's case may be severed and transferred to Court 8 without the non-eligible co-defendant(s) case(s).

(c) **Misdemeanor Cases**

Subject to the provisions of paragraphs (a) and (b) above, any subsequent Misdemeanor case filed against a defendant shall be assigned and/or transferred to the Court where the defendant's oldest existing Misdemeanor case is pending with the exception that Court 13 (Traffic Court) shall not receive assignment or transfer of cases when Court 13 has the oldest pending case.

In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the probation case shall be transferred to the new Misdemeanor Court unless the probation case can be resolved without the resolution of the new Misdemeanor case.

Pending as defined herein means any existing Misdemeanor case which is in pre-disposition status.

This rule shall not apply to Domestic Violence cases, cases assigned to Domestic Violence Courtrooms 16 and 17, or cases that are linked with co-defendants. However, if one of the co-defendant's is eligible for transfer to Court 8, per sub-sections (d) or (e), then the eligible co-defendant's case may be severed and transferred to Court 8 without the non-eligible co-defendant(s) case(s).

(d) **[3]PAIR/Forensic Diversion, Mental Illness**

All PAIR and Mental Illness Forensic Diversion matters will be transferred to Criminal Court 8. These cases will remain in Criminal 8 for disposition, if PAIR/Forensic Diversion even if unsuccessful.

(e) **[4]Mental Illness/MR/DD**

Any D Felony or Misdemeanor case, in which the defendant's serious mental illness (Axis I, i.e. schizophrenia, bipolar, major depression) is a factor, and defendants with mental retardation and /or developmental disabilities, may be transffered to Criminal Court 8.

[3] LR49-CR2.3-101 (d) Adopted by the General Term 7/31/2007
[4] LR49-CR2.3-101 (e) Adopted by the General Term 7/31/2007

(f) **Other Considerations**

In the event that a case involves both felony and misdemeanor offenses, pursuant to Administrative Rule 1, the case shall be considered a Felony case for the application of this rule.

It shall be the responsibility of the Prosecutor's Office Screening Department to provide a listing of all pending cases with the case filing documents to ensure that all case transfers can be made consistent with this rule.

The judge of each room of the criminal division, by appropriate order entered of record may transfer and re-assign to any other room of the criminal division any cause pending in that room subject to acceptance by the receiving court. Further the Presiding Judge of the Criminal Division or the Executive Committee may order the transfer of cases from one court to another if the Presiding Judge or the Executive Committee finds that a transfer and reassignment of cases in necessary to provide for the speedy and fair administration of justice.

All cases received by the criminal division on change of venue from outside Marion County shall be assigned to a room within the division on a random basis by the same method used to assign cases of original jurisdiction in Marion County.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be re-filed in the court where the case was originally docketed.

All pleadings, petitions and motions shall be filed with the Clerk designated by the court at any time during filing hours established by the Clerk and the court and shall be accompanied by a proposed order. All orders submitted to the court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record. Service of orders on the Marion County Prosecutor and the Marion County Public Defender Agency may be through mailbox service established in each courtroom.

## LR49-CR23-102. RECORDS

(a) The Clerk of the Marion County Circuit Court shall keep and maintain all records in accordance with Trial Rule 77. In addition the criminal division shall enter records of its proceedings and orders issued in the general division order book.

(b) The Clerk of the Marion Circuit Court shall also maintain a grand jury order book in which each impaneling court shall enter all records of proceedings and orders issued pertaining to the regular or special grand jury.

## LR49-CR00-103. GRAND JURY

(a) The judges assigned to preside in the respective rooms of the criminal division with felony jurisdiction shall be in charge of selection, receiving and properly recording indictments and reports of the grand jury, as well as carrying out all other judicial functions relative to the grand jury during the respective quarters to which they have been assigned.

(b) Effective January 1, 1996, the grand jury shall be impaneled by the Judge of Criminal Division, Room I, for January, February, and March of 1996, as provided by law. Thereafter, the grand jury shall be impaneled in numerical sequence by quarters by each of the criminal courts designated to hear Class A, B, and C felonies. All indictments shall be returned to the impaneling court, who shall order the indictments filed pursuant to Rule 1.

## LR49-CR00-104. SPECIAL GRAND JURY

Special grand juries shall be impaneled pursuant to statute and all indictments returned ordered filed by the impaneling judge pursuant to Rule 1.

## LR49-CR00-105. TRIAL RULES

(a) The judges of the Criminal Division shall from time to time convene to adopt rules of procedure and such other business of court as they may deem necessary, proper and advisable, all subject to the ratification of the Marion Superior Court in a general meeting.

(b) The trial rules of procedure in each room of the criminal division shall be the same as provided for in the Indiana Rules of Trial Procedure and of Criminal Procedure as duly adopted by the Indiana Supreme Court, and as further provided by law.

## LR49-CR2.1-106. APPEARANCE AND WITHDRAWAL OF COUNSEL

(a) Appearance of counsel in all cases shall be made without qualification and in writing in the form designated by Rules of the Indiana Supreme Court. Withdrawals shall be by permission of the court only, and upon written motion of the party wanting to withdraw, showing notification to the client. Upon entering an appearance, the attorney must become familiar with the Rules of the Criminal Division and rules of the court in which an appearance is entered.

(b) Pro Se Appearance. A defendant wanting to legally represent himself at trial must direct such request to the court, in clear and unequivocal terms, at least three days before date of trial. Otherwise, said request may be denied.

## LR49-CR00-107. DISCOVERY

### 1. GENERAL

(a) The court at initial hearing will automatically order the State to disclose and furnish all relevant items and information under this Rule to the defendant (s) within 20 days from the date of the initial hearing, subject to Constitutional limitations and protective orders, and the defendant (s) to provide the State with discovery within 45 days of the initial hearing.

(b) No written motion is required, except:

(1) To compel compliance under this Rule
(2) For additional discovery not covered under this Rule
(3) For a protective order
(4) For an extension of time

(c) All discovery shall be completed by the omnibus date unless extended for good cause shown.

(d)[5] Although each side has a right to full discovery under this Rule, each side has a corresponding duty to seek out the discovery. Motions for original discovery and compliance with Indiana Rule of Evidence 404B are unnecessary and disfavored. Motions for specific discovery are permitted. Failure to file a Motion to Compel may result in the waiver of this right; failure to comply with providing discovery may result in sanctions, including the exclusion of evidence.

### 2. STATE DISCLOSURE

(a) [6] The State shall disclose the following material and information within its possession or control:

(1) The names and last known addresses of persons whom the State intends to call as witnesses, with their relevant written or recorded statements. The State may refrain from providing a witness' address under this rule if the State in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness or the witness' immediate family. If the State does not disclose the witness' address for the reason stated

[5] LR49-CR00-107 (1) (d) amended and passed by General Term November 3, 2003
[6] LR49-CR00-107 (2) (a) amended May 25, 1999

under this rule then the State shall make the witness available for deposition or interview by defense counsel upon reasonable notice.

Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. The party seeking disclosure or a protective order under this rule shall include in the party's motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to reach agreement with opposing counsel concerning the matter set forth in the motion or request. This statement shall recite in addition, the date, time and place of this effort to reach agreement, whether in person or by telephone and the names of all parties and attorneys participation therein. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as appropriate.

The Court may deny a discovery motion filed by a party who has failed to comply with the requirements of this subsection.

(2) Any written, oral or recorded statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgement of such statements.

(3) A transcript of those portions of grand jury minutes containing testimony of persons whom the prosecuting attorney intends to call as witnesses at the hearing or trial.

(4) Any reports or statements of experts, made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons.

(5) Any books, papers, documents, photographs, or tangible objects that the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused.

(6) Any record of prior criminal convictions that may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.

(7)[7] All evidence required by Indiana Rules of Evidence 404(B), at least 30 days prior to trial, or within two weeks following the request for trial, whichever is later.

[7] LR49-CR00-107 (2)(a)(7) adopted by General Term November 3, 2003

(b) The State shall disclose to defense counsel any material or information within its possession or control that tends to negate the guilt of the accused as to the offense charged or would tend to reduce the punishment therefore.

(c) The State may perform these obligations in any manner mutually agreeable to the prosecutor and defense counsel.

**3. DEFENDANT DISCLOSURE**

(a) [8] Defendant's counsel shall furnish the State with the following material and information within his/her possession or control.

(1) Any defense that he/she intends to make at a hearing or trial.

(2) The names and last know addresses of persons whom the defense intends to call as witnesses, with their relevant written or recorded statements and any record of prior criminal convictions known to him/her. The defense may refrain from providing a witness' address under this rule if the defense in good faith believes the disclosure of the witness' address may jeopardize the safety of the witness or the witness' immediate family. If the defense does not disclose the witness' address for the reason stated under this rule then the defense shall make the witness available for deposition or interview by counsel for the State upon reasonable notice. Should there be a dispute among the parties concerning the disclosure of a witness' address, counsel shall meet and make a reasonable effort to resolve this dispute before seeking intervention from the court. The party seeking disclosure or a protective order under this rule shall include in the party's motion or request a statement showing that the attorney making the motion or request has made a reasonable effort to reach agreement with opposing counsel concerning the matter set forth in the motion or request. This statement shall recite in addition, the date, time and place of this effort to reach agreement, whether in person or by telephone and the names of all parties and attorneys participation therein. If an attorney for any party advises the court in writing that an opposing attorney has refused or delayed meeting and discussing the issue of witness address disclosure, the court may take such action as is appropriate. The court may deny a discovery motion filed by a party who has failed to comply with the requirements of this subsection.

(3) Any books, papers, documents, photographs, or tangible objects he/she intends to use as evidence.

(4) Medical, scientific, or expert witness evaluations, statements, reports, or testimony that may be used at a hearing or trial.

[8] LR49-CR00-107 (3) (a) amended May 25, 1999.

(5)[9]All Evidence required by Indiana Rules of Evidence 404(B), at least 30 days prior to trial, or within two weeks following the request for trial, whichever is later.

(b) After the formal charge has been filed, upon written motion by the State, the Court may require the accused, among other things, to:

(1) Appear in a line-up.

(2) Speak for identification by witnesses to an offense.

(3) Be fingerprinted.

(4) Pose for photographs not involving re-enactment of a scene.

(5) Try on articles of clothing.

(6) Allow the taking of specimens of material from under his/her fingernails.

(7) Allow the taking of samples of his/her blood, hair, and other materials of his/her body that involve no unreasonable intrusion.

(8) Provide a sample of his/her handwriting.

(9) Submit to a reasonable physical or medical inspection of he/her body.

Whenever the personal appearance of the accused is required for the foregoing purposes, reasonable notice of the time and place of such appearance shall be given by the State to the accused and his/her counsel, who shall have the right to be present. Provision may be made for appearances for such purposes in an order admitting the accused to bail or providing for his/her release.

**4. ADDITIONS, LIMITATIONS, AND PROTECTIVE ORDER.**

(a) *Discretionary Disclosures*. Upon a showing of materiality to the preparation of the defense, and if the request is reasonable, the court, in its discretion, may require disclosure to defense counsel of relevant material and information not covered by this Rule.

(b) *Denial of Disclosure*. The court may deny disclosure authorized by this Rule if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure to counsel.

(c) *Matters Not Subject to Disclosure.*

[9] LR49-CR00-107(3)(a)(5) Adopted by General Term November 3, 2003

(1) Work product. Disclosure hereunder shall not be required of legal research or records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staffs, or of defense counsel or his/her staff.

(2) Informants. Disclosure of an informant's identity shall not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be produced at a hearing or trial.

(b) Either side may apply for a protective order for non-disclosure of requested discovery.

**5. DEPOSITIONS**

Any sworn tape-recorded interview in which the prosecutor, the defense attorney and the witnesses are present shall be considered a deposition under the Indiana Trial Rules. Deputy prosecutors and public defenders shall cooperate in using such recorded statements instead of formal depositions under any circumstance that will expedite case preparation.

## LR49-CR00-108. BAIL

Bail shall be set in accordance with the Marion Superior Court Rule on Admission to Bail and Pretrial Release as amended and subject to changes by judicial order.

The Marion Superior Court has adopted as a tool for setting an appropriate bail the Northpointe COMPAS Risk Assessment software application. The Bail Guideline Matrix herein is designed to provide information and guidance to the Probation Staff and judicial officers of the Arrestee Processing Center in setting the initial bail or in altering bail amounts in order to maintain compliance with the federal court order governing population limits in the Marion County Jail. The individual Judges, Magistrates and Commissioners of the Marion Superior Court retain discretionary authority to adjust bail as individual circumstances may require. This discretionary authority to set or alter bail is limited, however, to those individuals, whose cases are under the direct jurisdiction of a specific Judge, Magistrate or Commissioner.

GENERAL PROVISIONS

The COMPAS Risk Assessment tool is a computerized database and analysis system developed from many years of research into criminological factors surrounding the commission of crimes. Detailed statistical modeling was also employed to ensure a scientific basis for the criminological factors and the risk an individual poses for four

distinct categories of behavior – violence, recidivism, flight (failure to appear) and non-compliance (technical violations).

COMPAS is based on a series of questions and answers provided by each individual brought to the Arrestee Processing Center (APC) following an arrest for a criminal offense. The questionnaires used in this process are set forth in Appendix B which is made part of this rule. Verification of the information provided shall be attempted by Probation staff of the Marion Superior Court. For purposes of the Bail Guideline Matrix, the Marion Superior Court is using only the risk factors of violence and failure to appear (FTA).

## CHARGE SEVERITY LEVELS

There shall be six charge severity levels for misdemeanors and felonies as set forth in Appendix A which is a part of this Rule.

## COMPAS RISK FACTORS

Based upon the questions asked of individuals arrested for criminal offenses at the APC and the information provided and verified, the COMPAS tool will generate a violence factor and an FTA factor for each person. There are seven separate violence categories ranging from a low of 1 to a maximum of 10. There are 3 separate FTA categories in ranges from 1-3, 4-7, and 8-10.

## BAIL GUIDELINES MATRIX

The amount of recommended bail or an individual's eligibility for release on his or her personal recognizance or the pretrial conditions established for an individual's release are reflected in the Bail Guideline Matrix set out in Appendix C and made a part of this Rule. The Matrix applies the charge severity levels to the COMPAS Risk Factors. The Matrix recommends release, release to pretrial with conditions, release to Marion County Community Corrections and bail amounts. The Matrix provides an option to either set a bail amount or a release with conditions in consideration of the charge severity and COMPAS Risk Factors.

## APC INITIAL HEARING COURT

The initial hearings for all individuals brought to the APC as a result of an arrest for a criminal offense and for which misdemeanor and/or D felony charges are filed shall be conducted by the judicial officers at the APC Court. All other felony charges and all of the charges filed against an individual after that individual has been released from the APC shall be heard in an initial hearing conducted in the Court where the case was randomly assigned.

Any individual who remains in custody following his or her initial hearing at the APC Court shall have a bond hearing or pretrial conference scheduled in the Court where the

case has been randomly assigned for the next available date consistent with the Judge's scheduling order. For all domestic violence cases where an individual remains in custody following the initial hearing at the APC Court, a bond hearing shall be scheduled within four business days from the date of the initial hearing in the Court where the case has been randomly assigned within the 72 hour deadline established by state statute.

INMATE MANAGEMENT RELEASES

The Marion Superior Court is committed to ensuring the Marion County Jail remains in compliance with a Federal Court Order establishing population limits. The judicial officers assigned to the APC Court, under the direct supervision of designated judges and the Executive Committee of the Superior Court shall have the authority and discretion to adjust bail and set release conditions on any individual subject to the Court's jurisdiction for purposes of maintaining the population of the jail within the limitations of the federal order.

In making decisions to adjust bail or set release conditions, the judicial officers of the APC shall confer with officials of the Marion County Sheriff's Department to determine the number of bail adjustments or releases that are required on a particular date. The APC judicial officers shall only adjust bail and release individuals from the jail to accommodate the Sheriff's specific request for relief in meeting the federal limit. The Judicial officers, when making these decisions, shall use all reasonably available information, including but not limited to, COMPAS Risk Factors and the Bail Guidelines Matrix, court files, case chronologies, probation files and the Sheriff's jail management system.

BAIL POSTINGS

Judges, Magistrates and Commissioners (Judicial Officers) shall have the ability to determine the appropriate bond type for each individual charged with a criminal offense.

If a judicial officer specifies the bond be a surety bond (SR), only a licensed bonding agent may post the bond for that individual. Surety bonds shall not be interchangeable with any other bond types.

If a judicial officer specifies the bond be a cash bond (CS) then one hundred percent (100%) of the bond amount must be posted in cash. Cash bonds shall not be interchangeable with any other bond type.

If a judicial officer specifies the bond be a ten percent (10%) cash bond (PR) the bond may be satisfied by posting a PR, SR or CS bond.

Judicial officers have the authority to require a combination of different bond types to satisfy a single bail in an individual situation. The posting of such a split bond must satisfy the requirements of this section.

## LR49-CR20-109. CONTINUANCES

(a) Felonies/misdemeanors: If a party desires to continue a setting in a felony or misdemeanor case, trial or otherwise, the party shall file a verified written motion stating in detail the reasons why the setting needs to be continued. The motion shall also include the type of hearing, opposing counsel's position, and suggested dates for the court. Such motion shall be filed at least five days (excluding Saturdays, Sundays and court holidays) before the setting that the party desires the court to continue unless the time has been modified by the judge presiding over the cause. A written order with sufficient copies for all parties shall accompany the motion. Until such motion is granted by the court, it shall be deemed denied.

(b) Infractions/ordinance violations: If a party desires to continue a setting in a case involving only infractions and/or ordinance violations, the party shall file a verified written motion stating in detail the reasons why the setting needs to be continued. Such motion shall be filed at least ten days (excluding Saturdays, Sundays, and court holidays) prior to the setting that the party desires the court to continue.

(c) No criminal court shall grant a continuance in excess of 14 calendar days for in-custody D felony and misdemeanor cases, or in excess of 30 calendar days for in-custody major felony cases, without good cause shown.

## LR49-CR10.1-110. REQUEST FOR GUILTY PLEA HEARING

The court will set a guilty plea hearing only after an oral request on the record or a written pleading, i.e., a petition to enter plea of guilty or a plea agreement is filed.

## LR49-TR4.1-111. SERVICE - LAW ENFORCEMENT

Service of a subpoena may be made upon a law enforcement officer, by delivering the subpoena to the officer's place of employment. A copy of the subpoena shall be left with the official in charge of the department. It shall be the duty of the official to immediately deliver the subpoena to the officer being served. Service in this manner shall be deemed service on the officer.

## LR49-CR00-112. MANDATORY CONSECUTIVE SENTENCES

Where consecutive sentencing is mandated under Indiana Code 35-50-1-2(d), the sentence calling for more restrictive placement shall be served prior to any sentence for less restrictive placement. For purpose of this rule, the following placements are listed in order from most restrictive to least restrictive:

1. Incarceration at the Indiana Department of Corrections
2. Incarceration at the Marion County Jail
3. Incarceration at the Correctional Component (Jail Annex) of Marion County Community Corrections
4. Commitment to a Work Release Facility (VOA or Riverside)
5. Commitment to Home Detention with Electronic Monitoring
6. Commitment to Day Reporting

If the sentence calling for more restrictive sentencing is entered after the sentence for less restrictive sentencing, the Judge ordering less restrictive placement shall issue an amended abstract ordering such sentence to be served consecutive to the more restrictive placement. The amended abstract shall be issued no more than 10 days following notice that a more restrictive sentence has been entered.

Where terms of probation are mandated to run consecutively under Indiana Code 35-40-1-2(d), the term calling for the least restrictive conditions shall run consecutive to the term(s) calling for more restrictive conditions. The Marion Superior Probation Department shall make the determination as to which term of probation is most restrictive, and as to which term shall be served first.

The Chair of the Criminal Division is authorized to issue any orders necessary to enforce the provisions of this rule.

## LR49-CR00-113. TRANSFER OF PRISONERS TO THE INDIANA DEPARTMENT OF CORRECTIONS

Unless otherwise ordered by the Court, any defendant sentenced for a felony offense, including Class D Felonies, shall be sentenced to the Indiana Department of Corrections.

In cases where a defendant has been sentenced to the Indiana Department of Corrections and has another case pending in Marion County, the Marion County Sheriff may not transfer the defendant to the Department of Corrections without first providing seven days notice to the Court with jurisdiction over the pending case. Either party may petition the Court to have a defendant or prisoner held in the Marion County Jail. The Court shall promptly notify counsel in the pending case of the defendant's proposed transfer to the Department of Corrections. After seven days, the defendant shall be transferred to the Department of Corrections unless the Court issues an Order for good cause shown to hold the defendant in the Marion county jail. The Marion County Sheriff's Department shall then notify the Court with jurisdiction over the defendant's pending case, that the defendant has been transferred to the Indiana Department of Corrections. Notification under this rule should be by facsimile or electronic mail.

## LR49-CR00-114. CASE DISPOSITION GUIDELINES

Unless there is good cause shown, all criminal matters with a jailed defendant shall be tried, plead or dismissed as follows:

1. All misdemeanors within 45 days of initial hearing.
2. All class D felonies within 90 days of initial hearing.
3. All class C felonies within 120 days of initial hearing.
4. All class A and B felonies within 180 days of initial hearing.
5. Murder cases within 365 days of initial hearing.

The following deadlines shall apply to all cases filed in the Marion Superior Court after the effective date of this rule:

Initial Discovery is to be provided according within the following time frame:

C Felonies …….….. 20 days after initial hearing
A & B Felonies …… 20 days after initial hearing
Murder ……. 30 days after initial hearing

State's Notice of Intended Witnesses and Exhibits is to be filed within the following time frame:

C Felonies …… 20 days after initial discovery
A & B Felonies ……. 20 days after initial discovery
Murder …….. 30 days after initial discovery

Defendant's Notice of Intended Witnesses and Exhibits is to be filed within the following time frame:

C Felonies …… 5 days after receipt of State's Notice of Witnesses
A & B Felonies ……. 5 days after receipt of State's Notice of Witnesses
Murder …….. 5 days after receipt of State's Notice of Witnesses

Depositions are to be scheduled within the following time frame:

C Felonies …….…… 30 days after receipt of Notice of Witnesses & Exhibits
A & B Felonies ……..…. 45 days after receipt of Notice of Witnesses & Exhibits
Murder ……..….. 60 days after receipt of Notice of Witnesses & Exhibits

Counsel seeking depositions are to confer with opposing counsel to determine dates that are mutually convenient to all counsel and the potential deponent.

Motions (Substantive), for which deadlines are not otherwise established by statute or rule, including but not limited to Motions to Suppress, Requests for Hearings under the Protected Person Statute and IRE 702, are to be filed within the following time frame:

C Felonies …… 30 days after receipt of Notice of Witnesses & Exhibits
A & B Felonies ……. 30 days after receipt of Notice of Witnesses & Exhibits
Murder …….. 30 days after receipt of Notice of Witnesses & Exhibits

Final Witness & Exhibit List

| | |
|---|---|
| C Felonies …… | 15 days before any scheduled trial date |
| A & B Felonies ……. | 30 days before any scheduled trial date |
| Murder …….. | 30 days before any scheduled trial date |

Motions in Limine

| | |
|---|---|
| C Felonies …… | 3 business days before final pre-trial conference |
| A & B Felonies ……. | 5 business days before final pre-trial conference |
| Murder …….. | 5 business days before final pre-trial conference |

Objections/Responses to Motions in Limine

| | |
|---|---|
| C Felonies …… | 1 business day before final pre-trial conference |
| A & B Felonies ……. | 2 business days before final pre-trial conference |
| Murder …….. | 2 business days before final pre-trial conference |

Proposed Preliminary Instructions

| | |
|---|---|
| C Felonies …… | 2 business days before trial date |
| A & B Felonies ……. | 2 business days before trial date |
| Murder …….. | 2 business days before trial date |

Sanctions: Failure to comply with the provisions of this rule may result in sanction including exclusion of witnesses or exhibits, continuance of a trial charged to the party necessitating the continuance, issuance of an order compelling or prohibiting discovery, or any other remedy deemed appropriate by the court.

## LR49-CR00-115. FEES

A. In addition to costs as set by I.C 33-37-4-1 whenever an individual is placed on probation the following fees and costs shall be imposed under the Probation Order unless the sentencing Judge specifically modifies the Order. The fees and costs collected under the Probation Order shall be applied in this order of priority.

Administrative fee
Probation User fee
Alcohol and Drug Service fee (33-37-5-8)
Court Costs (I.C 33-37-4-1)
Public Defender Reimbursement *
Safe School fee (I.C. 33-37-5-18)
Child Abuse Prevention fee (I.C. 33-37-5-12)
Drug Interdiction fee (I.C. 33-37-5-9)
Alcohol Countermeasures fee (I.C. 33-37-5-10)
Domestic Violence fee (33-37-5-13)
(*Fee imposed only after judicial determination of ability to pay)

In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual and may seek appropriate steps to collect the judgment owed.

B. Whenever a juvenile is placed on probation from Juvenile Court the following fees and costs shall be imposed under the appropriate Court Order unless the Judge presiding over the case specifically modifies the Order. The fees and costs collected under the Order shall be applied in this order of priority.

   Probation Administrative Fee
   Probation User Fee
   Restitution
   Public Defenders Fee
   Court Costs

C. Whenever a person is ordered by any Judicial Officer of the Marion Superior Court to be tested by the Marion Superior Court Drug Testing Laboratory, an appropriate fee shall be paid at the time of testing. The Marion County Drug Lab shall collect said fee and all such fees shall be Probation Department funds.

   If a confirmatory test is requested by an individual, an appropriate fee shall be paid at the time of testing. The Judicial Officer ordering an individual for drug testing retains the authority to determine that individual is indigent and order a waiver of the testing fee.

# APPENDIX A

**SEVERITY LEVEL 1 OFFENSES:**

| OFFENSE/CLASS | INDIANA CODE SECTION |
|---|---|
| ABANDON./NEG.OF VERTEBRATE ANIMAL/MB | 35-46-3-7 |
| ACTING AS CLERK/WAITER W/OUT PERMIT/MB | 7.1-5-6-3 |
| ALLOW DISQUALIF. PERSON TO OPER.COMM.VEH./MC | 9-24-6-17 |
| ALTER.;COUNTERFEIT LIC.;PERMIT/MC | 14-22-11-14 |
| ALTER HISTORIC PROP.W/OUT PERMIT/MB | 14-20-1-25 |
| ATTEND. AT ANIMAL FIGHTING CONTEST/MA | 35-46-3-10 |
| AUTOMATIC DIALING MACHINE VIOL./MC | 24-5-14-10 |
| BAIL:ASSOC.W/AGENCY WHILE LIC.SUSP./MB | 27-10-4-1 |
| BAIL:SIGNING BOND IN BLANK/MB | 27-10-4-4 |
| BAIL:UNLAW.PAYMENT FOR DEF.APPREHEN./MB | 27-10-4-6 |
| BAIT DEALER'S LICENSE REQUIRED/PERMIT/MC | 14-22-16-1 |
| CASHING WELFARE CHECK FOR ALCOHOL/MB | 7.1-5-10-13 |
| CERT. DEALER;NO NOTICE EMPL.CHANGE;LIC./MB | 9-23-2-5 |
| CHARGE,COLLECT,RECEIVE IMPROPER LIC. FEE/MC | 14-22-12-14 |
| CHECK DECEPTION/MA | 35-43-5-5 |
| COUNTERFEITING CERTIF. OF REGIS./MB | 9-18-2-42 |
| COUNTERFEITING DRIVER'S LICENSE/MB | 9-24-18-7 |
| COUNTERFEITING TITLE;REGISTR.;LIC./MB | 9-17-2-16 |
| CREDIT; LOAN BY RETAILER FOR LOTTERY TKT./MC | 4-30-14-1 |
| DEALER:FAIL. DISPLAY LICENSE/MB | 9-23-2-4 |
| DEALER:FAIL. MAINTAIN FRANCHISE COPY/MB | 9-23-2-3 |
| DEALER:FAIL. MAINTAIN GARAGE LIABIL.INS./MB | 9-23-2-10 |
| DEALER:FAIL NOTIFY BMV OF BUSINESS CESSATION/MB | 9-23-2-11 |
| DEALER:OFFSITE SALE W/OUT LICENSE/MB | 9-23-2-6 |
| DEAL. GINSENG OUT OF SEASON/MB | 14-31-3-19 |
| DEAL. GINSENG W/OUT LICENSE/MB | 14-31-3-15 |
| DECEPTIVE COMMERCIAL SOLICITATION/MA | 24-4.6-3-2 |
| DISCLOSURE CONFIDENTIAL HIV INFO./MA | 16-41-12-14 |
| DISTURB.ARCHAEOLOG.GROUNDS/MA | 14-21-1-26 |
| DISTURB.HUMAN REMAINS/GRAVE MARK./FD | 14-21-1-28 |
| DIVING VIOLATIONS/MC | 14-15-9-8 |
| DRIV. COMM. VEH. AFTER DISQUALIF./MC | 9-24-6-16 |
| EMPLOY. CHILD UNDER 14 YEARS OLD/MC | 20-8.1-4-21 |
| EMPLOYING MINOR TO SELL ALCOHOL/MB | 7.1-5-7-12 |
| EXPORT. GINSENG OUT OF SEASON/MA | 14-31-3-20 |
| FAIL. CARRIER FILE PROOF FINAN. RESPONS./MA | 8-2.1-22-46 |
| FAIL. CONDUCT HIV SCREENING TEST/MA | 16-41-12-13 |
| FAIL. CERT. OFFICIAL SEND CHILD TO SCHOOL/MB | 20-8.1-3-36 |
| FAIL. EXCLUDE MINOR AFTER WRITT. NOTICE/MB | 7.1-5-7-14 |
| FAIL. FILE/FALSE INFO. INCOME TAX RETURN/MB | 6-2.1-7-4 |
| FAIL. FOLLOW DUTY HUMAN REMAINS/MA | 14-21-1-27 |
| FAIL. HAVE WATER WELL DRILLER LICENSE/MB | 25-39-5-1 |
| FAIL. NOTIFY POLICE OF INJURY,DEATH ACC./MC | 9-26-1-1 |

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| FAIL. OBEY LAW.ENF. RE: HUNTING/MB | 14-22-37-3 |
| FAIL. OCCUP. PERFORM OPER.'S ACC. DUTIES/MC | 14-15-4-3 |
| FAIL. OF SELLER TO DELIVER CERTIF. OF TITLE/MB | 9-17-3-3 |
| FAIL. PARENT ENSURE CHILD ATTENDS SCHOOL/MB | 20-8.1-3-33 |
| FAIL. PARENT PRODUCE CERT. INCAPACITY/MB | 20-8.1-3-20 |
| FAIL. PARENT SEND CHILD SCH. FULL TERM/MB | 20-8.1-3-34 |
| FAIL. PAY PREVAILING WAGE/MB | 5-16-7-3 |
| FAIL. PLUMBER TO REGISTER TO INSTALL WELL/MB | 25-39-5-7 |
| FAIL. RETURN SUSP.LIC.;REGISTR.;PLATE/MC | 9-30-4-7 |
| FAIL. SECURE EMPLOYMENT CERTIFICATE/MC | 20-8.1-4-1 |
| FAIL. STOP AFTER BOAT ACCID./COLLISION/MC | 14-15-4-1 |
| FAIL. STOP AFTER ACC. NO INJURY/DEATH/MC | 9-26-1-2 |
| FAIL. SURR. LIC.;REGISTR. AFTER NOTIF./MC | 9-30-4-13 |
| FAIL. TEND ANIMAL TRAP/MC | 14-22-6-4 |
| FALCONRY LIC. REQ./MC | 14-22-23-1 |
| FALSE EVID. OF MAJORITY;IDENT. TO MINOR/MC | 7.1-5-7-2 |
| FALSE REP. QUALIF. DISABLED PLACARD/MC | 9-14-5-9 |
| FALSE REP. QUALIF. DISABLED PLATE;DECAL/MC | 9-18-22-6 |
| FALSE STATEMENT IN APPLIC. FOR PLATES/MB | 9-18-4-5 |
| FALSE STATEMENT: ENVIRON. MANAGEMENT LAWS/MB | 13-30-6-2 |
| FALSIFYING SHOOTING PRESERVE RECORDS/MC | 14-22-31-13 |
| FIELD INVEST./ALTER ST. HIST. PROP.W/OUT PERMIT/MA | 14-21-1-16 |
| FIELD TRIAL: PERMIT; TIMES/MC | 14-22-24-1-5 |
| FUR BUYER LICENSE REQ./MC | 14-22-19-1 |
| FURNISHING ALCOHOL TO MINOR/MC | 7.1-5-7-8 |
| GAMBLING/MB | 35-45-5-2 |
| GAME BIRD HAB. RESTOR.STAMP REQ./MC | 14-22-8-4 |
| HANDGUN:DEALER,FAIL.HAVE;DISPLAY LIC./MB | 35-47-2-14 |
| HANDGUN:REQ. RECORD SEARCH/MB | 35-47-2-10 |
| HANDGUN:RETAIL DEALER,SIT LOC.VIOL./MB | 35-47-2-16 |
| HARVEST GINSENG OUT OF SEASON/MB | 14-31-3-16 |
| HINDRANCE/PREVENT. ENFORCEMENT/MC | 7.1-5-8-1 |
| HUNTING GAMEBIRD/EXOTIC MAMMAL W/UNAPP. WEAPON/MA | 14-22-32-3 |
| HUNTING PRIV.LAND W/OUT CONSENT/MC | 14-22-10-1 |
| ILLEGAL TOBACCO ADVERTISING/MC | 35-46-1-11.3 |
| ILLEGAL USE LIMITED CRIMINAL HISTORY/MA | 5-2-5-5 |
| IMPORT.FISH;WILDLIFE PERMIT REQ./MC | 14-22-25-2 |
| IMPORT.FISH;WILDLIFE PERMIT REQ./MC | 14-22-25-3 |
| IMPROPER USE OF DEALER PLATES/MB | 9-23-6-1 |
| INTERF. W/LEGAL TAKING OF ANIMALS/MC | 14-22-37-2 |
| INTOX. ON COMMON CARRIER OR IN AREA/MB | 7.1-5-1-6 |
| KNOWINGLY SHIP ALC. BEV. TO IND. RESIDENT W/OUT WHOLESALE PERMIT/MA | 7.1-5-1-9.5 |
| LAKES,RESTR.DITCHES/DRAINS/MA | 14-26-7-8 |
| LEGEND DRUG: COMMON NUISANCE/MB | 16-42-19-24 |
| LIVESTOCK;POULTRY;PROHIB.ACTS/MB | 16-6-5-6 |
| LOANS SECURED BY HANDGUN/MB | 35-47-4-2 |
| MANAGEM. FINANCIAL INSTITUT. AFTER REMOVAL/FD | 28-11-4-11 |

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| MIGRATORY BIRDS PER./LIC.REQ./MC | 14-22-6-3 |
| MIGRATORY WATERFOWL STAMP REQ./MC | 14-22-7-3 |
| MINOR IN TAVERN/MC | 7.1-5-7-10 |
| MISREP. IDENTITY/FALSE STMT. TO RECEIVE PERSONAL INFO. FROM BMV RECORDS/MC | 9-14-3.5-15 |
| MISREP. JUROR QUALIFICATION INFO./MC | 33-4-11-17 |
| MISUSE OF I.D. CARD/MB | 9-24-16-12 |
| MISUSE OF LICENSE/PERMIT/MC | 9-24-18-2 |
| MOVING IMPOUNDED EXCESS-WEIGHT VEH./MB | 9-20-18-4 |
| NO EFFORT RETRIEVE ANIMAL/MC | 14-22-10-7 |
| NONRESID. TAKING RACCOON CLOSED SEASON/MC | 14-22-11-2 |
| NONRESID.:LIC.,I.D.POSS.REQ./MC | 14-22-11-10 |
| NONRES.FALSELY OBTAINING RES.LIC./MC | 14-22-11-13 |
| OBSTRUCTION OF TRAFFIC/MB | 35-42-2-4 |
| OBSTRUCT.STR.TO FACIL. SPEED CONTEST/MB | 9-21-6-2 |
| OBSTRUCTING WATERWAYS/MC | 14-22-9-9 |
| OFF-ROAD VEH.:ALTERED VEH.NUMBER/MB | 14-16-1-17 |
| OFF-ROAD VEH.:FAIL.MAKE ACC.REPORT/MB | 14-16-1-24 |
| OPER.VEH.:NEVER RECEIVED LICENSE/MC | 9-24-18-1 |
| OPER.COMM.VEH.W/OUT COMM.DRIV.LIC./MC | 9-24-1-6 |
| OP. TOBACCO BUSINESS BY SCHOOL/MC | 35-46-1-11.2 |
| OPER.TRACT.-TRAIL.DANGER./BLOCK TRAFF.FLOW/MB | 9-21-8-50 |
| OPER. UNINSPECTED COMMERCIAL BUS/MB | 8-2.1-25-7 |
| OPER. VEH.:RESTRICT.LIC.;REGISTR.SUSP./MC | 9-30-4-8 |
| OPER. VEH. VIOL. RESTRIC. DRIVING PERMIT/MB | 9-24-15-11 |
| OPER. VEH. W/ ALTERED INTERIM REGIS. PLATE/MC | 9-18-26-13 |
| PARKING IN SPACE FOR HANDICAPPED/MC | 5-16-9-5 |
| PERMIT TO POSS. MINNOWS/CRAYFISH/MC | 14-22-16-4 |
| PER.REQ.DISCHARGE EXPLOSIV.IN WATERS/MA | 14-22-30-1 |
| PLUMBING AFTER LICENSE EXPIRED/MB | 25-28.5-1-31 |
| PLUMBING W/OUT LICENSE/MA | 25-28.5-1-31 |
| POSSESSION OF ALCOHOL BY MINOR/MC | 7.1-5-7-7 |
| POSSESSION OF ANIMAL FOR FIGHTING CONTEST/MA | 35-46-3-8 |
| POSSESSION OF PARAPHERNALIA/MA | 35-48-4-8.3 |
| POSS./SELL REGIS. NOT ISSUED BY A BMV/MC | 9-18-2-44 |
| POSS./SELL TITLE NOT ISSUED BY A BMV/MC | 9-17-2-15 |
| POSSESSION OF UNLICENSED EQUIPMENT/MC | 7.1-5-6-1 |
| POSSES./SALE OF UNTAXED BEVERAGES/MC | 7.1-5-4-1 |
| POSS./USE OF CODE-GRABBING DEVICE/MC | 35-45-12-2 |
| PRACTICING ACUPUNCTURE W/OUT LICENSE/MB | 25-2.5-3-4 |
| PRACTICING GEOLOGY W/OUT LICENSE/MB | 25-17.6-8-2 |
| PROCESS. GINSENG OUT OF SEASON/MB | 14-31-3-17 |
| PROHIB.HUNT.;SHOOT.PUB.HIGHWAYS/MC | 14-22-6-9 |
| PROHIB.HUNT.;SHOOT.PUB.WATERWAYS/MC | 14-22-6-10 |
| PUBLIC INDECENCY;INDECENT EXPOSURE/MC | 35-45-4-1 |
| PUBLIC INTOXICATION/MB | 7.1-5-1-3 |
| RECKLESS. DISTURB BEE HABITATS/MB | 14-24-11-4 |
| RECKLESS DRIVING/MB | 9-21-8-52 |

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| RECKLESS VIOL. ORDER OF ALC. BEV. COMM./MB | 7.1-5-1-12 |
| REFUSAL TO AID AN OFFICER/MB | 35-44-3-7 |
| REFUSAL TO BE FINGERPRINT.PHOTOG./&/OR WITHHOLDING INFO./ GIVING FALSE INFO. TO SHERIFF AFTER ARREST (FOR BOOKING)/MC | 36-8-10-9 |
| REFUSAL TO IDENTIFY/MC | 34-28-5-3.5 |
| SALE ADULTERATED/MISBRANDED ALCOHOL/MB | 7.1-5-10-6 |
| SALE ALCOHOL AT FAIRGROUNDS DURING FAIR/MB | 7.1-5-10-17 |
| SALE OF ALCOHOL AT UNLAWFUL TIMES/MB | 7.1-5-10-1 |
| SALE OF ALCOHOL W/OUT PERMIT/MB | 7.1-5-10-5 |
| SALE OF ALCOHOL W/OUT PERMIT/MB | 7.1-5-6-2 |
| SALE TO HABITUAL DRUNKARD/MB | 7.1-5-10-14 |
| SALE TO INTOXICATED PERSON/MB | 7.1-5-10-15 |
| SCH.BUS:CERTIF. NOT IN POSS. BY DRIVER/MC | 20-9.1-3-11.5 |
| SCH.BUS:FAIL. MODIF. WHEN NOT A SCH.BUS/MB | 20-9.1-5-18 |
| SCH.BUS:FAIL. STOP RAILROAD CROSSING/MC | 20-9.1-5-11 |
| SCH.BUS:FAIL.USE ARM SIGNAL DEVICE/MC | 20-9.1-5-14 |
| SCH.BUS:FAIL.USE DIRECTIONAL SIGNAL/MC | 20-9.1-5-15 |
| SCH.BUS:FAIL.USE FLASHING LIGHTS ON STOP/MC | 20-9.1-5-16 |
| SCH.BUS:IMPROPER LOADING/UNLOADING/MC | 20-9.1-5-12 |
| SCH.BUS:OPER.WHILE CHILD IN FORWARD AREA/MC | 20-9.1-5-17 |
| SCH.BUS:VIOL.MAXIMUM SPEEDS/MC | 20-9.1-5-10 |
| SELL. MOTOR VEHICLES ON SUNDAY/MB | 24-4-6-1 |
| SNOWMOBILE:FAIL.MAKE ACCIDENT REPORT/MC | 14-16-2-25 |
| STORING/TRANSPORTING AMMONIA [NH 3]/MA | 22-11-20-6(b) |
| TAKE/SELL/BUY MUSSELS W/OUT LIC./MA | 14-22-17-2 |
| TAKING ALCOHOL ONTO LICENSED PREMISES/MC | 7.1-5-8-5 |
| TAKING ANIMAL DESIG. AREA/SET TIME/MC | 14-22-10-8 |
| TAKING LIQUOR INTO RESTAURANT/MC | 7.1-5-8-6 |
| TAKING WILD ANIMAL W/OUT LICENSE/MC | 14-22-11-1 |
| TIMBER BUYING WITHOUT REGISTRATION/MB | 25-36.5-1-10 |
| UNAUTH. BI-LINGUAL ATTY. ADVERTISING/MA | 33-16-2-10 |
| UNAUTH. DISCLOSURE OF GRAND JURY INFO./MB | 35-34-2-10 |
| UNAUTH. RELEASE ADOPTION INFO./MA | 31-19-24-15 |
| UNAUTH. SALES UNDER PERMIT/MB | 7.1-5-10-2 |
| UNAUTH. USE TELECOMM.SERVICES/MA | 35-45-13-7 |
| UNAUTH. USE TERM “LOTTERY”/MA | 4-30-14-6 |
| UNLAWFUL ACTS RE: LIC./PERMIT/MC | 9-24-11-8 |
| UNLAWFUL CHEM.TREAT.VEG.IN PUB. WATERS/MC | 14-22-9-10 |
| UNLAWFUL FISHING NEAR DAMS/MC | 14-22-9-3 |
| UNLAWFUL HANDLING MIGRATORY BIRD/MC | 14-22-6-2 |
| UNLAWFUL ICE FISHING/MC | 14-22-9-2 |
| UNLAWFUL MEANS OF TAKING FISH/MC | 14-22-9-1 |
| UNLAWF.POSS.FISH;GAME TAKEN OTHER STATE/MC | 14-22-10-4 |
| UNLAWFUL PRACTICE MENTAL HEALTH COUNS./MA | 25-23.6-4.5-4 |
| UNLAWFUL SALE PROTECTED FISH/MC | 14-22-9-7 |
| UNLAWFUL SALE;SERVICE OF GAME/MC | 14-22-6-8 |
| UNLAWF. SALE,SHIP WILD ANIMALS,NESTS,EGGS/MC | 14-22-38-6 |
| UNLAWFUL SOLICITATION FOR ATTORNEY/MA | 35-45-14-2 |

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| UNLAWFUL STOCKING PUBLIC WATERS/MC | 14-22-9-8 |
| UNLAWFUL SUBLEASING OF A VEHICLE/MA | 24-5-16-16 |
| UNLAWF. TAKING DEER/WILD TURKEY/PRIOR/MA | 14-22-38-3 |
| UNLAWFUL TAKING OF DEER/WILD TURKEY/MB | 14-22-38-3 |
| UNLAWFUL TAKING/POSS. WILD ANIMAL/MC | 14-22-6-1 |
| UNLAWFUL TAKING WILDLIFE WITH LIGHT/MC | 14-22-6-7 |
| UNLAWF. TRANSPORT. FISH/GAME/MC | 14-22-10-3 |
| UNLAWF. TRANSPORT.MINNOWS;CRAYFISH/MC | 14-22-9-4 |
| UNLAWFUL USE SILENCER IN HUNTING/MC | 14-22-6-11 |
| UNLAWFUL USE OF SNARE/MC | 14-22-6-6 |
| VEHICLE REGIST. OUTSIDE STATE ILLEGALLY/MB | 9-18-2-45 |
| VIOL. DNR WILDLIFE RULES/MC | 14-22-2-6 |
| VIOL. FED. LAW REGARD. MIGRATORY BIRDS/MC | 14-22-33-1 |
| VIOL. GAMES OF CHANCE LAWS/MB | 4-32-12-4 |
| VIOL. GINSENG HARVEST.OUT OF STATE/MA | 14-31-3-21 |
| VIOL. GRAVE MEMORIAL LAWS/MC | 14-21-2-3,-4 |
| VIOL. LAWS RE: FUEL PUMPS/MB | 6-6-2.5-71 |
| VIOL. PERMITTED USE OF DEALER PLATE/MB | 9-18-26-6 |
| VIOL. PRICING LAW BY ALCOHOL RETAILER/MB | 7.1-5-10-20 |
| VIOL. REQ.'S RELATED TO LAND SURVEYORS/MB | 25-21.5-13-2 |
| VIOL. REQ.'S RELATED TO PROF. ENGINEERING/MB | 25-31-1-27 |
| VIOL. SCHOOL BUS LICENSING LAWS/MC | 20-9.1-4-11 |
| VIOL. SCHOOL BUS SAFETY LAWS/MC | 20-9.1-5-22 |
| VIOL. TEMPORARY MEDICAL PERMIT/MC | 25-22.5-5-4 |
| VISITING A COMMON NUISANCE/MB | 35-48-4-13 |
| VISITING PLACE UNLAWF. SELLING ALCOHOL/MB | 7.1-5-10-21 |
| WATERCRAFT: CERTIF. OF HULL I.D. NUMBER REQ./MC | 9-31-2-10 |
| WATERCRAFT: CERTIF. OF TITLE: APPL. RULES/MC | 9-31-2-9 |
| WATERCRAFT: CERTIF. OF TITLE: REQ. ON SALE/MC | 9-31-2-3 |
| WATERCRAFT: CERTIF. OF TITLE REQUIRED/MC | 9-31-2-2 |
| WATERCRAFT: FAIL. APPL. TITLE REQ. TIME/MC | 9-31-2-6 |
| WATERCRAFT: FAIL. DEL. MANUFACT. CERTIF./MC | 9-31-2-5 |
| WATERCRAFT: FAIL. VERIFY TITLE EVID./MC | 9-31-2-11 |
| WATERCRAFT: VIOL. RELATED MATTERS/FD | 9-31-2-27 |
| WOOD ALCOHOL AS A BEVERAGE/MA | 7.1-5-8-3 |

**ALL CLASS C AND B MISDEMEANORS FOUND IN TITLES 9 AND 14 NOT SPECIFIED ABOVE ARE TO BE CLASSIFIED IN SEVERITY LEVEL 1**

**ALL CLASS B MISDEMEANORS FOUND IN TITLE 7 NOT SPECIFIED ABOVE ARE TO BE CLASSIFIED IN SEVERITY LEVEL 1**

**SEVERITY LEVEL 2 OFFENSES:**

| OFFENSE/CLASS | INDIANA CODE SECTION |
|---|---|
| AIMING LASER AT LAW ENFORCEMENT/MB | 35-47-4.5-4 |
| BAIL:BONDSMAN W/OUT LIC.;OTH.UNLAW.ACTS/MA | 27-10-4-2 |
| BATTERY/MB | 35-42-2-1 |
| BLOCK CALLER I.D. DISPLAY/MB | 24-5-12-25 |
| BODY PIERCING/MA | 35-42-2-7 |
| CEMETARY MISCHIEF/MA | 35-43-1-2.1 |
| CHINESE THROWING STAR OFFENSES/MC | 35-47-5-12 |
| CIVIL RIGHTS VIOLATION/MB | 35-46-2-1 |
| COMPUTER TRESPASS/MA | 35-43-2-3 |
| CONSUM.CREDIT SALE;LOAN:FAIL. DISCLOSE/MA | 24-4.5-5-302 |
| CRIMINAL CONVERSION/MA | 35-43-4-3 |
| CRIMINAL MISCHIEF/MA | 35-43-1-2 |
| CRIMINAL MISCHIEF/MB | 35-43-1-2 |
| CRIMINAL TRESPASS ON RAILROAD PROPERTY/MB | 8-3-15-3 |
| CRIMINAL TRESPASS/MA | 35-43-2-2 |
| CRUELTY TO ANIMALS/MA | 35-46-3-2 |
| CRUELTY TO ANIMALS/MB | 35-46-3-2 |
| DANGEROUS OPER.WATERCRAFT/MC | 14-15-3-6 |
| DECEPTION/MA | 35-43-5-3 |
| DELIVERY OF FALSE SALES DOCUMENT/FD | 35-43-5-17 |
| DISCLOSING CUSTOMER DATA/MA | 36-8-16-16 |
| DISCLOSE;FALSE INFO. ADOPTION RECORDS/MA | 31-3-4-19 |
| DISCLOSURE OF CONFIDENTIAL DEATH RECORDS/MA | 36-2-14-21 |
| DISCLOSURE OF PROTECTED INFORMATION/MA | 5-14-3-10 |
| DISCRIMINATION IN JURY SELECTION/MA | 35-46-2-2 |
| DISORDERLY CONDUCT/MB | 35-45-1-3 |
| DISTRIB. NITROUS OXIDE/MB | 35-46-6-3 |
| DRIVING WHILE LICENSE SUSPENDED/MA | 9-24-19-2,-3 |
| FAIL. TO NOTIFY OF NAME CHANGE/MB | 31-33-22-4 |
| FAIL. TO REPORT ACCIDENT W/WATERCRAFT/MC | 14-15-4-2 |
| FAIL. TO REPORT CHILD ABUSE/NEGLECT/MB | 31-33-22-1 |
| FAIL. TO STATE/PROVIDE FALSE VEH. I.D./MB | 6-8.1-10-11 |
| FAIL. STOP SCH.BUS ARM SIGNAL EXTENDED/MC | 9-21-12-9 |
| FALSE INFO. IN MARRIAGE LICENSE APPLIC./FD | 31-11-11-1 |
| FALSE REPRESENT. OF BEING A LOT. RETAILER/MA | 4-30-14-5 |
| FALSE STATEMENT ON CRIM. HISTORY/FD | 35-47-2.5-12 |
| FALSE STATEMENT RIVERBOAT GAMBLING/MA | 4-33-10-1 |
| FIREWORKS:NO PERMIT;VIOL.PERMIT REQ./MA | 22-11-14-7 |
| FIREWORKS:PURCHASER VIOL. ASSUR./MA | 22-11-14-4 |
| FIREWORKS:UNAUTH. POSS. AT PUB.DISPLAY/MA | 22-11-14-2 |
| FIREWORKS:VIOL. CERT. OF COMPLIANCE/MA | 22-11-14-5 |
| FLAG DESECRATION/MA | 35-45-1-4 |
| FORGING;REPRODUCING I.D. CARDS/MB | 9-24-16-13 |
| HANDGUN:DELIV.W/OUT SUPT.APPROVAL/MB | 35-47-2-11 |
| HANDGUN:FAIL.RETURN LIC. AFTER NOTICE/MA | 35-47-2-5 |
| HANDGUN:NO RECORD LAWFUL TRANSFER/MB | 35-47-2-13 |

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| HANDGUN:UNLAWFUL DELIV.BY RETAILER/MB | 35-47-2-12 |
| HANDGUN:VIOL. APPLICA.RULES FOR TRANS./MB | 35-47-2-9 |
| HANDGUN:VIOL. LICENSE APPLIC.REQUIRE./MB | 35-47-2-3 |
| HANDGUN:VIOL. QUALIFIED;UNLIMITED LIC./MB | 35-47-2-4 |
| HANDGUN:VIOL. RETAIL DEALER'S LIC.REQ./MB | 35-47-2-15 |
| HARBORING A NONIMMUNIZED DOG/MB | 35-46-3-1 |
| IDENTITY DECEPTION/FD | 35-43-5-3.5 |
| INTERFERENCE WITH CUSTODY/MB | 35-42-3-4 |
| INTERFERENCE WITH CUSTODY/MC | 35-42-3-4 |
| KNIFE WITH AUTOMATIC BLADE/MB | 35-47-5-2 |
| MAKING FALSE SALES DOCUMENT/FD | 35-43-5-16 |
| MALICIOUS MISCHIEF/MB | 35-45-16-2(a) |
| MONOPOLIZING TRADE/MA | 24-1-2-2 |
| OBTAIN. CHILD ABUSE/NEGLECT INFO. FALSE PRETENSES/ FALSIFICATION OF RECORDS/MB | 31-33-22-2 |
| OFF-ROAD VEH.:OP. UNDER INFLUENCE/MB | 14-16-1-23 |
| OIL/GAS WELL VIOL./MB | 14-37-13-6 |
| OP. MOTORBOAT WHILE INTOX.;W/.10%BAC/MC | 14-15-8-8 |
| OP. RECOVERY VEH. W/OUT FINAN.RESPONS./MC | 9-18-13-4 |
| OP. VEH.:NOT CONT.MAINT.FINAN.RESPONS./MC | 9-25-4-3 |
| OP. VEH.:NO PROOF FINAN.RESPONS./MC | 9-25-8-2 |
| OP. VEH. WHILE INTOXICATED/MA | 9-30-5-2 |
| OP. VEH. W/.15% BAC/MA | 9-30-5-1 |
| OP. VEH. W/.10% BAC, SCH.I, II/MC | 9-30-5-1 |
| POOR RELIEF PROFITEERING/MC | 12-20-1-4 |
| POSSESSION OF ANIMAL FIGHTING PARAPHERNALIA/MB | 35-26-3-8.5 |
| POSSESSION OF ANIMAL FIGHTING PARAPHERNALIA/MA | 35-26-3-8.5 |
| POSSESSION OF FRAUDULENT SALES RECEIPTS/MA | 35-43-5-14 |
| POSSESSION OF FRAUDULENT SALES RECEIPTS/FD | 35-43-5-14 |
| POSS. FRAUDULENT SALES RECEIPT MACHINE/MA | 35-43-5-15 |
| POSSESSION OF MARIJUANA/HASHISH/MA | 35-48-4-11 |
| POSSESSION OF PARAPHERNALIA/FD | 35-48-4-8.3 |
| PRACTICING NURSING W/OUT A LICENSE/MB | 25-23-1-17 |
| PUBLIC INDECENCY/INDECENT EXPOSURE/MA | 35-45-4-1 |
| RECKLESS. VIOL. IND. INSURANCE LAW/MA | 27-1-2-4 |
| REFUSE PHOTO.,PRINTS,INFO./FALSE INFO./MC | 36-2-13-5 |
| REMOVING DOG VOCAL CORDS/MA | 35-46-3-13 |
| RESTRAINING TRADE/PREVENTING COMPETITION/MA | 24-1-2-1 |
| SALE OF UNAPPROVED HIV TEST KIT/MA | 35-42-1-8 |
| SNOWMOBILE:OP. UNDER INFLUENCE/MC | 14-16-2-24 |
| SNOWMOBILE:RECK.FAIL.MAKE ACCIDENT REPORT/MB | 14-16-2-25 |
| SNOWMOBILE:RECK.OP. UNDER INFLUENCE/MB | 14-16-2-24 |
| STUN GUNS:UNLAWFUL SALE /MB | 35-47-8-5 |
| TATTOOING A MINOR/MA | 35-42-2-7 |
| THEFT/REC. STOLEN PROPERTY/FD | 35-43-4-2 |
| UNAUTH. ABSENCE FROM HOME DETENTION/MA | 35-38-2.5-13 |
| UNAUTH. METHOD TAKING/TRAPP. EXOTIC ANIMAL/MA | 14-22-32-2 |
| UNAUTH. SOLICITATION OF MONEY USING NAME OF | |

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|---|---|
| PUBLIC AGENCY/MA | 24-4.6-3-4 |
| UNAUTH. USE TELECOMM. SERVICES/FD | 35-45-13-7 |
| UNCERT. RESPIRATORY CARE PRACTITIONER/MB | 25-34.5-3-1 |
| UNCERTIFIED OCCUPATIONAL THERAPIST/MB | 25-23.5-3-1 |
| UNLAWFUL ACTS RELATING TO CAVES/MA | 35-43-1-3 |
| UNLAWFUL DISPOS. DEAD BODY/MB | 23-14-54-5 |
| UNLAWFUL OBTAINING CRIM. HISTORY/MA | 35-47-2.5-10 |
| UNLAWF. PURCHASE LOTTERY TKT.<18 YRS./MA | 4-30-12-1 |
| UNLAWF. PURCHASE LOTTERY TKT./COMMISSION/MA | 4-30-12-1 |
| UNLAWF. PURCHASE LOTTERY TKT./RETAILER/MA | 4-30-12-4 |
| UNLAWF. PURCHASE LOTTERY TKT./VENDOR/MA | 4-30-12-3 |
| UNLAWF. SHOOT. AT LAW ENF. DECOYS/MC | 14-22-40-6 |
| UNLAWFUL TAKING ENDANGERED SPECIES/MA | 14-22-34-12 |
| UNLAWFUL USE OF COMMUNICATIONS MEDIUM/MB | 35-45-2-3 |
| UNLAWFUL USE OF A POLICE RADIO/MB | 35-44-3-12 |
| UNSAFE OPER. PERSONAL WATERCRAFT/MC | 14-15-12-10 |
| USE WIRELESS PHONE FOR ILLEGAL PURPOSE/MA | 36-8-16.5-49 |
| VENDING MACHINE VANDALISM/MA | 35-43-4-7 |
| VENDING MACHINE VANDALISM/MB | 35-43-4-7 |
| VIOL. FIREWORKS LAWS/MA | 22-11-14-6 |
| VIOL. FIREWORKS WHOLESALER LAWS/MA | 22-11-14-10 |
| VIOL. LICENSE TAX/SULFUR CONTENT/MA | 6-6-2.5-28 |
| VIOL.;NO PERM. REMOVAL ENDANG.SPECIES/MA | 14-22-34-16 |
| VIOL.;NO PERM. SP. PURPOSE ENDANG.SPECIES/MA | 14-22-34-15 |
| VIOL. PESTICIDE USE/APPLICATION LAWS/MA | 15-3-3.6-16 |
| VIOL. PESTICIDE USE/APPLICATION LAWS/MC | 15-3-3.6-16 |
| VIOL. PRIVATE DETECTIVE LICENSE LAWS/MA | 25-30-1-21 |
| VIOL. PROF. FUNDRAISER LAW/MB | 23-7-8-8 |
| VIOL. RADON GAS TESTING/ABATEMENT LAWS/MA | 16-41-38-10 |
| VIOL. SPECIAL FUEL LAWS RE: DYE, MARKER; EXPORT./IMPORT./ SHIPPING PAPER VIOLATIONS/MA | 6-6-2.5-62 |
| WATERCRAFT: CERTIF. OF TITLE VIOLATIONS/MA | 9-31-2-26 |

**ALL CLASS A MISDEMEANORS FOUND IN TITLE 14 NOT SPECIFIED ABOVE ARE TO BE CLASSIFIED IN SEVERITY LEVEL 2**

**SEVERITY LEVEL 3 OFFENSES:**

| OFFENSE/CLASS | INDIANA CODE SECTION |
|---|---|
| ADOPTION DECEPTION/MA | 35-46-1-9.5 |
| ASSISTING A CRIMINAL/MA | 35-44-3-2 |
| AVOIDING AIRPORT INSPECTION/MA | 35-47-6-1.4 |
| BLOCK CALLER I.D. DISPLAY/PRIOR/MA | 24-5-12-25 |
| BURNING IN EMERG. FIRE HAZARD AREAS/MC | 14-23-7-5 |
| BURNING W/OUT PERMIT ON U.S. LAND/MB | 14-17-4-8 |
| CANCEL/DESTROY DNR ORDER/MB | 16-36-5-27 |
| CEMETARY MISCHIEF/FD | 35-43-1-2.1 |

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| CHILD EXPLOITATION/POSS.CHILD PORNOG./MA | 35-42-4-4 |
| CHILD SOLICITATION/MA | 35-42-2-6 |
| CONDUCTING PARI-MUTUEL MTG. W/OUT A PERMIT/FD | 4-31-13-3 |
| CONFLICT OF INTEREST/FD | 35-44-1-3 |
| CONFLICT OF INTEREST/SURFACE MINING/MA | 14-34-2-6 |
| CONTRACTING FOR GAMES OF CHANCE/FD | 4-32-12-4 |
| CONTRIB. DELINQ. MINOR/MA | 35-46-1-8 |
| CONTRIB. IN NAME OF OTHER PERSON/MB | 3-14-1-11 |
| CRIMINAL MISCHIEF/FD | 35-43-1-2 |
| CRIMINAL RECKLESSNESS/MB | 35-42-2-2 |
| CRIMINAL TRESPASS/FD | 35-43-2-2 |
| DEALING IN ALTERED PROPERTY/MA | 35-43-4-2.3 |
| DELIV. DEADLY WEAPON TO INTOX. PERSON/MB | 35-47-4-1 |
| DISSEM. OF MATTER/PERFORM. HARMFUL TO MINORS/MA | 35-49-3-3 |
| DISTRIBUT. NITROUS OXIDE W/PRIOR/MA | 35-46-6-3 |
| ENGAGING IN SPEED CONTEST/MB | 9-21-6-1 |
| EXCESS CONTRIB. BY CORP. OR LABOR/MB | 3-14-1-10 |
| FAIL. COLLECT/REMIT TAX/FD | 6-6-2.5-63 |
| FAIL. FILE REQUIRED REPORT/MB | 3-14-1-14 |
| FAIL. RESPOND TO A SUMMONS/MC | 35-44-3-6.5 |
| FAIL. STOP ACCIDENT/DAMAGE PROPERTY/MB | 9-26-1-4 |
| FAIL. STOP ACCIDENT/DAMAGE UNATT. VEH./MB | 9-26-1-3 |
| FALSE REPORTING OR INFORMING/MA | 35-44-2-2 |
| FALSE REPORTING OR INFORMING/MB | 35-44-2-2 |
| FALSE.REPORT. CHILD ABUSE/NEGLECT/PRIOR/FD | 31-33-22-3 |
| FALSE. REPORT. CHILD ABUSE/NEGLECT/MA | 31-33-22-3 |
| FIREWORKS: NO CERT. OF INSURANCE/MA | 22-11-14-3 |
| FIREWORKS: SALE OF NONAPPROVED/MA | 22-11-14-8 |
| FORGERY FINAN. RESPONS. CERTIF./MB | 9-25-6-18 |
| GAMBLING/FD | 35-45-5-3 |
| GIVING PROPERTY TO MEMBER OF PRECINCT CMTE. BY PERMIT HOLDER/PERSON W/INTEREST IN PERMIT/FD | 4-31-13-9 |
| GLUE SNIFFING/MB | 35-46-6-2 |
| HANDGUN: FALSE LIC. TO OBTAIN/MB | 35-47-2-8 |
| HARASSMENT/MB | 35-45-2-2 |
| HOME IMPROVEMENT FRAUD/MA | 35-43-6-12 |
| HOME IMPROVEMENT FRAUD/MB | 35-43-6-12 |
| IGNITION INTERLOCK OFFENSES/VIOL.CT.ORDER/MA | 9-30-5-7 |
| ILLEGAL PERFORM. ABORTION/MA | 16-34-2-7 |
| IMPAIRMENT OF IDENTIFICATION/MA | 35-43-7-4 |
| IMPERSONATION OF A PUBLIC SERVANT/MA | 35-44-2-3 |
| INSURANCE FRAUD/FD | 35-43-5-7.3 |
| INTERFERENCE WITH CUSTODY/MA | 35-42-3-4 |
| INTERFER. W/DNR/CONSERV.OFFICER/MC | 14-9-8-19 |
| INTERFERING W/FIREFIGHTER/MA | 35-44-4-5 |
| INTERFERENCE WITH JURY SERVICE/MB | 35-44-3-10 |
| INTERFERENCE W/MEDICAL SERVICES/MA | 35-42-2-8 |
| INTERFERENCE W/MEDICAL SERVICES/FD | 35-42-2-8 |

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| INTERFERENCE W/MINING OFFICIALS/MA | 14-34-16-7 |
| INTERFERENCE WITH WITNESS SERVICE/MB | 35-44-3-11.1 |
| KNOWINGLY SHIP ALCHOL. BEV. TO IND. RESID. W/OUT WHOLESALE PERMIT/FD | 7.1-5-1-9.5 |
| MISLEADING A FIREFIGHTER/MA | 35-44-4-7 |
| MISTREATMENT OF POLICE DOG/HORSE/MA | 35-46-3-11 |
| MONEY LAUNDERING/FD | 35-45-15-5 |
| NONSUPPORT OF A PARENT/MA | 35-46-1-7 |
| OBSCENE MATTER:SALE,DIST.,EXHIBIT/MA | 35-49-3-1 |
| OBSCENE PERFORMANCE/MA | 35-49-3-2 |
| OBSTRUCTING A FIREFIGHTER/MA | 35-44-4-8 |
| MISLEADING A FIREMAN/MA | 35-44-3-7 |
| OBSTRUCTING EMERG.MEDICAL PERSONN./MB | 35-44-3-8.5 |
| OBSTRUCTION OF TRAFFIC/MA | 35-42-2-4 |
| OFFICIAL MISCONDUCT/MA | 35-44-1-2 |
| OIL/GAS WELL VIOL./FD | 14-37-13-6 |
| OP. MOTORBOAT WHILE DRIV.LIC.SUSP./MA | 14-15-11-11 |
| OP. WATERCRAFT AFTER ORDERED NOT TO/MA | 14-15-8-9 |
| PATRONIZING A PROSTITUTE/MA | 35-45-4-3 |
| PERFORM. EXPERIMENTS ON ABORTED FETUSES/MA | 16-34-2-6 |
| PERSONS REQUIRED TO REPORT WOUNDS/MA | 35-47-7-1 |
| POINTING A FIREARM/MA | 35-47-4-3 |
| POLITICAL CONTRIB. BY PARI-MUTUEL PERMIT HOLDERS/FD | 4-31-13-3.5 |
| POSSESSION OF MARIJUANA/HASHISH/FD | 35-48-4-11 |
| POSSESS. WEAPON IN AIRPORT/MA | 35-47-6-1.3 |
| PROSTITUTION/MA | 35-45-4-2 |
| RAILROAD MISCHIEF/FD | 35-42-2-5.5 |
| RECEIVING UNIDENTIFIED PROPERTY/MA | 35-43-7-5 |
| RECKLESS. COLL.,RECEIPT,DISBURSE. MONEY/MB | 3-14-1-7 |
| RECKLESS. COMMINGLING COMM. FUNDS/MB | 3-14-1-14.5 |
| RECKLESS. FAIL TO COMPLY W/DUTY TO WARN OF AIDS, HIV, HEP. B RISK/MB | 35-42-1-9 |
| REMOVAL OF DAMAGE-CAUSING VEHICLE W/OUT REQ. NOTICE/MB | 9-26-6-2 |
| RESISTING LAW ENFORCEMENT/MA | 35-44-3-3 |
| RESTRAINT OF BIDDING/MA | 24-1-2-3 |
| RIGHT-TO-CLAIM PRIZE VIOLATION/MA | 4-30-14-2 |
| RIVERBOAT GAMBLING CRIMES/FD | 4-33-10-2 |
| RIVERBOAT GAMBLING LICENSEE MAKING ILLEGAL POLITICAL CONTRIBUTIONS/FD | 4-33-10-2.1 |
| RIVERBOAT GAMBLING LICENSEE/PERSON W/INTEREST GIVE PROP. TO MEMBER OF PRECINCT CMTE./FD | 4-33-10-2.5 |
| SOLICIT.,CHALLENGE,PERF. ELECTION FUNCTION BY STATE POLICE, FIREFIGHTER,POLICE OFFICER/MA | 3-14-1-6 |
| STUN GUNS: UNLAWFUL USE/MA | 35-47-8-5 |
| TAMPERING W/DNA SAMPLE OR CONTAINER/FD | 10-1-9-15 |
| TORTURING/KILLING VERTEBRATE ANIMAL/MA | 35-46-3-12 |
| TRAFFICKING WITH AN INMATE/MA | 35-44-3-9 |
| UNAUTH. USE OF INFO. OR OF DNA SAMPLES/MA | 10-1-9-16 |

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| UNLAWFUL SALE OF LOTTERY TICKETS/MA | 4-30-13-1 |
| USE WIRELESS PHONE FOR ILLEGAL PURPOSE/FD | 36-8-16.5-49 |
| VIOL. LAWS RE: FUEL PUMPS/FD | 6-6-2.5-71 |
| VIOL. LICENSE TAX/SULFUR CONTENT/FD | 6-6-2.5-28 |
| VIOL. MINING/PERMIT LAWS/MA | 14-34-16-6 |
| VIOL. PROF. FUNDRAISER LAW/PRIOR/MA | 23-7-8-8 |
| VIOL. SPECIAL FUEL LAWS RE: DYE, MARKER; EXPORT./ IMPORT./SHIPPING PAPER VIOLATIONS/FD | 6-6-2.5-62 |
| VIOL. SUPPLIER REPORTING INFO./FD | 6-6-2.5-56.5 |
| VOYEURISM/MB | 35-45-4-5 |
| WELFARE FRAUD/MA | 35-43-5-7 |

**SEVERITY LEVEL 4 OFFENSES:**

| OFFENSE/CLASS | INDIANA CODE SECTION |
|---|---|
| ALTERATION OF SPECIAL ENGINE NUMBER/FC | 9-17-4-6 |
| ALTERING ODOMETER ADJUSTMENT NOTICE/FD | 9-19-9-2 |
| ALTERING ODOMETER TO CHANGE MILES/FD | 9-19-9-2 |
| ALTERING ORIGINAL/SPECIAL I.D.#/FC | 9-18-8-12 |
| ARMOR PIERCING HANDGUN/AMMUN. OFF./FC | 35-47-5-11 |
| ATHLETIC AGENT DECEPTION/MA | 25-5.2-2-12 |
| AUTO THEFT;REC. STOLEN PARTS/FC | 35-43-4-2.5 |
| AUTO THEFT;REC. STOLEN PARTS/FD | 35-43-4-2.5 |
| BAIL:FAIL.COLLECT FULL PREMIUM/FD | 27-10-4-5 |
| BAIL:UNLAW.PAYMENT FOR DEF.APPREHEN./FD | 27-10-4-6 |
| BIGAMY/FD | 35-46-1-2 |
| BUSINESS TRANS.BY UNREGIST. AGENT/FC | 23-2-1-8 |
| CHECK DECEPTION/FD | 35-43-5-12 |
| CHECK FRAUD/OVER $25,000/PRIOR/FC | 35-43-5-12 |
| CHECK FRAUD/FD | 35-43-5-12 |
| CHILD EXPLOITATION/FD | 35-42-4-4 |
| CHILD SEDUCTION/FD | 35-42-4-7 |
| CIRCULATE/PUBL. ANONYMOUS CAMPAIGN MAT./MA | 3-14-1-13 |
| COMPUTER TAMPERING/FD | 35-43-1-4 |
| CONTRAC.FAIL.DISCLOSE INDEBTEDNESS/FD | 32-8-3-15 |
| CORRUPT BUSINESS INFLUENCE/FC | 35-45-6-2 |
| COUNTERFEIT/ALTERED LOTTERY TKT.VIOL./FC | 4-30-14-3 |
| CRUELTY TO ANIMALS/FD | 35-46-3-12 |
| DANGEROUS POSSESSION FIREARM/PRIOR/FC | 35-47-10-5 |
| DANGEROUS POSSESSION FIREARM/MA | 35-47-10-5 |
| DEALING IN ALTERED PROPERTY/PRIOR/FD | 35-43-4-2.3 |
| DEALING IN CABLE T.V. THEFT DEVICE/FD | 35-43-5-6.5 |
| DEAL.;POSS. MANUF. I.D./PLATE FROM SALVAGE/FD | 9-22-3-31 |
| DEFACING,FALSIF.,DESTROY. CAMPAIGN DOCUM./FD | 3-14-1-1 |
| DEVICE CAUSING INCORR. ODOMETER REGIS./FD | 9-19-9-5 |
| DEVICE CAUSING INCORR. ODOMETER REGIS./FD | 9-19-9-1 |
| DISCLOSURE CONFIDENTIAL LOTTERY INFO./FA | 4-30-14-4 |

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| DISORDERLY CONDUCT IN AIRPORT/FD | 35-45-1-3 |
| DRIVING WHILE SUSPENDED/FD | 9-24-19-4 |
| DUMPING CONTROLLED SUBSTANCE WASTE/FD | 35-48-4-4.1(a)(2) |
| EVASION OF TAX/FD | 6-3-6-11 |
| FAILURE TO DISCLOSE RECRUITMENT/FD | 35-46-4-4 |
| FAIL. PAY GASOLINE TAX/FD | 6-6-1.1-1308 |
| FAIL. REMIT RETAIL,USE TAXES/FD | 6-2.5-9-3 |
| FAIL. REMIT TRUST FUND INC. TAX MONEY/FD | 6-3-4-8 |
| FAIL. RESTRAIN DANGEROUS DOG/MA | 15-5-12-3 |
| FAIL. RESTRAIN DANGEROUS DOG/MB | 15-5-12-3 |
| FAIL. RESTRAIN DANGEROUS DOG/MC | 15-5-12-3 |
| FAIL. STOP ACCIDENT/DAMAGE DRIVEN/ATT. VEH./MA | 9-26-1-2 |
| FAIL. STOP ACCIDENT/INJURY/MA | 9-26-1-1 |
| FALSE REP.DISADV.;WOMEN-OWNED BUSIN./FD | 35-43-5-9 |
| FALSIFICATION OF RECORDS/FD | 7.1-5-6-4 |
| FILING FRAUDULENT REPORT/FD | 3-14-1-13 |
| FORGERY/FC | 35-43-5-2 |
| FRAUD IN LOAN BROKERING/FD | 23-2-5-20 |
| FRAUD. APPLIC.,ALTER.,USE BIRTH CERTIF./MA | 16-37-1-12 |
| FRAUD. SIGNING BLANK FORM BY NOTARY/FD | 33-16-4-2 |
| HANDGUN: FALSE INFO. FOR LIC.;GUN DELIV./FC | 35-47-2-17 |
| HANDGUN: POSS. W/ALTERED I.D./SERIAL#/FC | 35-47-2-18 |
| HANDGUN: TRANS.PROM.CATEGOR.OF PERS./FC | 35-47-2-7 |
| HIGHWAY CONSTR. CONTRARY TO SPECS./FD | 8-23-23-3 |
| HOME IMPROVEMENT FRAUD/FC | 35-43-6-12 |
| HOME IMPROVEMENT FRAUD/FD | 35-43-6-12 |
| ILLEGAL PERFORM. ABORTION/FC | 16-34-2-7 |
| IMPERSONATION PUBLIC SERVANT/FD | 35-44-2-3 |
| INSURANCE FRAUD/FC | 35-43-5-7.3 |
| INTERCEPTION TELEPH./TELEGR. COMMUNI./FC | 35-33.5-5-5 |
| INTERFERENCE WITH PRISON OMBUDSMAN/MA | 4-13-1.2-11 |
| INTERFERENCE WITH REPORTING CRIME/MA | |
| KEEP. MORE THAN ONE SET TAX RECORDS/FD | 6-2.5-9-8 |
| LEAVING SCENE BOATING ACCIDENT/FC | 14-15-4-4 |
| MAINTAIN.COMMON NUISANCE/FD | 35-48-4-13 |
| MAINTAIN.PLACE UNLAWF. SELLING ALCHOL/FD | 7.1-5-10 |
| MALICIOUS MISCHIEF/MA | 35-45-16-2(b) |
| MANUFACTURE OF PARAPHERNALIA/FD | 35-48-4-8.1 |
| MATTER/PERF. HARMFUL TO MINOR/FD | 35-49-3-3 |
| MISLEADING A FIREFIGHTER/SBI/FD | 35-44-4-7 |
| MONEY LAUNDERING/FC | 35-45-15-5 |
| NEGLECT OF A DEPENDENT/CHILD SELLING/FD | 35-46-1-4 |
| NONSUPPORT OF A SPOUSE/FD | 35-46-1-6 |
| NONTITLE STATE CERTIF. TITLE, OWN./FD | 9-22-3-32 |
| OBSCENE MATTER—SALE;DIST.;EXHIBIT/FD | 35-49-3-1 |
| OBSCENE PERFORMANCE/FD | 35-49-3-2 |
| OBSTRUCTION OF TRAFFIC/FD | 35-42-2-4 |
| OP.VEH.—LIC.FORFEITED FOR LIFE/FC | 9-30-10-17 |

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| OP.VEH.WHILE INTOX.,.10%PREV./FD | 9-30-5-3 |
| OP.VEH.WHILE SUSP.HABIT.VIOL./FD | 9-30-10-16 |
| OP.VEH.WITH NONFUNCTIONAL ODOMETER/FD | 9-19-9-3 |
| OWN/POSS. VEH. VIOL. I.D. NUMBER/FD | 9-18-8-11 |
| PATRONIZING A PROSTITUTE/FD | 35-45-4-3 |
| POOR RELIEF FRAUD/FD | 12-20-1-4 |
| POSS. FIREARM SCHOOL PROPERTY/FD | 35-47-9-2 |
| POSSESS. LOOK-ALIKE SUBSTANCE/MA | 35-48-4-4.6 |
| POSS. LOOK-ALIKE SUBSTANCE/MC | 35-48-4-4.6 |
| POSS. UNATTACH.;ALTER.I.D.#PLATE;LABEL/FD | 9-18-8-15 |
| PRACTICING DENTISTRY W/O LICENSE/FD | 25-14-1-25 |
| PRACTICING MEDICINE W/O LICENSE/FC | 25-22.5-8-1 |
| PRACTICING MIDWIFERY W/O LICENSE/FD | 25-22.5-5 |
| PRESCRIPTION OFFENSES/FC | 35-48-4-14 |
| PRESCRIPTION OFFENSES/FD | 35-48-4-14 |
| PRINTING,PUBL.,DISTRIB. SLATE/MA | 3-14-1-2 |
| PROFITING FROM AN ADOPTION/FD | 35-46-1-9 |
| PROMOTING ANIMAL FIGHTING CONTEST/FD | 35-46-3-9.5 |
| PROMOTING PROSTITUTION/FB | 35-45-4-4 |
| PROMOTING PROSTITUTION/FC | 35-45-4-4 |
| PROSTITUTION/FD | 35-45-4-2 |
| PUBLIC INDECENCY/AROUSAL/FD | 35-45-4-1 |
| PURCHASE/RECEIVE LEGEND DRUG UNLICENSED SOURCE/MA | 25-26-14-23 |
| RESISTING LAW ENFORCEMENT/FD | 35-44-3-3 |
| SALE OF UNREGISTERED SECURITY/FC | 23-2-1-3 |
| SALE OF VEH. WITH I.D.# ALTERED/FD | 9-18-8-13 |
| SALE OF VEH.PART W/I.D.# ALTERED/FD | 9-18-8-14 |
| SELLING/OFFERING CIGARETTES W/OUT TAX STAMP/FC | 6-7-1-21 |
| SELLING WILD ANIMALS,NESTS,EGGS/FC | 14-22-38-6 |
| SELLING WILD ANIMALS,NESTS,EGGS/FD | 14-22-38-6 |
| SEXUAL MISCONDUCT/FD | 35-44-1-5 |
| SPECIF. HAZ. WASTE ACTIVITIES/FD | 13-30-6-3 |
| STATEMENTS INTENDED TO DEFRAUD/FD | 7.1-5-4-6 |
| STUN GUNS: UNLAWFUL USE/FD | 35-47-8-5 |
| TIMBER SPIK./POSS. TIMB. SPIKE EQUIP./FC | 35-43-8-3 |
| TIMBER SPIK./POSS. TIMB. SPIKE EQUIP./FD | 35-43-8-3 |
| TITLE INSURANCE ESCROW FRAUD/FB | 35-43-9-7 |
| TITLE INSURANCE ESCROW FRAUD/FC | 35-43-9-7 |
| TITLE INSURANCE ESCROW FRAUD/FD | 35-43-9-7 |
| TRAFFICKING WITH AN INMATE/FC | 35-44-3-9 |
| PRACTICING LAW BY NON ATTORNEYS/MB | 33-43-2-1 |
| UNLAWF.DELIV.OF CONFISC.FIREARM/FD | 35-47-3-4 |
| UNLAWF. EVID. PAYMENT OF TAXES/FD | 7.1-5-4-3 |
| UNLAWFUL HANDGUN TRANSFER/DEALER/MA | 35-47-2.5-13 |
| UNLAWF. LOBBYING/FD | 2-7-6-2 |
| UNLAWF. TRANSP./STORE HAZ. WASTE/FD | 13-30-6-6 |
| UNREGISTERED LOAN BROKER/FD | 23-2-5-4 |
| USE OF OVERPRESSURE DEVICE/MA | 35-47.5-5-8 |

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|---|---|
| VIOL. ENVIRON. MANAG. LAWS/FD | 13-30-6-1 |
| VIOL.SALVAGE TITLE REQUIREMENT/FD | 9-22-3-33 |
| VOYEURISM/FD | 35-45-4-5 |
| WELFARE FRAUD/FC | 35-43-5-7 |
| WELFARE FRAUD/FD | 35-43-5-7 |

**SEVERITY LEVEL 5 OFFENSES:**

| OFFENSE/CLASS | INDIANA CODE SECTION |
|---|---|
| AGRICULTURAL TERRORISM/FC | 35-47-12-2 |
| ASSISTING A CRIMINAL/FC | 35-44-3-2 |
| ASSISTING A CRIMINAL/FD | 35-44-3-2 |
| ASSISTING SUICIDE/FC | 35-42-1-2.5 |
| BOOBY TRAP DEPLOYMENT/FD | 35-47.5-5-9 |
| BRIBERY/FC | 35-44-1-1 |
| BURGLARY/FB | 35-43-2-1 |
| BURGLARY/FC | 35-43-2-1 |
| CAUSING SUICIDE/FB | 35-42-1-2 |
| CHILD EXPLOITATION/FC | 35-42-4-4 |
| CHILD EXPLOITATION/FD | 35-42-4-4 |
| CHILD MOLESTING/FC | 35-42-4-3 |
| CHILD MOLESTING/FD | 35-42-4-3 |
| CHILD SOLICITATION/FC | 35-42-4-6 |
| CHILD SOLICITATION/FD | 35-42-4-6 |
| COMPUTER TAMPERING/FC | 35-43-1-4 |
| CONSUMER PRODUCT TAMPERING/FB | 35-45-8-3 |
| CONSUMER PRODUCT TAMPERING/FC | 35-45-8-3 |
| CONSUMER PRODUCT TAMPERING/FD | 35-45-8-3 |
| CONTRIB. TO DELINQ. OF MINOR/FC | 35-46-1-8 |
| CRIMINAL CONFINEMENT/AIRCRAFT/FB | 35-42-3-3 |
| CRIMINAL GANG ACTIVITY/FD | 35-45-9-3 |
| CRIMINAL GANG INTIMIDATION/FC | 35-45-9-4 |
| CRIMINAL MISCHIEF/FC | 35-43-1-2 |
| DANGEROUS CONTROL OF CHILD/PRIOR/FB | 35-47-10-7 |
| DANGEROUS CONTROL OF CHILD/FC | 35-47-10-7 |
| DANGEROUS CONTROL OF FIREARM/PRIOR/FB | 35-47-10-6 |
| DANGEROUS CONTROL OF FIREARM/FC | 35-47-10-6 |
| DEAL. ANABOLIC STEROIDS/UNDERAGE/FB | 16-42-19-25 |
| DEAL. ANABOLIC STEROIDS/UNLAWF. ACTS/FC | 16-42-19-25 |
| DEALING IN COCAINE/NARCOTIC/FA | 35-48-4-1 |
| DEALING IN COCAINE/NARCOTIC/FB | 35-48-4-1 |
| DEAL. COUNTERFEIT SUBSTANCE/FD | 35-48-4-5 |
| DEALING IN MARIJ./HASH./FC | 35-48-4-10 |
| DEALING IN MARIJ./HASH./FD | 35-48-4-10 |
| DEALING IN MARIJ./HASH./MA | 35-48-4-10 |
| DEALING LOOK-ALIKE SUBS./FC | 35-48-4-4.6 |

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|---|---|
| DEAL.SCH. I, II, III CONTR. SUBS./FA | 35-48-4-2 |
| DEAL.SCH. I, II, III CONTR. SUBS./FB | 35-48-4-2 |
| DEAL. SCH. IV CONTR. SUBS./FB | 35-48-4-3 |
| DEAL. SCH. IV CONTR. SUBS./FC | 35-48-4-3 |
| DEAL. SCH. V CONTR. SUBS./FB | 35-48-4-4 |
| DEAL. SCH. V CONTR. SUBS./FD | 35-48-4-4 |
| DEAL. SUBS.REP.TO BE CONTR. SUBS./FD | 35-48-4-4.5 |
| DRIVING WHILE SUSPENDED/FC | 9-24-19-4 |
| EXPLOITATION OF DEPENDANT/FD | 35-46-1-12 |
| EXPLOITATION OF DEP./ENDANG.ADULT/MA | 35-46-1-12 |
| EXPLOSIVE/INFLAMMABLE SUBST.OFFENSES/FC | 35-47-5-1 |
| FAIL. KEEP RECORDS LEGEND DRUGS/PRIOR/FC | 16-42-19-14 |
| FAIL. KEEP RECORDS LEGEND DRUGS/FD | 16-42-19-14 |
| FAIL. MAINTAIN RECORDS LEGEND DRUGS/PRIOR/FC | 16-42-19-22 |
| FAIL. MAINTAIN RECORDS LEGEND DRUGS/FD | 16-42-19-22 |
| FAIL. TO REGISTER AS A SEX OFFENDER/PRIOR/FC | 5-2-12-9 |
| FAILURE TO REGISTER AS A SEX OFFENDER/FD | 5-2-12-9 |
| FAIL. RESTRAIN DANGEROUS DOG/FD | 15-5-12-3 |
| FAILURE TO STOP AT AN ACCIDENT/DEATH/FC | 9-26-1-1 |
| FAIL. TO STOP AT AN ACCIDENT/SBI/PRIOR/FD | 9-26-1-1 |
| FALSE REPORTING OR INFORMING/FD | 35-44-2-2 |
| FETICIDE/FC | 35-42-1-6 |
| FIREARM:POSS.BY SERIOUS VIOLENT FELON/FB | 35-47-4-5 |
| FORGE/CONCEAL REVOC. OF DNR ORDER/FC | 16-36-5-28 |
| FONDLING BEFORE MINOR/FD | 35-42-4-5 |
| FRAUD/FD | 35-43-5-4 |
| FRAUD ON FINANCIAL INSTITUTION/FC | 35-43-5-8 |
| GHOST EMPLOYMENT/FD | 35-44-2-4 |
| HANDGUN: CARRYING W/OUT LIC./FC | 35-47-2-1 |
| HANDGUN: CARRYING W/OUT LIC./MA | 35-47-2-1 |
| HANDGUN: USE FALSE LIC. TO OBTAIN GUN/PRIOR/FD | 35-47-2-22 |
| HANDGUN: USE FALSE LIC. TO OBTAIN GUN/MA | 35-47-2-22 |
| HOAX DEVICE OFFENSE/FD | 35-47.5-5-6 |
| ILLEGAL PARTIAL BIRTH ABORTION/FC | 16-34-2-1 |
| INTERFERENCE WITH CUSTODY/FC | 35-42-3-4 |
| INTERFERENCE WITH CUSTODY/FD | 35-42-3-4 |
| INTERFERENCE W/ MEDICAL SERVICES/FC | 35-42-2-8 |
| INVOLUNTARY MANSLAUGHTER/FC | 35-42-1-4 |
| INVOLUNTARY MANSLAUGHTER/FD | 35-42-1-4 |
| ISSUE/FILL INVALID PRESCRIPT. LEG. DRUG/PRIOR/FC | 16-42-19-20 |
| ISSUE/FILL INVALID PRESCRIPT. LEGEND DRUG/FD | 16-42-19-20 |
| KNOW./INTENT. FAIL TO COMPLY W/DUTY TO WARN OF AIDS, HIV, HEP. B RISK/FD | 35-42-1-9 |
| LOANSHARKING/FC | 35-45-7-2 |
| LOANSHARKING/FD | 35-45-7-2 |
| MECHAN. DEVICE/RESTRICT./INSPECTIONS/PRIOR/FC | 16-42-19-23 |
| MECHAN. DEVICE/RESTRICT./INSPECTIONS/FD | 16-42-19-23 |
| MOVING BODY FROM SCENE OF DEATH/FD | 36-2-14-17 |

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|---|---|
| NEGLECT OF A DEPENDENT/CHILD SELLING/FB | 35-46-1-4 |
| NEGLECT OF A DEPENDENT/FC | 35-46-1-4 |
| NONSUPPORT OF A DEPENDENT CHILD/FC | 35-46-1-5 |
| NONSUPPORT OF A DEPENDENT CHILD/FD | 35-46-1-5 |
| OBSTRUCTION OF JUSTICE/FD | 35-44-3-4 |
| OP. MOTORBOAT WHILE INTOX./.10/SBI/PRIOR/FD | 14-15-8-8 |
| OP. VEH.WHILE INTOX./DEATH/PRIOR/FB | 9-30-5-5 |
| OP. VEH.WHILE INTOX./DEATH/FC | 9-30-5-5 |
| OP. VEH. WHILE INTOX./SBI/PRIOR/FC | 9-30-5-4 |
| OP. VEH.WHILE INTOX./SBI/FD | 9-30-5-4 |
| OP. WATERCRAFT WHILE INTOX./DEATH/FC | 14-15-8-8 |
| OVERPASS MISCHIEF/FC | 35-42-2-5 |
| OVERPASS MISCHIEF/SBI/FB | 35-42-2-5 |
| PERJURY/FD | 35-44-2-1 |
| POISONING PUBLIC WATER/FD | 35-45-3-1 |
| POSS. ANABOLIC STEROID/PRIOR/FC | 16-42-19-19 |
| POSS. ANABOLIC STEROID/FD | 16-42-19-19 |
| POSS. CHEMICAL REAGENT/PRECURSOR/FD | 35-48-4-14.5 |
| POSS. COCAINE OR NARCOTIC/FA | 35-48-4-6 |
| POSS. COCAINE OR NARCOTIC/FB | 35-48-4-6 |
| POSS. COCAINE OR NARCOTIC/FC | 35-48-4-6 |
| POSS. COCAINE OR SCH. I OR II DRUG/FD | 35-48-4-6 |
| POSS. CONTR. SUBSTANCE/FC | 35-48-4-7 |
| POSS. CONTR. SUBSTANCE/FD | 35-48-4-7 |
| POSS. CONTR. SUBST. BY SCHOOL BUS DRIV./MA | 20-9.1-3-1.6 |
| POSS. FIREARM AFTER FELONY CONV./FD | 35-47-4-4 |
| POSSESSION OF CHILD PORNOGRAPHY/FD | 35-42-4-4 |
| POSSESSION OF METHAMPHETAMINE/FD | 35-48-4-14.5(b) |
| POSSESSION OF METHAMPHETAMINE/FC | 35-48-4-14.5 |
| POSS. REAGENT/PRECURSOR/FC | 35-48-4-14.5 |
| POSS./USE LEGEND DRUG/PRECURSOR/PRIOR/FC | 16-42-19-13 |
| POSS./USE LEGEND DRUG/PRECURSOR/FD | 16-42-19-13 |
| PRISONER IN POSS.DANG.DEVICE/MATER./FB | 35-44-3-9.5 |
| PRISONER IN POSS.DANG.DEVICE/MATER./FC | 35-44-3-9.5 |
| PROMOTING PROFESSIONAL GAMBLING/FD | 35-45-5-4 |
| PURCH./REC. LEGEND DRUG UNLICENSED SOURCE/PRIOR/FD | 25-26-14-23 |
| RAILROAD MISCHIEF/SBI/FC | 35-42-2-5.5 |
| RECKLESS DEALING PARAPHER./PRIOR/FD | 35-48-4-8.5 |
| RECKLESS DEALING PARAPHER./MA | 35-48-4-8.5 |
| RECKLESS HOMICIDE/FC | 35-42-1-5 |
| REFILL.PRESCRIPT./DRUG ORDER/PRIOR/FC | 16-42-19-12 |
| REFILL.PRESCRIPT./DRUG ORDER/FD | 16-42-19-12 |
| REF. TO ALLOW INSPECT. RECORDS/PRIOR/FC | 16-42-19-15 |
| REFUSAL TO ALLOW INSPECT. RECORDS/FD | 16-42-19-15 |
| RESISTING LAW ENFORCEMENT/FC | 35-44-3-3 |
| ROBBERY/FC | 35-42-5-1 |
| SAWED-OFF SHOTGUN OFFENSES/FD | 35-47-5-4.1 |
| SECURITIES FRAUD/FC | 23-2-1-12 |

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|---|---|
| SEXUAL BATTERY/FC | 35-42-4-8 |
| SEXUAL BATTERY/FD | 35-42-4-8 |
| SEXUAL MISCONDUCT W/MINOR/FC | 35-42-4-9 |
| SEXUAL MISCONDUCT W/MINOR/FD | 35-42-4-9 |
| TERRORISTIC MISCHIEF/FC | 35-47-12-3 |
| THEFT/REC.STOLEN PROPERTY/FC | 35-43-4-2 |
| TRANSFERRING BLOOD CONTAINING HIV/FA | 35-42-1-7 |
| TRANSFERRING BLOOD CONTAINING HIV/FC | 35-42-1-7 |
| TRANSF. HANDGUN TO INELIGIBLE PERSON/FD | 35-47-2.5-14 |
| TRANSF. HANDGUN TO INELIGIBLE PERSON/FC | 35-47-2.5-14 |
| USE OF OVERPRESSURE DEVICE/FD | 35-47.5-5-8 |
| UNLAWFUL ACTS LEGEND DRUGS/PRIOR/FC | 16-42-19-16 |
| UNLAWFUL ACTS LEGEND DRUGS/FD | 16-42-19-16 |
| UNLAWF. POSS. LEG. DRUG INJECT. DEV./PRIOR/FC | 16-42-19-18 |
| UNLAWF. POSS. LEG. DRUG INJECT. DEVICE/FD | 16-42-19-18 |
| UNLAWF. POSS. LEG. DRUG SMOKING DEV./PRIOR/FC | 16-42-19-17 |
| UNLAWF. POSS. LEG. DRUG SMOKING DEV./FD | 16-42-19-17 |
| UNLAWF. PURCHASE/TRANSPORT.HANDGUN/FD | 35-47-2.5-13 |
| UNLAWFUL RECEIPT HANDGUN/FD | 35-47-2.5-15 |
| UNLAWFUL RECEIPT HANDGUNS/FC | 35-47-2.5-15 |
| UNLAWFUL SALE LEGEND DRUG/PRIOR/FC | 16-42-19-11 |
| UNLAWF. SALE LEGEND DRUG/FD | 16-42-19-11 |
| UNLAWFUL USE OF BODY ARMOR/FD | 35-47-5-13 |
| USE OF ANIMAL IN FIGHTING CONTEST/FD | 35-46-3-9 |
| VICARIOUS SEX. GRATIF./FC | 35-42-4-5 |
| VICARIOUS SEX. GRATIF./FD | 35-42-4-5 |
| WHOLESALE DISTRIB. LEGEND DRUG W/OUT LIC./FD | 25-26-14-26 |
| WHOLESALER FAIL. COMPLY LIC. COND./FD | 25-26-14-27 |
| WHOLESALER NOT ALLOW INSPECTION/PRIOR/FD | 25-26-14-25 |
| WHOLESALER NOT ALLOW INSPECTION/MA | 25-26-14-25 |

**SEVERITY LEVEL 6 OFFENSES:**

| **OFFENSE/CLASS** | **INDIANA CODE SECTION** |
|---|---|
| ABUSE OF CORPSE/FD | 35-45-11-2 |
| AGGRAVATED BATTERY/FB | 35-42-2-1.5 |
| AGRICULTURAL TERRORISM/FC | 35-47-12-2 |
| ARSON/FA | 35-43-1-1 |
| ARSON/FB | 35-43-1-1 |
| ARSON/FC | 35-43-1-1 |
| ARSON/FD | 35-43-1-1 |
| ATTEMPTED MURDER/FA | 35-42-1-1 |
| BATTERY/FA | 35-42-2-1(a)(5) |
| BATTERY/FB | 35-42-2-1 |
| BATTERY/FC | 35-42-2-1 |
| BATTERY/FD | 35-42-2-1 |
| BATTERY/MA | 35-42-2-1 |

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|---|---|
| BATTERY BY BODY WASTE/FA | 35-42-2-6 |
| BATTERY BY BODY WASTE/FB | 35-42-2-6 |
| BATTERY BY BODY WASTE/FC | 35-42-2-6 |
| BATTERY BY BODY WASTE/FD | 35-42-2-6 |
| BATTERY BY BODILY WASTE/MA | 35-42-4-6(b) |
| BURGLARY/FA | 35-43-2-1 |
| CARJACKING/FB | 35-42-5-2 |
| CHILD MOLESTING/FA | 35-42-4-3 |
| CHILD MOLESTING/FB | 35-42-4-3 |
| COMPUTER TAMPERING/FB | 35-43-1-4 |
| CRIMINAL CONFINEMENT/FB | 35-42-3-3 |
| CRIMINAL CONFINEMENT/FC | 35-42-3-3 |
| CRIMINAL CONFINEMENT/FD | 35-42-3-3 |
| CRIMINAL DEVIATE CONDUCT/FA | 35-42-4-2 |
| CRIMINAL DEVIATE CONDUCT/FB | 35-42-4-2 |
| CRIMINAL RECKLESSNESS/FC | 35-42-2-2 |
| CRIMINAL RECKLESSNESS/FD | 35-42-2-2 |
| CRIMINAL RECKLESSNESS/MA | 35-42-2-2 |
| COMPUTER TAMPERING/FC | 35-43-1-4(b)(1) |
| COMPUTER TAMPERING/FB | 35-43-1-4(b)(2) |
| DISRUPTION OF AIRCRAFT/FB | 35-47-6-1.6 |
| DISRUPTION OF AIRCRAFT/FA | 35-47-6-1.6 |
| DISTRIBUTING DESTRUCTIVE DEVICE/FB | 35-47.5-5-5 |
| DISTRIBUTION OF REGULATED EXPLOSIVE/FC | 35-47.5-5-4 |
| DOMESTIC BATTERY/MA | 35-42-2-1.3 |
| DOMESTIC BATTERY/PRIOR/FD | 35-42-2-1.3 |
| ESCAPE/FB | 35-44-3-5 |
| ESCAPE/FC | 35-44-3-5 |
| ESCAPE/FD | 35-44-3-5 |
| FAILURE TO APPEAR/FD | 35-44-3-6 |
| FAILURE TO APPEAR/MA | 35-44-3-6 |
| FAILURE TO RESTRAIN DANGEROUS DOG/FC | 15-5-12-3 |
| HINDERING LAW ENFORCEMENT/DESTRUCTIVE DEVICE/FB | 35-47.5-5-7 |
| HUMAN TISSUE TRAFFICKING/FC | 35-46-5-1 |
| INCEST/FB | 35-46-1-3 |
| INCEST/FC | 35-46-1-3 |
| INTERFERENCE WITH CUSTODY/FB | 35-42-3-4 |
| INTERFERENCE W/MEDICAL SERVICES/SBI/ FB | 35-42-2-8 |
| INTERFERENCE W/MEDICAL SERVICES/DEATH/ FA | 35-42-2-8 |
| INTIMIDATION/FC | 35-45-2-1 |
| INTIMIDATION/FD | 35-45-2-1 |
| INTIMIDATION/MA | 35-45-2-1 |
| INVASION OF PRIVACY/MA | 35-46-1-15.1 |
| INVASION OF PRIVACY/MB | 35-46-1-15.1 |
| INVASION OF PRIVACY/FD | 35-46-1-15.1 |
| KIDNAPPING/FA | 35-42-3-2 |
| MALICIOUS MISCHIEF/FD | 35-45-16-2 |
| MALICIOUS MISCHIEF/FC | 35-45-16-2 |

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|---|---|
| MALICIOUS MISCHIEF/FB | 35-45-16-2 |
| MANU. WEAPON OF MASS DESTRUCTION/ FB | 35-47-12-1 |
| MANU. WEAPON OF MASS DESTRUCTION/SBI/ FA | 35-47-12-1 |
| MONEY LAUNDERING-TERRORISM/FC | 35-45-15-5 |
| MONEY LAUNDERING-TERRORISM/FB | 35-45-15-5 |
| OP.A MACHINE GUN/HURLING BOMB/FB | 35-47-5-9 |
| POINTING A FIREARM/FD | 35-47-4-3 |
| POSS.MACHINE GUN OR LOADED BOMB/FC | 35-47-5-8 |
| POSSESSION OF DESTRUCTIVE DEVICE/FC | 35-47.5-5-2 |
| POSSESSION OF DESTRUCTIVE DEVICE/FA | 35-47.5-5-1 |
| POSSESSION OF REGULATED EXPLOSIVE/FB | 35-47.5-5-3 |
| POSSESSION OF REGULATED EXPLOSIVE/FC | 35-47.5-5-3 |
| RAILROAD MISCHIEF/DEATH/FB | 35-42-2-5.5 |
| RAPE/FA | 35-42-4-1 |
| RAPE/FB | 35-42-4-1 |
| RESIDENTIAL ENTRY/FD | 35-43-2-1.5 |
| RESISTING LAW ENFORCEMENT/FB | 35-44-3-3 |
| RIOTING/FD | 35-45-1-2 |
| RIOTING/MA | 35-45-1-2 |
| ROBBERY/FA | 35-42-5-1 |
| ROBBERY/FB | 35-42-5-1 |
| SEXUAL MISCONDUCT W/MINOR/FA | 35-42-4-9 |
| SEXUAL MISCONDUCT W/MINOR/FB | 35-42-4-9 |
| STALKING/FB | 35-45-10-5 |
| STALKING/FC | 35-45-10-5 |
| STALKING/FD | 35-45-10-5 |
| TERRORISTIC DECEPTION/FC | 35-43-5-3.6 |
| TERRORISTIC MISCHIEF/FB | 35-47-12-3 |
| VICARIOUS SEX.GRATIF./FA | 35-42-4-5 |
| VICARIOUS SEX.GRATIF./FB | 35-42-4-5 |
| VIOL. PROBATION STAY-AWAY ORDER/MC | 35-50-7-9 |
| VOL. MANSLAUGHTER/FA | 35-42-1-3 |
| VOL. MANSLAUGHTER/FB | 35-42-1-3 |
| WEAPONS OF MASS DESTRUCTION/FB | 35-47-12-1 |
| WEAPONS OF MASS DESTRUCTION/FA | 35-47-12-1 |
| WEAPON POSS.ON AIRCRAFT/FC | 35-47-6-1 |

Appendix B

# COMPAS OFFICIAL RECORDS DATA QUESTIONNAIRE

Scale Set: PreTrial Scale  Question Language: General (In Community)  English Language Self-Report Section  Two Parts

**Screener:**_____ **Agency:** _____ **Date:** _____

**To be completed by the screener**

Offender Name: _____ Offender # : _____

DOB: _____ Sex: _____ Ethnic/Race: _____ SSN: _____

## CURRENT CHARGES

***Note to Officer: Please reference the software Help Menu regarding any clarification to questions in this section. ( 1 - 4)***

What kind of offenses are covered by these charges? (Check all that apply)

| | | | |
|---|---|---|---|
| ___ Assault | ___ Weapons | ___ Fraud | ___ Fail to Appear |
| ___ Robbery | ___ Drug Trafficking | ___ Domestic Violence | ___ Homicide |
| ___ Sex Offense | ___ Drug Possession/Use | ___ Drunk Driving | ___ Other |
| ___ Sex Without Force | ___ Property | ___ Non Support | |

1. Number of current charges or offenses of conviction?
**Answers:** ___1 ___2 ___3 ___4 ___5 ___6+

2. What current offense category represents the most serious charge?
**Answers:** ___Misd. ___NonAslt Fel ___Asslt Fel

3. Was there physical injury to the victim?
**Answers:** ___Yes ___No

4. Number of other pending holds or charges?
**Answers:** ___0 ___1 ___2 ___3 ___4+

## CRIMINAL HISTORY

***Exclude the current charge/conviction for these questions. Press F1 (help) for further clarification. ( 5 - 16)***

5. How many times has the offender been convicted as an adult and/or adjudicated as a youthful offender before?
**Answers:** ___0 ___1 ___2 ___3-4 ___5-10 ___11+

6. How many times has offender been arrested for assaultive felonies as an adult?
**Answers:** ___0 ___1 ___2 ___3 ___4 ___5+

7. Was the offender charged with an assaultive felony as a juvenile?
**Answers:** ___Yes ___No

8. Regarding any history of arrest for assaultive felonies as an adult or juvenile, how many times were there physical injuries to victims?
**Answers:** ___0 ___1 ___2 ___3 ___4 ___5+

9. How many times has the offender been jailed in the past (pre- or post-sentence)?
**Answers:** ___0 ___1 ___2 ___3-7 ___8-12 ___13+

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10. Has the offender ever gotten tickets or write-ups for fighting/threatening other inmates?
**Answers:** ___Yes ___No

***Note to Officer: The following questions require you to add up the total number of specific kinds of offenses in the offender's criminal history.***

11. How many prior homicide/manslaughter arrests or convictions?
**Answers:** ___0 ___1 ___2 ___3+

12. How many prior arrests or convictions for assault other than homicide/manslaughter?
**Answers:** ___0 ___1 ___2 ___3+

13. How many prior robbery arrests or convictions?
**Answers:** ___0 ___1 ___2 ___3+

14. How many prior weapons offense arrests or convictions?
**Answers:** ___0 ___1 ___2 ___3+

15. How many prior family violence arrests or convictions?
**Answers:** ___0 ___1 ___2 ___3+

16. How many prior sex offense (with force) arrests or convictions?
**Answers:** ___0 ___1 ___2 ___3+

**NON-COMPLIANCE**

***Exclude the current charge/conviction for these questions. Press F1 (help) for further clarification. ( 17 - 20)***

17. How many times has the offender failed to appear for court appearances?
**Answers:** ___0 ___1 ___2 ___3 ___4 ___5+

18. How many times has the offender been arrested/charged w/new crime while on pretrial release (includes current)?
**Answers:** ___0 ___1 ___2 ___3+

19. How many times has the offender been on probation?
**Answers:** ___0 ___1 ___2 ___3 ___4-5 ___6+

20. How many times has offender had a new charge/arrest while on probation/parole?
**Answers:** ___0 ___1 ___2 ___3+

# Offender Interview / Self Report Questionnaire

Offender Name: _____ Date: _____

21. How often do you have contact with your family (may be in person, phone, mail)?
**Answers:** ___No family ___Never ___Less than once/month ___Once per week ___Daily

22. How often have you moved in the last twelve months?
**Answers:** ___Never ___1 ___2 ___3 ___4 ___5+

23. Do you have a regular living situation (an address where you routinely stay and can be reached)?
**Answers:** ___Yes ___No

24. How long have you been living at your current address?
**Answers:** ___0 - 5 mos ___6 - 12 mos ___1-3 Yrs ___4-5 Yrs ___6+ Yrs

25. Is there a telephone at this residence (a cell phone is an appropriate alternative)?
**Answers:** ___Yes ___No

26. Can you provide a verifiable residential address?
**Answers:** ___Yes ___No

27. How long have you been living in that community or neighborhood?
**Answers:** ___0 - 2 mos. ___3 - 5 mos. ___6 - 11 mos. ___1+ yrs

28. Do you live with family—natural parents, primary person who raised you, blood relative, spouse, children, or boy/girl friend if living together for more than 1 year?
**Answers:** ___Yes ___No

29. Do you live with friends?
**Answers:** ___Yes ___No

30. Do you live alone?
**Answers:** ___Yes ___No

31. Do you have an alias (do you sometimes call yourself by another name)?
**Answers:** ___Yes ___No

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Appendix C

# BOND REPORT

## Marion Superior Court Probation Department
## Pretrial Services Division

RE: _____ Date of Report: _____

Case ID: _____ Gallery No: _____

## ASSESSMENT/RECOMMENDATION
### Charge Severity Level

VIOLENCE FACTOR FROM COMPAS

| | 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|---|
| 1 | O.R. | O.R. | ~~$1000~~ O.R. | ~~$2,500~~ O.R. | ~~$5,000~~ PPT-M | ~~$10,000~~ MCCC |
| 2-3 | O.R. | O.R. | ~~$2,000~~ O.R. | ~~$3,500~~ PPT-L | ~~$7,500~~ PPT-M | ~~$15,000~~ MCCC |
| 4 | ~~$500~~ O.R. | ~~$1000~~ O.R. | ~~$2,500~~ O.R. | ~~$5,000~~ PPT-M | ~~$10,000~~ MCCC | ~~$20,000~~ MCCC |
| 5 | ~~$750~~ O.R. | ~~$1500~~ O.R. | ~~$3,000~~ PPT-L | ~~$7,500~~ PPT-M | ~~$15,000~~ MCCC | $30,000 |
| 6 | ~~$1,500~~ O.R. | ~~$2,000~~ O.R. | ~~$3,500~~ PPT-M | ~~$10,000~~ PPT-H | $30,000 | $50,000 |
| 7-8 | ~~$2,000~~ O.R. | ~~$3,500~~ PPT-L | ~~$7,500~~ PPT-M | ~~$20,000~~ ~~MCCC~~ | $50,000 | $80,000 |
| 9-10 | ~~$5,000~~ PPT-M | ~~$10,000~~ PPT-H | ~~$20,000~~ MCCC | $50,000 | $80,000 | $100,000 |

**FTA Factor** The FTA Factor from COMPAS must be applied to the Bail Matrix in determining release conditions.

| | | |
|---|---|---|
| 1 – 3 | Remain Same | |
| 4 – 7 | Add 1 Level | *(Should be placed on Pretrial or MCCC* |
| 8 – 10 | Add 2 Levels | *(Not recommended for Early Release)* |

Charge Severity: _____ Violence Factor: _____ FTA Factor: _____

Number of prior Marion County Emergency Releases: _____

Probation Recommendation for Initial Hearing:

☐ Follow the matrix guideline

☐ Other

_____

_____

_____

Signed: _____
Pretrial/Probation Officer

# Marion Circuit and Superior Court

# Civil Rules

**MARION CIRCUIT AND SUPERIOR COURT**

**CIVIL DIVISION RULES**


| | |
|---|---|
| **LR49-TR3-200** | **RANDOM CASE FILING** |
| **LR49-TR3.1-201** | **WITHDRAWAL OF APPEARANCE** |
| **LR49-TR4.12-202** | **ATTACHMENT: SERVICE BY SHERIFF** |
| **LR49-TR5-203** | **REQUIREMENTS FOR MOTIONS** |
| **LR49-TR8-204** | **PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS** |
| **LR49-TR5-205** | **FILING OF PLEADINGS, MOTIONS AND OTHER PAPERS** |
| **LR49-TR11-206** | **SIGNING AND VERIFICATION OF PLEADINGS, MOTIONS AND OTHER PAPERS – SERVICE ON OPPOSING PARTY** |
| **LR49-TR16-207** | **CASE MANAGEMENT** |
| **LR49-TR16-208** | **PRE-TRIAL CONFERENCE** |
| **VACATED** | **ALTERNATIVE DISPUTE RESOLUTION** |
| **LR49-ADR2-209** | **ALTERNATIVE DISPUTE RESOLUTION – MEDIATION PROCEDURE** |
| **LR49-ADR2-210** | **ALTERNATIVE DISPUTE RESOLUTION – ARBITRATION PROCEDURE** |
| **LR49-ADR1-211** | **ALTERNATIVE DISPUTE RESOLUTION – GENERAL PROVISIONS** |
| **LR49-TR32-212** | **VIDEO TAPE DEPOSITIONS** |
| **LR49-TR33-213** | **INTERROGATORIES** |
| **LR40-TR40-214** | **SETTING CASES FOR TRIAL** |
| **LR49-TR53.5-215** | **MOTIONS FOR CONTINUANCE** |
| **LR49-TR55-216** | **AFFIDAVIT OF DEBT/ATTORNEY GEES IN DEFAULT JUDGMENTS** |
| **LR49-TR58-217** | **DUTIES OF ATTORNEYS ON ENTRIES OF JUDGMENTS** |
| **LR49-TR59-218** | **SERVICE UPON JUDICIAL OFFICERS** |
| **LR49-TR63-219** | **WHEN OTHER JUDGES TO PRESIDE** |
| **LR49-TR00-220** | **EXHIBITS** |
| **LR49-TR76-221** | **TRANSFER OR CONSOLIDATIONS OF CASES** |

**LR49-TR76-222** **TRANSFER OF CASES ASSIGNED TO THE MATIONR COUNTY FAMILY COURT PROJECT**

**LR49-TR79-223** **INITIAL REQUEST FOR CHANGE OF JUDGE**

**LR49-TR79-224** **APPOINTMENT BY CLERK**

**LR49-TR79-225** **ACCEPTANCE**

**LR49-TR79-226** **CERTIFICATION TO THE SUPREME COURT**

**LR49-TR79.1-227** **SPECIAL JUDGE SELECTION PROCESS UNDER LOCAL RULE 79.2**

**LR49-TR79.1-228** **MARION COUNTY SMALL CLAIMS COURT CASES**

**LR49-TR81-229** **MARION COUNTY LAW LIBRARY**

**LR49-TR81-230** **JOINT SESSION OF CIRCUIT AND MARION SUPERIOR COURTS**

**LR49-TR84-231** **EFFECTIVE DATE**

**EXHIBIT A** **CIVILITY CODE**

**EXHIBIT B** **APPEARANCE FORM**

# MARION CIRCUIT AND SUPERIOR COURT

# CIVIL DIVISION RULES

## LR49-TR3-200. RANDOM FILING OF CASES

All civil cases filed with the Marion County Clerk's Office for the Marion Superior Court shall be assigned to an individual courtroom on a random basis. The process for the random assignment shall be done through the Court and Clerk's automated case management system. The random assignment rule for civil cases does not apply to cases designated by statute or rule as being required to be filed in certain named Courts.

## LR49-TR3.1-201. WITHDRAWAL OF APPEARANCE

All withdrawals of appearances shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given his client ten days written notice of his intention to withdraw, has filed a copy of such with the Court; and has provided the Court with the party's last known address; or upon a simultaneous entering of appearance by new counsel for said client. The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against him, whichever is appropriate, and other pertinent information such as trial setting date or any other hearing date. The Court will not grant a request for withdrawal of appearance unless the same has been filed with the Court at least ten days prior to trial date, except for good cause shown.

## LR49-TR4.12-202. ATTACHMENT: SERVICE BY SHERIFF

**A. Attachment-Duties of Sheriff**. Unless otherwise directed by the Judge, when a body attachment is signed by the Judge and taken to the Civil Sheriff s Office, the Civil Sheriffs Office will issue a letter to the party concerned requesting that he appear voluntarily at said office. If no response is made to this letter by the judgment defendant within 30 days, the Civil Sheriff shall then execute said body attachment and bring the defendant into court during court hours.

If the Civil Sheriff is not successful in attaching the individual in question after 60 more days, a total of 90 days, he shall return the attachment to the appropriate court with a return that service cannot be made.

The plaintiff's attorney will be duly informed of the return of the attachment and he may then proceed to request that the Court place a bond upon the judgment defendant; such a bond may be fixed within the discretion of the Court if the Court finds that the defendant has actual knowledge of the attachment, is deliberately evading process of service, or such other matters as may convince the Court that a bond would be desirable under the circumstances and in the situation involved. If a new attachment is issued with bond fixed thereon, the Sheriff's Office will once again make an attempt to pick up the judgment defendant at the address indicated, and if picked up outside of court hours, he will be taken to the jail and required to post the amount of bond indicated to guarantee his appearance in court. Upon posting of the bond, he will be released with the admonition to appear in the appropriate court on the next court day during court hours. If, in an additional 30 days, the Sheriff is again unable to obtain good service on the judgment defendant, the attachment will be returned to the appropriate court for disposition.

**B. Attachments-Hearings.** When a judgment defendant has been brought into court on a body attachment, a hearing will be conducted at the earliest convenience of the Court. Counsel for the plaintiff will respond to the telephone request by court personnel to appear at the hearing forthwith, and counsel will have deemed to consent to such notice to appear by requesting a body attachment. The hearing requires the presence of the attorney of record, and clerical or secretarial personnel shall not appear to interrogate the attached judgment defendant. Failure to respond promptly to such request may result in the discharge of the attached defendant or other appropriate measures by the Court.

## LR49-TR5-203. REQUIREMENTS FOR MOTIONS

**A. Notice**. When a motion requires notice, the serving of the copy of the motion upon the other parties in the cause shall constitute notice of filing. If the motion requires a hearing or oral argument, the Court shall set the time and place of hearing or argument on the motion. Except for initial motions made pursuant to subsection D herein, all motions filed with the court shall include a brief statement indicating whether opposing party(ies) object to or approve of the granting of said motion.

**B. Response.** If the statement regarding the position of the opposing party(ies) required under subsection A herein indicates that objection to the granting of said motion may ensue, said objecting a party shall have 15 days from the date of filing to file a response to said motion.

**C. Oral Arguments on Motions and Other Pleadings.** When an oral argument is requested, the request shall be by separate instrument and filed with the pleading to be argued. Any such oral argument requested may be heard at the discretion of the Court, except for motions for summary judgment which shall be set for hearing upon request of any party.

**D. Enlargement of Time**. Initial written motion for enlargement of time pursuant to Rule TR 6(B)(1) to respond to a claim shall be automatically allowed for an additional 30 days from the original due date without a written order of the Court. Any motion filed pursuant to this rule shall state the date when such a response is due and the date to which time is enlarged. The motion must be filed on or before the original due date or this rule shall be inapplicable. All subsequent Motions shall be so designated and will be granted only for good cause shown.

**E. Tender of Orders.** All motions seeking an order of the Court shall be accompanied by a sufficient number of orders to be executed by the Court in granting said motion. In addition to the orders, the notice shall be accompanied by stamped, addressed envelopes to all parties of record.

## LR49-TR8-204. PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS

All pleadings, motions and other papers shall be prepared in accordance with the provisions of the Indiana Rules of Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed.

**A. Production**. Pleadings, motions and other papers may be either printed or typewritten on white opaque paper of at least 16 pound weight, 8-1/2 inches wide and 11 inches in length. All copies shall likewise be on white paper of sufficient strength and durability to resist normal wear and tear. If typewritten, the lines shall be double spaced, except for quotations, which shall be indented and single spaced. Script type shall not be used.

**B. Caption.** Every pleading shall contain a caption setting forth the name of the Court, the Division and Room Number, the title of the action and the file number.

**C.** **Titles**. Titles on all pleadings shall delineate each topic included in the pleading e.g. where a pleading contains an Answer, a Motion to Strike or Dismiss, or a Jury Request each shall be set forth in the title.

**D.** **Margins and Binding**. Margins shall be one inch. Binding or stapling shall be at the top and at no other place. Covers or backing shall not be used.

**E.** **Signature**. All pleadings and motions shall contain the original or authorized signature of the attorney, the name of the attorney in typed or printed form, the name of the law firm if a member of a firm, the attorney's address, identification number, e-mail address, telephone number, fax number, and the designation as to the party for whom he appears. The following form is recommended:

John Doe
Attorney Identification Number
DOE, ROWE, and SMITH
Suite 35 Blackacre Building
Indianapolis, Indiana 46204
John.doe@DRSlaw.com
939-3000 Fax: 233-1744
Attorney for Defendant
(Name)

**LR49-TR5-205. FILING OF PLEADINGS, MOTIONS AND OTHER PAPERS**

**A.** **Room Clerk**. All pleadings, petitions and motions are filed with the Clerk designated by the Court at any time during office hours established by the Clerk and the Court. All orders submitted to the Court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record.

**B.** **Facsimile**. Facsimile filing is discouraged, but permitted in the Marion Circuit and Marion Superior Court. All documents filed by facsimile shall also be filed in hard copy within seven days of the facsimile filing, along with proposed orders and stamped addressed envelopes, as required by LR49-TR5-203 (E). **To avoid duplicate filings, the hard copies of the facsimile filing shall indicate in bold letters that the pleading was previously filed by facsimile transmission.** Proof of transmission by facsimile, including certificate of service and manner of service, shall be the responsibility of the filing party. If the filing requires immediate attention of the Judge, it shall be so indicated in bold letters in an accompanying transmittal memorandum. Legibility of documents and timeliness of filing is the responsibility of the sender.

**C. Counsel to Furnish Pleadings to Special Judge.** When a Special Judge who is not a Marion County Judge is selected, all parties or attorneys shall furnish such Judge with copies of all filings prior to the qualification of such Special Judge. Thereafter, copies of all filings shall be delivered in person, by mail or by facsimile to the office of the Special Judge with certificate of forwarding same made a part of the filing.

**D. Number.** Counsel shall file with the court an original and one copy of all briefs, and memoranda of law filed in support of a motion.

**E.[1] Appearance Form.** Pursuant to Trial Rule 3.1(A), an appearance form shall be filed by the initiating party at the time an action commenced. If the action is appropriate for filing and disposition in Marion Superior Court, Environmental Division, per Order of the Executive Committee of the Marion Superior Court, then the initiating party shall indicate such on the appearance form.

## LR49-TR11-206. SIGNING AND VERIFICATION OF PLEADINGS, MOTIONS AND OTHER PAPERS-SERVICE ON OPPOSING PARTY

In all cases where any pleading or other document is required to be served upon opposing counsel, proof of such service may be made either by:

(1) a certificate of service signed by counsel of record for the serving party and the certificate shall specify by name and address all counsel upon whom the pleading or document was served or

(2) an acknowledgment of service signed by the party served or counsel of record.

## LR49-TR16-207. CASE MANAGEMENT

**A. Case Management Conference.** Plaintiff shall arrange a meeting of all parties within 90 days after the filing of a complaint for the following purposes:

1. List of Witnesses. Exchange lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties shall thereafter be under a continuing obligation to advise opposing parties of other witnesses as they become known.

2. Documents. Exchange all documents which are contemplated to be used in support of the pleadings. Documents later shown to have been reasonably available to a party and not exchanged may be subject to exclusion at time of trial.

3. Other Evidence. Exchange any other evidence reasonably available to obviate the filing of unnecessary discovery motions.

4. Settlement. Discuss settlement of the action.

5. Discovery Schedule. Agree upon a preliminary schedule for all discovery.

6. Complicated Case. Discuss whether the action is sufficiently complicated so that additional conferences may be required.

[1] Adopted May 21, 2001

**B. Case Management Order.** Within ten (10) days after meeting those attending are to file a joint Case Management Order setting forth:

1. the likelihood of mediation and settlement;

2. a detailed schedule of discovery for each party;

3. a limitation on the time to join additional parties and to amend the pleadings;

4. a limitation on the time to file all pre-trial motions;

5. any other matters which the parties want to address;

6. a preliminary estimate of the time required for trial; and

7. the date by which the parties expect the matter to be ready for trial.

**LR49-TR16-208. PRE-TRIAL CONFERENCE**

**A. Pre-trial Conference Mandatory**. A pre-trial conference shall be held in every civil jury action. Each party shall be represented at the pre-trial conference by the attorney who will conduct the trial.

**B. Pre-trial Stipulation Must Be Filed**. Counsel for the plaintiff shall see that a pre-trial stipulation is prepared, executed by counsel for all parties, and filed with the Court no later than five days prior to the pre-trial conference. The pre-trial stipulation shall contain the following statements in separate numbered paragraphs as indicated:

1. the nature of the action.

2. the basis of jurisdiction.

3. the pleadings raising the issues.

4. a list of all motions or other matters requiring action by the Court.

5. a concise statement of stipulated facts, with reservations, if any.

6. a statement of issues of fact which remain to be litigated at trial.

7. a concise statement of issues of law on which there is agreement.

8. a concise statement of issues of law which remain for determination by the Court.

9. each party's numbered list of trial exhibits, other than impeachment exhibits, with objections, if any, to each exhibit. The list of exhibits shall be on separate schedules attached to the stipulation.

10. each party's numbered list of trial witnesses, with their addresses. Impeachment witnesses need not be listed. Expert witnesses shall be so designated.

11. estimated trial time.

**C**. **Unilateral Filing of Pre-trial Stipulation Where Counsel Do Not Agree.** If for any reason the pre-trial stipulation is not executed by all counsel, each counsel shall file a proposed pre-trial stipulation not later than five days prior to the pre-trial conference with a statement why no agreement was reached.

**D.** **Memoranda of Law.** Counsel shall file memoranda treating any unusual questions of law involved in the trial no later than five days prior to the pre-trial conference.

**E**. **Proposed Jury Instructions**. Seven days prior to trial, counsel shall submit proposed jury instructions to the Court, with copies to all other counsel. Instructions covering matters occurring at the trial which could not reasonably be anticipated may be substituted at the conclusion of the testimony. Each instruction shall be accompanied by citations of authority.

**F.** **Objections to Proposed Jury Instructions**. Written objections to proposed jury instructions shall be submitted to the Court on or before the first day of trial. Written objections shall be numbered and shall specify distinctly the objectionable matter in the proposed instruction. Each objection shall be accompanied by citations of authority.

## LR49-ADR2-209. ALTERNATIVE DISPUTE RESOLUTION – MEDIATION PROCEDURE

A. Case selection shall be governed by A.D.R. Rule 2.2.

B. Mediator selection shall be governed by A.D.R. Rule 2.4. Mediators approved by the Indiana Supreme Court Commission for Continuing Legal Education shall be entered into the Court's computer system. If the parties are unable to select a mediator by agreement pursuant to A.D.R. Rule 2.4, the Court will generate a list of three mediators by random selection through the computer.

C. The parties shall have ten days to strike from the panel of mediators named by the Court. The party that initiated the cause of action shall strike first. If the parties fail to strike within ten days, the Court shall select a mediator. Upon selection of the mediator, counsel for the party that initiated the litigation shall submit a proposed order appointing the mediator selected in the case.

D. During the entire mediation process, the lawsuit shall remain on the Court's docket.

E. Absent an agreement by the parties or unless otherwise ordered by the Court the fees and expenses associated with the mediation shall be shared equally by the parties unless good cause can be shown by a party why an equal division of the fees should not be ordered. In the case of team mediation, the fee is to be split between the mediators as the co-mediators are to be treated as a unit.

F. The mediator and the parties shall make a good faith effort to complete the mediation process within sixty (60) days from the date of the Order to engage in mediation. In the event that the mediation process is not completed within this time, the mediator shall file a status report with the Court setting forth the projected date of completion.

G[2]. Within 24 hours prior to the scheduled mediation conference or such other time as the mediator declares, the parties shall submit to the mediator a Confidential Mediation Statement. Such statement shall include, without limitation, a brief recitation of: (a) the facts relevant to the dispute; (b) the amount

[2] Approved by General Term March 7, 2005

in controversy or other relief requested; (c) the progress of the litigation to date; (d) the status of negotiations; and (e) the factors, including factual and legal contentions as to both liability and damages, which have been considered or relied upon in arriving at the current settlement posture.

H[3]. All parties, attorneys with settlement authority, representatives with settlement authority, and other necessary individuals shall be present at each mediation conference to facilitate settlement of a dispute unless excused by the court or by stipulation of the parties.

I. After the conclusion of the mediation, the mediator will have fifteen days to prepare and send his or her bill to the parties. The parties shall have 15 days thereafter to pay the mediator. If the mediator's bill is not paid within 30 days after the close of mediation, the mediator may file a bill with the Court and it shall be reduced to judgment unless objected to by one of the parties within ten days after the filing of the bill with the Court.

**Mandatory Mediation**

A. Civil Jury Trials. All cases where a timely demand for jury trial is made, mediation pursuant to A.D.R. Rule 2 and subsection A herein is mandatory. Mediation is to be completed 60 days prior to trial, unless the mediation referral is vacated for good cause shown. Objections to mediation may be made within 15 days of the completion of the case management conference required by Rule 16.1(A).

B. Post-Decree Domestic Litigation. Parties must submit post-decree child related issues to mediation prior to presenting such issues to the Court for hearing, unless this rule is waived for good cause shown.

C. Pro Bono Mediation Services. All mediators maintained on the Court's approved Civil and Domestic Mediation list shall, upon request from any Judge of this Court, serve as a pro bono mediator for at least one (1) case per calendar year.

D. Any litigant affected by this mandatory mediation order may qualify for pro bono mediation services upon good cause shown, pursuant to criteria established by the Presiding Judges of the Court.

## LR49-ADR3-210. ALTERNATIVE DISPUTE RESOLUTION – ARBITRATION PROCEDURE

A. Arbitration procedures shall be governed by A.D.R. Rule 3.

B. Attorneys wishing to serve as arbitrators in the Marion Circuit or Superior Court shall file written notice with the Marion Superior Court Administrator indicating a desire to serve as an arbitrator for cases in Marion County.

## LR49-ARD1-211. GENERAL PROVISIONS

A. These rules are designed to clarify and supplement the Rules for Alternative Dispute Resolution promulgated by the Indiana Supreme Court on January 1, 1992, as amended from time to time. The rules promulgated by the Indiana Supreme Court shall be followed in every way by the parties and shall govern the various forms of Alternative Dispute Resolution stated therein.

B. The failure to comply any with any Court Order regarding Alternative Dispute Resolution may result

[3] Approved by General Term March 7, 2005

in appropriate sanctions being levied by the Court.

## LR49-TR32-212. VIDEO TAPE DEPOSITIONS

All video tape depositions filed with the Court shall be accompanied by a transcript of the testimony.

## LR49-TR33-213. INTERROGATORIES

**A. Number Limited.** Interrogatories shall be limited to a total of 25 including subparts andshall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.

**B. Answers and Objections.** Answers or objections to interrogatories under Rule TR 31 or 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objection.

**C. Duplicated Forms.** No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.

## LR49-TR40-214. SETTING CASES FOR TRIAL

**A. Setting Cases for Trial**. Litigants desiring their cause of action to be set for trial shall file a written Praecipe for Trial which indicates whether a jury or court trial is requested. No trial date will be set unless a Case Management Order pursuant to Rule 16.1(B) has been filed. The Praecipe shall state the number of days needed to try the case.

**B. Notice in Dissolution and Paternity Matters**. In all dissolution or paternity matters, the Moving party or their counsel shall give notice of the time and place of the hearing or trial by subpoena, notice of hearing or letter, served upon the adverse party at least seven days prior to the trial date and file a copy of said notice with the Court on or prior to the trial date.

## LR49-TR53.5-215. MOTIONS FOR CONTINUANCE

Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

**A. Motion**. A Motion for Continuance, unless made during the hearing of the cause, shall be in writing, state whether opposing counsel objects to the motion and whether prior continuances have been requested by the moving party. The Court may require any written Motion for Continuance to be signed by the party requesting the continuance.

**B. Time for Filing**. Motions for Continuance must be filed as soon after the cause for continuance or delay is discovered by the party seeking same, and no later than seven days before the date assigned for trial, unless the reason therefor is shown by affidavit to have occurred within the seven day period.

**C. Title of Motion**. A Motion for Continuance, whether it is plaintiff's or defendant's motion, shall denominate whether it is the First, Second, Third, etc. Motion for Continuance filed by plaintiff or defendant.

**D. Dispositive Motions**. The filing of a dispositive motion shall not constitute good cause for a Motion for Continuance of a trial if the time requirements governing such motion will not allow for the resolution of the motion prior to the date of trial.

## LR49-TR55-216. AFFIDAVIT OF DEBT/ATTORNEY FEES IN DEFAULT JUDGMENTS

On all default judgments relating to commercial cases plaintiff or his counsel must submit an affidavit of debt signed by the plaintiff and an affidavit in support of attorney fees requested by counsel, signed by plaintiff's counsel. The affidavit for attorney fees shall set forth the number of hours spent on the case and the hourly charge.

## LR49-TR58-217. DUTIES OF ATTORNEYS ON ENTRIES OF JUDGMENTS

**A**. **Attorneys to Prepare Documents Requiring Court's Signature.** It shall be the duty of attorneys to prepare decrees of all final judgments and of such interlocutory and other orders as may be required by the Court, including Pre-Trial Orders, Findings of Fact and Conclusions of Law.

**B. Decrees and Entries Prepared by One Attorney to Be Submitted to Other Attorneys Interested in Cause**. Where there are several attorneys interested in a decree, order, entry or judgment to be entered in a cause and one or more of them desires such document entered, he or they, shall submit such document to the other attorneys who may be interested in the cause, and obtain an endorsement thereon of "Inspected", provided that this rule shall not apply when the attorneys of all parties are in court when the judgment or decree is proffered.

**C. Obligation to Keep Themselves Informed of Case Status**. Counsel and parties to a suit should keep themselves informed of all steps taken in all matters pending before the Court, and are bound by the Court's actions, including but not limited to rulings, notice of trial date settings, and current position of cases on jury trial calendar, all without special or additional oral or written notice by the Court.

**D. Duty of Attorney to State Time Required for Hearing**. It is the duty of counsel to determine the amount of time required by both sides for the hearing. No hearing will be scheduled until such time is stated, and it will be limited to the time requested.

## LR49-TR59-218. SERVICE UPON JUDICIAL OFFICERS

In addition to serving the judge with a separate copy of motion to correct error pursuant to Ind.Trial Rule 59(C), parties filing motion to correct errors shall also serve the Magistrate or Commissioner with a copy of the motion to correct error if a Magistrate or Commissioner recommended and signed the final judgment or appealable final order at issue. Non-compliance with this Rule shall not be grounds for forfeiture of any post-trial, post-judgment or appellate rights.

## LR49-TR63-219. WHEN OTHER JUDGES TO PRESIDE

Whenever the Judge who presides in the Marion Circuit or Superior Court is absent or cannot, for any reason, hear any cause pending in such court, or issue any emergency orders in connection herewith, any other Judge of such Marion Circuit or Superior Court may preside in that court.

## LR49-TR00-220. EXHIBITS

All models, diagrams, documents, depositions, or material placed in the custody of the Court Reporter as exhibits shall be removed by the parties offering them in evidence, except as otherwise ordered by the Court, four months after the case is decided unless an appeal is taken. At the time of removal, a detailed receipt shall be given to the Court Reporter and filed with the cause. If not removed after four months, the Court Reporter may dispose of them without notice.

## LR49-TR76-221. TRANSFER OR CONSOLIDATION OF CASES

No case filed in the Circuit Court or the Marion Superior Court, Civil Division, may be transferred or consolidated to another room or court except upon written motion accompanied by written order for the signature of the forwarding Court. The order shall not be approved and signed by the forwarding Judge unless such order is consented to in writing by the Judge of the receiving Court.

## [4] LR49-TR76-222. TRANSFER OF CASES ASSIGNED TO THE MARION COUNTY FAMILY COURT PROJECT

This Rule applies only in the following situations: (1) a child who is the subject of a Child in Need of Services or a Delinquency case is also the subject of a divorce, paternity or guardianship case in which there is a pending or continuing custody, visitation and/or child support order, and (2) these multiple cases have been assigned to the Marion County Family Court Project. The purpose of the rule is to allow the transfer of cases involving the same child or children to the same judge for a temporary period of time. The rule will help to ensure that multiple cases involving the same child will have consistent orders regarding custody, visitation, care, and child support, and multiple hearings and re-hearings will not occur before different judges regarding the same issues.

When consistent with the best interest of the child, the lead Family Court Project Judge may issue an order transferring any of the cases specifically assigned to the Marion County Family Court Project to the Marion Circuit Court or to any Marion Superior Court, Juvenile or Civil Division. The Order of Family Court Assignment shall include the Order of Case Transfer and the order shall state to what court and division the cases have been transferred. The transferred cases will not be consolidated. The court receiving the cases shall have jurisdiction in those cases. Each case will retain its own original docket number and separate Chronological Case Summary.

The lead Family Court Judge shall transfer back to the court of origin any case or cases when the lead judge determines that the purpose of the family court assignment has been completed. The supervising judge shall issue an order "Closing the Family Court Assignment and Transferring Case/s back to the Court of Origin."

A transfer for family court purposes shall not constitute a transfer for purposes of the Quarterly Status Report.

## LR49-TR79-223. INITIAL REQUEST FOR CHANGE OF JUDGE

**A. Naming of Panel.** Within two days of deciding that a special judge must be appointed under this section, the Court shall submit a panel of three eligible persons to the parties for striking.

**B.[5] Eligible Persons**. All judges of the Marion Circuit and Superior Court Civil Division are eligible persons under this rule except as follows: the judge of the Marion Circuit Court shall not be named on panels for domestic relations cases; the judges of the Juvenile Division and the Environmental Division shall not be named on any panels; and the judge of the Probate Division shall be named only on panels for domestic relations and juvenile cases.

**C. Striking from Panel.** The parties shall have 14 days to strike from the panel in accordance with Ind.Trial Rule 79(F).

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[4] Rule 76.1 Adopted and effective July 3, 2003
[5] Amended May 21, 2001

**D. Failure to Strike**. In the event the parties shall fail to strike in a timely fashion, the Clerk of the Marion Circuit and Superior Courts shall strike from the panel for the non moving party.

## LR49-TR79-224. APPOINTMENT BY CLERK

In the event a special judge does not accept the case under Ind.Trial Rule 79(D) (E) or (F) or a judge disqualifies and recuses under T.R. 79(C), the appointment of an eligible special judge as set out in Rule 79.1(B) shall be made by the Clerk of the Marion Circuit and Superior Courts by a random process approved by the judges.

## LR49-79-225. ACCEPTANCE

A person selected to serve as special judge under this rule must accept jurisdiction in the case unless the judge so selected is disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this Rule, or excused from service by the Indiana Supreme Court. The order of appointment under the Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.

## LR49-TR79-226. CERTIFICATION TO THE SUPREME COURT

The Presiding Judge of the Marion Circuit and Superior Courts or any judge in whose court a case is filed shall certify to the Indiana Supreme Court all cases in which no judge is eligible to serve as special judge or the particular circumstances of a case warrants selection of a special judge by the Supreme Court under Ind.Trial Rule 79(H) (3).

## LR49-TR79.1-227. SPECIAL JUDGE SELECTION PROCESS UNDER LOCAL RULE 79.2

In the event a special judge does not accept the case under Ind. Trial Rule 79 (D) or (F) or a judge disqualifies or recuses under T.R 79(C) the case file shall be brought to a Superior Court Clerk supervisor in the Marion County Clerk's Office. The supervisor shall utilize a file of index cards on each of which is printed the name of a judge eligible for selection. The supervisor shall select the top card, or the first judge in line for assignment as the special judge in the case. The selected care shall then be returned to the back of the file. In this way, the assignment is always random and no judge is selected on consecutive occasions. Judges eligible for selection under this Local Rule shall be those elected judges serving in the Civil Division of the Superior Court.

A Judge appointed to serve as special judge under this Local Rule must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this rule or must be excused from service by the Indiana Supreme Court. The order of appointment under this Local Rule shall constitute acceptance. An oath or additional Evidence of acceptance of jurisdiction is not required.

## LR49-TR79.1-228. MARION COUNTY SMALL CLAIMS COURT CASES

**A. Issues**. A cause of action which comes to the Marion Superior Court from the Small Claims Courts of Marion County for either jury trial or appeal shall be repled in its entirety commencing with the plaintiff below filing a new Complaint in compliance with the Indiana Rules of Trial Procedure. The new Complaint shall be filed within 20 days of the date the case is docketed and filed in the Marion Superior Court or as otherwise ordered by the Court. Failure to comply with this Rule shall result in the Court imposing sanctions which may include dismissal or default where appropriate.

**B. Procedure and Evidence**. Any pleadings, motions or other procedural matters which are filed after the filing of the Complaint in the Marion Circuit and Superior Court will be governed by the Indiana Rules of

Trial Procedure and the Marion Circuit and Superior Court Rules. Evidentiary questions will be ruled on in the same manner as any other cases originally filed in the Marion Circuit and Superior Court.

**C. Appeals From Marion County Small Claims Courts**. The following rules shall govern all appeals from the Marion County Small Claims Courts to the Marion Superior Court.

(1) Any party may appeal from the judgment of the Marion County Small Claims Court to the Marion Superior Court, within 60 days from its entry; and when there are two or more plaintiffs or defendants, one or more of such plaintiffs or defendants may appeal without joining the others in such appeal or plaintiff may add new parties at the time he repleads his Complaint in accordance with the Indiana Rules of Trial Procedure.

(2) The Small Claims Court Judge shall certify a completed transcript of all the proceedings had before said Judge and transmit the same, together with all other papers in the cause, to the Marion County Clerk, within 20 days.

(3) Appeals may be authorized by the Marion Superior Court after the expiration of Sixty (60) days, when the party seeking the appeal has been prevented from taking the same by circumstances not under his control.

## LR49-TR81-229. MARION COUNTY LAW LIBRARY

**A. Taking Books From the Library**. No book, periodical, manuscript or other paper or equipment belonging to the Marion County Law Library, located in the City-County Building, Indianapolis, Indiana, shall be removed therefrom by any person other than a judge of any of the courts located in the City-County Building, without the written consent of one of said judges. Said consent shall be addressed to the Librarian of the Marion County Law Library. Any book or periodical removed from the Library, as aforesaid, may be used only in the City-County Building and must not be taken therefrom.

**B. Sign-Out Procedure**. Any person having authority to remove law books from the Library, as aforesaid, shall sign out for same, giving borrower's name, date of withdrawal and place where book will be used. The borrower shall be held personally responsible for the return of said books to the Marion County Law Library on the same day of their withdrawal. In case the Library is closed said books shall be left with the bailiff of the court where the books were used.

## LR49-81-230. JOINT SESSION OF CIRCUIT AND MARION SUPERIOR COURTS

The Judges of the Marion Circuit and Superior Courts may meet in joint session to consider matters of mutual interest.

## LR49-84-231. EFFECTIVE DATE

The effective date of these rules shall be March 1, 1999.

# MARION SUPERIOR COURT

## COMMITMENT TO RESPECT AND CIVILITY

I will maintain the highest level of professional integrity and personal courtesy in all dealings with parties, counsel, witnesses and courts.

I will advise clients that I am bound by the responsibilities and restrictions set forth in the Rules of Professional Conduct in all matters relating to the handling of their cases.

I will pursue the advancement of clients' legitimate objectives, but I will not participate in litigation based upon vengeance or other inappropriate emotions.

I will use legal procedures for the fullest benefit of clients without misusing or abusing the legal process.

I will not intentionally speak or act in an abrasive, hostile, offensive or acrimonious manner toward parties, counsel or courts.

I will not knowingly misstate, mischaracterize or fail to disclose relevant facts or legal authority.

I will familiarize myself with and comply with all requirements of the common law, the trial rules, the local rules, and the court policy and procedure.

I will endeavor to have clients fully disclose assets and liabilities, informally exchange information and confer with opposing counsel to discuss settlement, stipulate undisputed matters, and identify issues prior to scheduled hearings.

I will strive to reach agreements on procedural and preliminary matters consistent with clients' legitimate objectives.

I will honor promises and commitments in an effort to raise the level of professionalism and civility.

I will, whenever possible, encourage clients to reach amicable settlement of all issues after careful review of statutes and reasonable consideration of the risks, costs, delay and emotional trauma of trial.

I will not seek judicial intervention in matters that can be resolved through cooperation and communication between counsel and parties.

I will not resort to ex parte proceedings in the absence of extreme emergency, as the interests of justice and fair play mandate notice to the opposing party.

I will not abuse time limitations set by courts, will be punctual and prepared for all court appearances and I will notify the court promptly when a case has been settled or must be continued.

I will prepare clients and witnesses for court appearances and advise them of the conduct required of them in order to promote the prompt and efficient administration of justice and to avoid conduct that brings disorder, disruption and disrespect upon the courts.

_____ _____

Date Signature

# IN THE MARION SUPERIOR COURT

## APPEARANCE FORM
## Initiating / Responding Party / Intervening Party

***(Caption)*** ) **Cause No. _____**
) ***(To be supplied by Clerk when case is filed.)***
)

☐ Check if *Pro Se*

1. _____
Name of party

2. Attorney information (as applicable for service of process): **(Pro Se litigants must complete this)**

Name: _____ Atty. Number:_____
Address: _____ Phone: _____
_____ FAX: _____
_____ Email Address:_____

3. Will accept Fax service: Yes _____ No _____

4. Are there now or have there been within the last twelve months pending related cases?
Yes _____ No _____ If yes, list case and cause number below:

**If the caption has a name other than that of the parties, please explain.**

Caption _____ Cause No. _____

Status_____

Caption _____ Cause No. _____

Status_____

Caption _____ Cause No. _____

Status_____

5. Additional information required by state or local rule:

_____

_____

_____

6. This appearance form has been served on all parties and/ or counsel.

7. I have reviewed and discussed the **Commitment to Respect and Civility** with my client and agree to aspire to its goals.

_____
Attorney or Pro Se Signature

_____
Printed

**Pursuant to Trial Rule 3.1, this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. The Division of State Court Administration has approved this format.**

**PURSUANT TO TRIAL RULE 3.1(E), THIS APPEARANCE FORM SHALL BE UPDATED PROMPTLY SHOULD THERE BE ANY CHANGE IN OR SUPPLEMENT TO THE INFORMATION PREVIOUSLY SUPPLIED TO THE COURT**

# Marion Superior Court

# Administrative Rules

# MARION SUPERIOR COURT
# ADMINISTRATIVE RULES


| | |
|---|---|
| **LR49-AR00-300** | **EXECUTIVE COMMITTEE** |
| **LR49-AR00-301** | **ADMINISTRATIVE MANAGEMENT** |
| **LR49-AR1(E)-302** | **RULES ON CASELOAD ALLOCATION** |
| **LR49-AR00-303** | **COURT ADMINISTRATOR** |
| **LR49-TR78-304** | **JUDICIAL OFFICERS** |
| **LR49-AR00-305** | **BUDGETARY PROCEDURES** |
| **LR49-AR00-306** | **AMENDMENT OF ADMINISTRATIVE RULES** |
| **LR49-AR15-307** | **COURT REPORTER SERVICES** |
| **LR49-AR00-308** | **PURCHASES MADE WITH FEDERAL GRANT FUNDS** |

# MARION SUPERIOR COURT ADMINISTRATIVE RULES

## LR49-AR00-300. EXECUTIVE COMMITTEE

**A. Creation.** An Executive Committee comprised of four judges: one Presiding Judge and three Associate Presiding Judges, shall exercise the power of the Court. The Executive Committee shall be elected to a two-year term of office by a two-thirds (2/3) vote of the total number of judges sitting on the Court. No more than two members of the Executive Committee may be members of the same political party.

**B. Qualifications.** The candidates for the Executive Committee should possess management, administrative and leadership skills, and a capacity to work effectively with other branches of government.

**C. Election.**[1] The Court shall hold an election for the Executive Committee on the third Tuesday in January, 1997. The Court shall thereafter hold elections for the Executive Committee on the third Tuesday in January, every two years. Election shall be held by secret ballot.

**1. Statement of Candidacy.** Any qualified judge wishing to be a candidate for the Executive Committee must notify the Executive Committee in writing not less than 30 days prior to the election. The Executive Committee shall be responsible for adopting and distributing Statement of Candidacy forms. Nominations from the floor will not be accepted unless there are an insufficient number of qualified candidates on the date of the election.

**2. Election.** The election shall be held at a time and place to be announced by the Executive Committee. The Court Administrator shall serve as clerk of the election (hereinafter "Clerk"). The Clerk shall prepare ballots listing in alphabetical order the name and political party of each candidate for the Executive Committee. Each judge eligible to vote shall receive a ballot. Each judge shall vote in person or by absentee ballot for four candidates, no more than two of whom are members of the same political party. Any ballot , which is cast for more than four candidates or more than two candidates from the same party, shall be void and not counted.

1 Revised 12/04/2000

A qualified judge may vote by absentee ballot on the form provided by the Executive Committee not less than three days prior to the election in the Court Administrator's office. **An absentee ballot is only valid for the first ballot.**

**3. Process.** The Executive Committee shall be elected in the following manner:

On the first ballot, each judge shall cast a ballot for four candidates no more than two of whom are members of the same political party.

On a second and subsequent ballot, each judge shall cast a ballot for the total number of vacancies remaining on the Executive Committee after the previous ballot but in no event shall the Executive Committee have more than two members of the same political party.

If, on the first ballot, four candidates receive a two-thirds (2/3) vote of the total number of judges sitting on the court, and no more than two are from the same political party they will comprise the Executive Committee.

If fewer than four judges receive a two-thirds (2/3) vote on the first ballot, then that judge or those judges receiving a two-thirds (2/3) vote, shall be members of the Executive Committee and other ballots shall be taken to fill the vacancy on the Executive Committee.

If a second ballot is required to complete the Executive Committee because fewer than four judges received a two-thirds (2/3) vote, all subsequent ballots shall be determined by a two-thirds (2/3) vote of those sitting judges voting in person at the time of the subsequent ballot.
If fewer than the candidates necessary to complete the Executive Committee receive a two-thirds (2/3) vote of those voting, then subsequent ballots shall be taken at which time the judge with the lowest number of votes on the previous ballot shall be dropped from the ballot and a vote taken until the Executive Committee is selected.

**4. Results.** The Clerk shall count the ballots and announce the vote totals. The ballots shall be retained by the Clerk for 60 days after the election and then destroyed.

**5. Term.** Members of the Executive Committee shall be elected to serve a two-year term and shall not be prohibited from serving additional terms.

**6. Presiding Judge.** The Presiding Judge of the Executive Committee shall be elected from the four members of the Executive Committee by a majority vote of the total number of judges present and voting. The remaining three members of the Executive Committee shall serve as Associate Presiding Judges.

**7. Executive Committee Vacancy.** Any vacancy created during the two-year term of the Executive Committee shall be filled in the following manner:

A vote to fill the position for the remainder of the term shall be taken within 30 days after the vacancy is created.

1 Revised 12/04/2000

The Presiding Judge of the Executive Committee shall set a date for the election to fill the vacant position of the Executive Committee.

Any qualified judge wishing to be a candidate for the vacancy on the Executive Committee must notify the Executive Committee in writing not less than ten days prior to the election. A qualified judge shall be a judge from the same political party as the judge whose position on the Executive Committee is being filled.

The Court Administrator shall serve as the Clerk of the election, and shall prepare ballots listing in alphabetical order the name and political party of each candidate for the vacancy of the Executive Committee.

The election to fill a vacancy on the Executive Committee shall be filled by a vote as set out in LR49-AR00-300(C).

A judge who is elected to fill a vacancy shall serve the remainder of the term of the judge he or she is replacing.

If the vacancy is the position of Presiding Judge, when the vacancy is filled, a second ballot shall be taken with respect to the four judges comprising the Executive Committee, and the judge receiving the most votes shall become the Presiding Judge.

If the vacancy is not the position of Presiding Judge, the Presiding Judge shall continue to serve in that capacity until the end of his or her term.

If the vacancy that occurs is not the position of the Presiding Judge, the Presiding Judge shall set the date for the election and send notice to all superior court judges. The date of the election shall not be less than 30 days from the date when notice is issued.

If the vacancy that occurs is the position of Presiding Judge, the three Associate Presiding Judges shall determine the date of the election and shall serve notice in accordance with paragraph i.

Any qualified judge who wishes to run for a position on the Executive Committee shall send written notice to the Court Administrator not less than ten days prior to the scheduled election. Any notice received after the tenth day preceding the election shall be void and the judge's name shall not be added to the ballot. All notices shall be date stamped by the Court Administrator on the day received.

**D. Authority.** The Executive Committee is responsible for the operation and conduct of the Court. Each member of the Executive Committee shall have an equal vote in all matters pertaining to the operation of the Court. In the event of a tie, the Presiding Judge's vote shall be the tiebreaking vote. Beginning with the election of the Executive Committee in 2007, no Presiding Judge may be elected from the same political party as the Presiding Judge who served the previous term. Action may be taken upon a majority vote of the Executive

Committee, except for the reassignment of a judge to a different courtroom which shall require a unanimous vote.

**E. Duties.** The Executive Committee shall have the following duties, which are subject to the review process as outlined in LR49-AR00-300(F):

1. Initiate policy concerning the Court's internal operations and its position on external matters affecting the Court;

2. Represent the Court in its relations with other agencies of government, the bar, the general public, the news media, and in ceremonial functions;

3. Counsel and assist other judges in the performance of their responsibilities in the administration of the Court;

4. Assign judges and judicial officers in the interest of speedy, economical and uniform disposition of cases;

5. Establish policies concerning such matters as personnel management, case flow management, and other areas of concern that effect the management of the Court.

6. Be responsible for the fiscal operations of the Court;

7. Appoint a magistrate under Ind. Code § 33-4-7;

8. Appoint the Court Administrator and the Chief Probation Officer; and other personnel necessary to maintain the efficient operation of the Court;

9. Review and take any action necessary concerning the performance of the Court Administrator and the Court Services Agency; and

10. Report all actions and proposed actions to the General Term through minutes or otherwise.

**F. Review.** With the exception of subsections (1) and (2) below, any judge affected by a decision of the Executive Committee may call for a vote to override the decision, at the first General Term Meeting following the decision. However, if there are fewer than ten days between the date of the decision and the next scheduled General Term Meeting, the vote shall be taken at the second meeting following the announcement of the decision. A decision of the Executive Committee may be overruled by a two-thirds (2/3) vote of the total number of judges sitting on the Court. A call to override a decision of the Executive Committee shall be filed in writing with the Presiding Judge with copy service to all judges sitting on the Marion Superior Court.

1 Revised 12/04/2000

Re-assignment of Judges. Decisions of the Executive Committee, which re-assign a judge to a different courtroom or a substantially different type of caseload without the written consent of the affected judge, will not be effective until approved by a two-thirds (2/3) vote of the total number of judges sitting on the Court.

Staffing. Decisions of the Executive Committee, concerning staffing levels or transfer of staff employees for the Court without the written consent of the affected judge, will not be effective until approved by a two-thirds (2/3) vote of the total number of judges sitting on the Court.

**G. Meetings.** The Executive Committee shall meet regularly as it deems necessary. The Presiding Judge shall call and preside over meetings of the Executive Committee and other meetings of the Court.

**H. Committees.** The Executive Committee may establish such committees to be appointed by the Presiding Judge, as may be useful to establish policy and to consult with the Executive Committee.

## LR49-AR00-301. ADMINISTRATIVE MANAGEMENT

A. The Executive Committee shall, by Rules of the Court, divide the work of the Court into various divisions, including but not limited to the following:

1. Civil Division;
2. Criminal Division;
3. Juvenile Division; and
4. Probate Division.

The Executive Committee shall appoint a chair for each division for a period of two years. The chairs of the divisions shall alternate between parties unless there is only one judge in a division.

B. The Executive Committee shall determine the assignment of judges following a general election as follows:

1. An incumbent judge shall be allowed the option of remaining in a particular division or room.

2. The expertise and abilities of the judge shall be given consideration.

3. Seniority shall be a primary consideration, but not the sole determinant factor. Seniority is defined as length of service as a judge on the Marion Superior or former Marion Municipal Courts

4. The desire of the particular judge regarding his or her assignment shall be given consideration.

5. The political balance of each division shall be considered along with the desire to maintain racial and gender diversity within each division. All appointments shall reflect the bipartisan composition of the Court, whenever possible.

6. Reassignment of a sitting judge to a different courtroom requires a unanimous vote of the Executive Committee.

C. The Executive Committee shall fill a vacancy on the Court in the following manner:

1. Any qualified judge wishing to be a candidate for the vacancy on the Court shall notify the Executive Committee in writing not more than ten days after the vacancy is created.

2. The Executive Committee may interview any qualified judge interested in reassignment to fill a vacancy

3. The Executive Committee shall consider the criteria used for assignment of judges following an election in determining who shall fill a vacancy.

4. The Executive Committee shall fill the vacancy within 30 days after the vacancy is created or as soon as possible.

D. The Executive Committee shall assign cases, offices and courtrooms for judges or reassignment of newly filed cases in the interests of the speedy, economical and uniform disposition of cases.

E. Pursuant to LR49-AR00-300(G), the Executive Committee shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the Court. The salaries of the personnel shall be fixed and paid as provided by law.

F. The Executive Committee shall prepare and administer a budget for the Court so that the Court is provided with supplies and sufficient personnel. Each judge shall appoint the judge's bailiffs, clerks, court reporters and secretary.

G. On the first Monday of each month, unless otherwise designated, the Presiding Judge of the Executive Committee shall preside over a General Term Meeting of the judges. A special order book shall be kept for the Court in which shall be entered all appropriate records, rules, orders and assignments of the Court.

1. **Voting:** Judges may cast their votes in person or by written proxy at any duly constituted meeting of the Marion Superior Court. All votes shall be by voice vote unless any judge present shall request a written ballot. Proxies may only be given to another member of the court to be exercised as directed.

2. **Special Meetings:** The presiding judge may call a special meeting upon proper notice given and shall call a special meeting at the request of at least three of the judges of the Marion Superior Court.

3. **Notice:** Notice of any special meeting shall be given in writing to each judge at least 24 hours before such scheduled special meeting.

4. **Quorum:** The presence of one-third (1/3) of the judges shall constitute a quorum for any meeting of the Marion Superior Court. Proxies shall be included in determining whether a quorum exists.

## LR49-AR1(E)-302 RULES ON CASELOAD ALLOCATION

**A. Purpose.** Caseload allocations shall allow the judges of the Marion Superior Court to make thoughtful, timely, reasonable and just decisions.

**B. Procedure.** The Executive Committee shall at least annually:

1. Review and assess literature on case flow management from any source with a view toward the improvement of the Court's case flow from filing to disposition;

2. Review and consider suggestions made by members of the bar, the public and other interested parties; and

3. Review and analyze the statistics or current workload and case flow within the Court.

    a. Any change involving caseloads, whether it is type of case or number of cases, shall require a majority vote of the Executive Committee and is subject to review under LR49-AR00-300(F)(2).

    b. In deciding changes, the Executive Committee shall give due weight to the expertise and abilities of each judge, the stress associated with the types of cases and caseloads, and the goal of keeping each judge competent in the various areas of the law. Seniority shall be a consideration, but not the determinant factor for caseload allocation or courtroom assignment.

    c. As new judges are appointed or elected to the Court, the Executive Committee shall assign them to courtrooms using the same criteria.

**C. Implementation.** The Clerk of the Court shall maintain systems as required to implement orders of the Court relating to case allocation.

**D. Record Keeping.** All matters of statistics and case flow management shall be collected and maintained by personnel in the Court Services Agency. All judges and their staffs shall be responsible for the collection and preparation of these statistics in a form and manner directed by the Executive Committee.

## LR49-AR00-303 COURT ADMINISTRATOR

The Court Administrator shall have the following duties:

A. Coordinate preparation of a budget for the Court.

B. Supervise expenditures of the Court, including but not limited to the following:

1. Jury meals, lodging and *per diem* expenses;
2. Witness fees;
3. Pauper transcripts;
4. Contractual legal services;
5. Contractual professional services;
6. Maintenance agreements; and
7. Any other claims designated by the judges of the Court.

C. Report expenditures of the Court not less than quarterly to the Executive Committee.

D. Hire administrative officers for the Court Services Agency, the Domestic Relations Counseling Bureau, the Jury Pool, the Marion County Law Library, and other personnel necessary to maintain the efficient operation of the Court.

E. Supervise the management of the Court Services Agency, Domestic Relations Counseling Bureau, the General Term Reporter, and the Marion County Law Library in accordance with rules and guidelines established by the Executive Committee.

F. Provide orientation and continuing education programs for judicial officers and other Court personnel.

G. Coordinate support services to handle purchasing and explore the advantages of group purchasing for the Court.

H. Coordinate the maximum utilization of available courtrooms.

I. Develop and implement uniform personnel classifications and guidelines to comply the Fair Labor Standards Act.

J. Review and analyze the statistics of the Court and file quarterly reports with the

office of the State Court Administrator.

K. Any other duties established by the Executive Committee.

## LR49-TR78-304 JUDICIAL OFFICERS

The Court may employ judicial officers, including magistrates and commissioners, to perform limited judicial functions under the authority of the Court and subject to judicial approval. The judge or judges to whom they are assigned may recommend commissioners.

**A. Qualifications.**[2]
Judicial officers shall be residents of Marion County in good standing as members of the Indiana bar, be admitted to practice of law at least five years, and possess any other qualifications required by statute or rule of court.

**B. Duties.** Judicial officers shall assist the Court by performing such functions as conducting preliminary and interlocutory hearings in criminal and civil cases, presiding over disputed discovery proceedings, receiving testimony as referees or masters, and hearing other causes and motions, all of which are subject to judicial approval.

**C. Selection.** The Executive Committee may advertise notice of prospective appointments of judicial officers publicly to encourage applications for consideration. Applicants may be interviewed with regard to their potential proficiency as judicial officers. The Executive Committee may appoint a screening committee to review the applicants and make recommendations on their qualifications.

Where the application is for a Commissioner, the judge or judges to whom they are assigned shall select the applicant to be appointed by the Executive Committee. If the judges are unable to agree, the applicant shall be selected and appointed by the Executive Committee.

Appointments shall require ratification by a majority vote by secret ballot of the total number of judges sitting on the Court. The Executive Committee shall make the appointments. All appointments shall reflect the bipartisan composition of the Court, whenever possible.

**D. Term.** Judicial officers shall serve at the discretion of the Executive Committee. The Executive Committee shall assign magistrates. Supervising judges may recommend termination of the employment of their commissioners. If both judges agree, employment shall be terminated. If one of the supervising judges does not agree, the Executive Committee shall determine the issue of continued employment.

**E. Annual Evaluation.** Magistrates and Commissioners shall be evaluated annually.

2 Revised 12/4/2000

## LR49-AR00-305 BUDGETARY PROCEDURES

**A. Budgets.** The Executive Committee shall prepare and submit a unified budget for the Court to be funded upon approval of the City-County Council.

**B. Annual Procedure.** Each year the Executive Committee shall establish a schedule for the Court and its divisions to submit a proposed budget for budget preparation, review and submission by the Executive Committee with the goal of providing for the effective functioning of the Court, as follows:

1. Each judge and administrative officer shall submit written budget requests to the Court Administrator.

2. The Executive Committee shall meet to review the budget requests and may request further information from the judges and administrative officers or any other source.

3. The Executive Committee shall establish and set budget priorities and direct the Court Administrator to prepare the budget proposal for submission to the City-County Council.

**C. Allocation of Resources.** The Executive Committee shall establish guidelines for allocation of individual line items in the yearly budget approved by the City-County Council. Each judge shall be allocated an adequate amount at the beginning of the year for office expenses, including supplies, stationery, equipment, association dues, disciplinary fees and travel.

**D. Claims.** All claims shall be submitted to the Court Administrator for review to determine compliance with budgetary policies and guidelines approved by the Executive Committee. The Court Administrator shall then forward all approved claims consistent with the Executive Committee's policies and guidelines to the Marion County Auditor for payment. Any claim or expenditures exceeding or otherwise inconsistent with budgetary policies or guidelines must be submitted to the Executive Committee for approval prior to incurring any such expense. No judge may individually approve any claim or expenditure, which exceeds the amount allocated to each judge.

**E. Transfers within Budget Character.** If the Court Administrator, with the approval of the judge, or a judge, determines that a transfer is necessary within budget characters and within division, they shall have the authority to sign off on that transfer for submittal to the Marion County Auditor.

**F. Transfers between Budget Characters.** If the Court Administrator, with the approval of the judge, or a judge, determines that a transfer between budget characters is necessary, a written proposal with explanation shall be submitted to the Executive Committee for approval. Upon approval, determination will be made if a transfer is possible. This action requires the approval of both division heads, and action by the City-County Council. If no

transfer is possible, a "Request for Fiscal Ordinance" will then be presented to the Marion County Auditor for submission to the City-County Council.

**G. Additional Appropriation.** If the Court Administrator, with the approval of the judge, or a judge, determines that an additional appropriation is necessary, a written proposal shall be submitted to the Executive Committee for approval. Upon approval, determination will be made if a transfer is possible. This action also requires the approval of both division heads. If no transfer is possible, a "Request for Fiscal Ordinance" will be presented to the Marion County Auditor for submission to the City-County Council.

**H. Mandate.** The Executive Committee shall exercise all mandates for the adequate provision of court services, personnel or other expenditures.

**I. Compliance with Laws.** The Executive Committee and the Court Administrator shall closely monitor all budget submissions, claims, expenditures and other financial records to assure strict compliance with all laws, rules and regulations.

## LR49-AR00-306 AMENDMENT OF ADMINISTRATIVE RULES

A. The Administrative Rules of the Marion Superior Court may be amended by a majority vote of all qualified judges.

B. Any judge who wishes to propose an amendment to the Administrative Rules shall submit the proposed amendment to the Presiding Judge.

C. After receiving a proposed amendment, the Presiding Judge shall distribute copies of the proposed amendment to all judges and schedule a meeting not less than 30 days later to discuss and vote on the amendment.

## LR49-AR15-307 COURT REPORTER SERVICES

The undersigned Courts comprise all of the Courts of record of Marion County, Indiana and hereby adopt the following local rule by which Court Reporter services shall be governed.

**A. Definitions**. The following definitions shall apply under this local rule:

1. A *Court Reporter* is a person who is specifically designated by a Court to perform the official court reporting services for the Court including preparing a transcript of the record.

2. *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing court-reporting services. Equipment shall include, but not be limited to, telephones, computer

hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

3. *Work Space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the courtroom and any designated office space.

4. *Page* means the page unit of transcript, which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

*6.* *Regular hours worked* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.

*7.* *Gap hours worked* means those hours worked that are in excess of the regular hours worked but are hours not in excess of forty (40) hours per work week.

8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per workweek.

9. *Compensatory Time* means that time off to which an employee may be entitled by reason of the employee having worked gap hours and/or overtime hours as defined herein, and for which an employee would otherwise be entitled to receive regular pay and/ or overtime pay. An employee's compensatory time off for gap hours worked shall be computed at an hour for hour basis. Compensatory time off for overtime hours worked shall be computed at a rate of one and one half compensatory time for each hour of overtime hours accrued. An employee shall receive compensatory time off for gap hours and/or overtime hours in lieu of gap and/or overtime pay.

10. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

11. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean the Marion Superior Court.

12. *Indigent transcript* means a transcript that is paid for from state or county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

13. *Private transcript* means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

14. *Expedited Transcript* means a transcript that is to be completed within seven (7) days of the request for the transcript.

15. *Daily Transcript* means a transcript that is to be completed within twenty-four (24) hours of the request for the transcript.

16. *Schedule of Transcript Supplies* means those supplies and or services necessary for the binding of the transcript and exhibit binders pursuant to Appellate Rules 28 and 29. Transcript supplies shall include, but not be limited to, C-D ROM disks, software disks, tabs and binders

.

17. *Minimum Transcript Fee* means the minimum fee charged for the preparation of a transcript or any portion thereof.

**B. Salaries and Per Page Fees.**

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Court during any regular work hours, gap hours or overtime hours. The Marion Superior Court, by and through its Executive Committee and the Supervising Judge, shall enter into a written agreement with the Court Reporter which outlines the manner in which the Court Reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

2. The maximum per page fee a Court Reporter may charge for the preparation of a county indigent transcript, including Index and Table of Content pages, which transcript is not an expedited transcript, shall be $ 3.00; the Court Reporter shall submit a claim directly to the county for the preparation of the indigent transcript.

3. The maximum per page fee a Court Reporter may charge for the preparation of a state indigent transcript, including Index and Table of Content pages, which transcript is not an expedited transcript, shall be $ 3.50; the Court Reporter shall submit a claim directly to the state for the preparation of the transcript.

4. The maximum per page fee a Court Reporter may charge for preparation of a private transcript, including Index and Table of Content pages, which transcript in not an expedited transcript shall be $4.00.

5. The maximum per page fee a Court Reporter may charge for an expedited transcript, including Index and Table of Content pages, shall be $5.50.

6. The maximum per page fee a Court Reporter may charge for a daily transcript, including Index and Table of Contents pages, shall be $ 8.00.

7. The transcript supplies used in the preparation and assembly of the transcript and exhibit binders shall be itemized and charged in accordance with the fee schedule set out in the Schedule Of Transcript Supplies and Fees on file in the Court Administrator's office.

8. The Court Reporter's time spent assembling the transcript and exhibit binders shall be set forth and charged at the Court Reporter's regular hourly rate based upon the court reporter's annual compensation.

9. Each Court Reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

**C. Private Practice.**

1. If a Court Reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the Court Reporter desires to utilize the Court's equipment, work space and supplies, and the Court agrees to the use of the Court equipment for such purpose, the Marion Superior Court, by and through its Executive Committee and the Supervising Judge, and the Court Reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, workspace and supplies.

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the Court Reporter is to reimburse the Court for the use of the equipment, workspace and supplies.

(d) The manner in which the Court Reporter is to be compensated for gap and overtime hours; i.e. either monetary compensation or compensatory time off regular work hours.

## [3]LR49-AR00-308 PURCHASES MADE WITH FEDERAL GRANT FUNDS

The Court may, from time to time, receive federal funds through grant programs or other initiatives. Pursuant to federal regulations *(including the Office of Management and Budget's Circular A-102, United States Department of Justice Common Rule 28CFR 66.36 and any other*

3 Adopted by the General Term, May 7, 2007

*agency common rules associated with procurement)* on sub-awards and procurement that restrict certain activities with entities that have been debarred or suspended from federal funding, the Court adopts the following rule.

A. Purchases *using Federal Funds*. Purchase orders through City Purchasing shall be required for all *grant funded purchases*. These purchases would include without limitation equipment and supplies.

B. Contractual Agreements. Services purchased from any entity with federal grant dollars shall require a contract executed by the Executive Committee. All such contracts shall then be forwarded to the City Purchasing Department, and purchase orders would then be issued for services to be performed under the terms of the contract.

C. Other Expenditure of Federal Funds. Any expenditure of federal funds other than salaries shall be subject to the procedures and requirements of the City Purchasing Department.

D. With the exception of federal fund expenditures provided for in this rule, other expenditures and purchasing procedures followed by the court are not subject to the procedures and requirements of the City Purchasing Department, except as otherwise required by statute.

# Marion Superior Court

# Probate Rules

# MARION COUNTY PROBATE RULES

Effective February 1, 1995
Including Amendments, Received Through February 1, 1999


| | |
|---|---|
| **LR49-PR00-400** | **SCOPE AND TITLE** |
| **LR49-PR00-401** | **ADOPTIONS** |
| **LR49-PR00-402** | **ADOPTION CONSENT** |
| **LR49-PR00-403** | **ATTENDANCE OF PROPOSED FIDUCIARIES** |
| **LR49-PR00-404** | **REPRESENTATNION OF FIDUCIARIES BY COUNSEL** |
| **LR49-PR00-405** | **BONDS IN ESTATES** |
| **LR49-PR00-406** | **INVENTORY IN ESTATES** |
| **LR49-PR00-407** | **WRONGFUL DEATH ESTATES** |
| **LR49-PR00-408** | **ORDERS AND DEEDS IN UNSUPERVISED ESTATES** |
| **LR49-PR00-409** | **TIME FOR CLOSING ESTATES** |
| **LR49-PR00-410** | **GUARDIANSHIPS** |
| **LR49-PR00-411** | **RESTRICTED ACCOUNTS AND BONDS IN GUARDIANSHIPS** |
| **LR49-PR00-412** | **FEES** |
| **LR49-PR00-413** | **VOUCHER REQUIREMENTS FOR ACCOUNTS** |
| **LR49-PR00-414** | **NOTICE** |
| **LR49-PR00-415** | **REQUIREMENT OF VERIFICATION** |
| **LR49-PR00-416** | **CHANGE OF ADDRESS** |

## LR49-PR00-400. SCOPE and TITLE

**400.1 Scope.** These Rules shall apply in the Marion Circuit and Superior Courts and shall be applicable in all probate matters. These Rules are, in addition to` and are not intended to replace the Marion County Local Rules of Court. In the event of a conflict in a probate matter, the Marion County Probate Rules shall apply.

**400.2 Title.** These Rules shall be known as the "Marion County Probate Rules".

## LR49-PR00-401. ADOPTIONS

Except for good cause shown, no final hearings in adoption proceedings shall take, place until the adopting couple (or the birth parent and adopting stepparent) have been married for at least one (1) year.

## LR49-PR00-402. ADOPTION CONSENT

A consent to adoption must be notarized.

## LR49-PR00-403. ATTENDANCE of PROPOSED FIDUCIARIES

**403.1** All proposed personal representatives and guardians who are residents of Indiana shall appear before the Court to qualify.

**403.2** Non-residents, shall either appear or submit an affidavit describing their education, employment and lack of felony convictions.

## LR49-PR00-404. REPRESENTATION of FIDUCIARIES by COUNSEL

No personal representative or guardian of an estate may proceed without counsel.

## LR49-PR00-405. BONDS in ESTATES

**405.1** In, every unsupervised and supervised estate the personal representative shall file a corporate surety bond in an amount determined by the Court to be adequate to protect distributees, creditors and taxing authorities except as hereinafter provided.

**405.2** No surety bond is required where a corporate fiduciary serves as personal representative or co-personal representative.

**405.3** No surety bond is required in a solvent estate where the decedent's spouse serves as personal representative and is the sole distributee.

**405.4** Where a will provides that bond be dispensed with, the Court shall nonetheless fix a bond in an amount adequate to protect creditors and taxing authorities.

**405.5** Where the personal representative is a distributee, the bond may be reduced by the personal representative's estimated net distributive share, but the Court will fix a bond adequate to protect other distributees (if any), creditors and taxing authorities.

**405.6** Where all distributees consent in writing that the personal representative serve without bond, the Court will fix a bond in an amount adequate to protect creditors and taxing authorities.

## LR49-PR00-406. INVENTORY in ESTATES

**406.1** In all supervised estates, the personal representative shall file an inventory conforming with the requirements of IC: 29-1-I2-1 within two (2) months of appointment.

**406.2** In all unsupervised estates, the personal representative shall, within two (2) months of appointment either:

A. file an inventory conforming with the requirements of I.C. 29-1-7.5-3.2(b) or

B. file a verified certification that an inventory conforming with the requirements of I.C. 29-1-7.5-3.2 has been prepared and is available to be furnished to distributees on request.

## LR49-PR00-407. WRONGFUL DEATH ESTATES

**407.1** All proposed wrongful death settlements must be approved by the Court, whether the estate is supervised, unsupervised, or a special administration for the sole purpose of prosecuting the wrongful death claim.

**407.2** When an estate remains open one (1) year, the personal representative shall file a status report as to any wrongful death claims. If an action is pending, the report shall show the cause number and the court.

**407.3** When a judgment has been paid or a petition for approval of settlement is filed in any estate, a petition shall be filed showing proposed distribution, in accordance with I.C. 34-1-1-2. Such petition must set out the proposed distribution to the appropriate statutory damage distributees, such as:

1. Expenses of administration;
2. Providers of funeral and burial expenses;
3. Providers of medical expenses in connection with last illness of decedent;
4. Surviving spouse;
5. Dependent children;
6. Dependent next of kin (if there is no surviving spouse or dependent children).

A proposed order shall be presented to the Court, ordering distribution in accordance with I.C. 34-1-1-2 and requiring that a final account as to the wrongful death proceeds be filed within thirty (30) days.

**407.4** I.C. 34-1-1-8 does not provide for the opening of a minor's wrongful death estate.

## LR49-PR00-408. ORDERS and DEEDS in UNSUPERVISED ESTATES

**408.1** No deeds shall be approved in unsupervised estates.

**408.2** No orders approving closing statements will be signed.

## LR49-PR00-409. TIME for CLOSING ESTATES

**409.1** Personal representatives shall comply with I.C. 29-1-16-2, which provides as follows: "Every personal representative shall close the estate as promptly as possible. Unless for good cause shown, the time for filing the final account in the estate shall not exceed one (1) year from the appointment of a personal representative,"

**409.2** Good cause for not closing a supervised estate within one (1) year may be shown by filing an intermediate account within thirty (30) days after the expiration of one (1) year. Such accounting shall comply with the provision of I.C. 29-1-16-4 and I.C. 29-1-16-6.

**409.3** The intermediate account shall also state facts showing why the estate cannot be closed.

**409.4** Failure to close within one (1) year or show cause why estate cannot be closed may be grounds for removal of the personal representative, pursuant to I.C. 29-1-10-6, and for reduction or forfeiture of personal representative fees and attorney fees.

**409.5** A closing statement shall be filed within one (1) year after opening an unsupervised estate; provided however a status report may be filed in lieu of a closing statement. The status report must indicate why the estate cannot be closed and project a closing date.

## LR49-PR00-410. GUARDIANSHIPS

**410.1** In all guardianship or protective proceedings seeking to declare an adult incapacitated, either, the person alleged to be incapacitated shall be present at the hearing or the petitioner shall present sufficient medical evidence to establish that a court appearance would result in injury to the person's health or safety.

**410.2** In all guardianship or protective proceedings seeking to declare an adult incapacitated; the Court's prescribed physician's report form must be completed and presented to the Court at or before the hearing.

**410.3** Pursuant to I.C. 29-3-3-4(a) no guardian of an adult shall be appointed or protective order entered without notice except upon verified allegations that delay may result in immediate and irreparable injury to the person or loss or damage to property.

**410.4** No guardian shall be appointed over a minor for the sole purpose of establishing residence in a school district.

## LR49-PR00-411. RESTRICTED ACCOUNTS and BONDS in GUARDIANSHIPS

**411.1** In guardianships over the estate of a minor, unless otherwise authorized by the Court, funds shall be placed in a restricted account designating that no principal or interest may be withdrawn without written order of the Marion Superior Court, Probate Division.

**411.2** Prior to the issuance of letters in a guardianship over a minor's estate or the compromise of a minor's claim, the guardian and attorney shall execute the Court's attorney's undertaking form making the attorney personally responsible for the deposit of the funds in a restricted account.

**411.3** Within a time prescribed by the Court a certification by a financial institution that a properly restricted account has been created shall be filed.

**411.4** No surety bond or restricted account is required where a corporate fiduciary serves as guardian or co-guardian of the estate.

## LR49-PR00-412. FEES

**412.1** No fees for personal representative, guardians or attorneys shall be paid from any guardianship or supervised estate without prior written order of the Court.

**412.2** Fees in unsupervised estates shall not be subject to Court approval.

**412.3** A petition for fees must be signed or approved in writing by the personal representative or guardian.

**412.4** Partial fees in a supervised estate may be requested when:

A. An intermediate accounting has been approved, or
B. The Court finds upon petition that a tax advantage will result from payment of partial fees.

**412.5** In all other cases payment of fees in supervised estates shall be authorized as follows:

A. One-half upon the filing of an inheritance tax return or upon a Court determination of no taxes due: and

B. The remaining one-half upon approval of the final account.

**412.6** In a guardianship an initial petition for fees may be filed upon filing the inventory. Except as provided in paragraph 412.7, no further petition for fees will be approved until an annual, biennial or final account is approved.

**412.7** When unusual circumstances require substantial work in a guardianship, the Court may award fees prior to the approval of an account.

**412.8** Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to Court approval. If the entire attorney fee is to be paid at the time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

## LR49-PR00-413. VOUCHER REQUIREMENTS for ACCOUNTS

I.C. 29-1-16-4 requires that personal representatives of supervised estates and guardians file vouchers (proof of payment) for all disbursements when an account is filed. Affidavits in lieu of vouchers will not be accepted unless submitted by corporate fiduciaries.

## LR49-PR00-414. NOTICE

**414.1** Whenever notice of any hearing or trial is given, it is the responsibility of the moving party to submit proof of service.

**414.2** Copies of the subject motion or petition must be served with all notices of hearing.

**414.3** Whenever any estate or guardianship account (including a final account in a supervised estate) is set for hearing, copies of the account must be served with notice of hearing.

## LR49-PR00-415. REQUIREMENT of VERIFICATION

All motions, petitions, inventories and accounts in estates or guardianships shall be notarized or verified.

## LR49-PR00-416. CHANGE of ADDRESS

A personal representative or guardian who changes address shall immediately advise the Court of the new address.

# MARION CIRCUIT AND SUPERIOR COURT

# FAMILY LAW RULES

**LR49-FR00-500 COMMITMENT TO RESPECT AND CIVILITY**

**LR49-FR00-501. TITLE AND SCOPE**

**LR49-FR00-502. ADMINISTRATIVE PROCDEDURES**

**LR49-FR00-503. NOTICE AND SPECIAL DISCLOSURE REQUIREMENTS**

**LR49-FR00-504. FINANCIAL DECLARATION FORM**

**LR49-FR00-505. CHILD SUPPORT GUIDELINES**

**LR49-FR00-506. SUBMISSION OF AGREED MATTERS**

**LR49-FR00-507. TEMPORARY RESTRAINING ORDERS**

**LR49-FR00-508. CHILD CUSTODY AND VISITATION; REFERRALS**

**LR49-FR00-509. ATTORNEY FEES**

**LR49-FR00-510. PARENTING TIME ORDERS**

**LR49-FR00-511. CASE MANAGEMENT CONFERENCES**

**LR49-FR00-512.TERMINATION OF REPRESENTATIVE CAPACITY**

**Appendix A Summons and Appearance form**
**Appendix B Child Support Information**

## LR49-FR00-500. FAMILY LAW COMMITMENT TO RESPECT AND CIVILITY

### PREAMBLE

The Members of the Family Law Section of the Indianapolis Bar Association, recognizing the high degree of conflict and the volatile nature of domestic disputes, their impact on children and the need for direction in balancing the duty to represent the client with the obligation to rational, peaceful and efficient administration of justice, now make this pledge to promote the highest degree of respect and civility in conduct with parties, attorneys and courts.

### GUIDELINES

I will maintain the highest level of professional integrity and personal courtesy in all dealings with parties, counsel, witnesses and courts.

I will advise clients that I am bound by the responsibilities and restrictions set forth in the Rules of Professional Conduct in all matters relating to the handling of their cases.

I will pursue the advancement of clients' legitimate objectives, but I will not participate in litigation based upon vengeance or other inappropriate emotions.

I will use legal procedures for the fullest benefit of clients without misusing or abusing the legal process.

I will not intentionally speak or act in an abrasive, hostile, offensive or acrimonious manner toward parties, counsel or courts.

I will not knowingly misstate, mischaracterize or fail to disclose relevant facts or legal authority.

I will familiarize myself with and comply with all requirements of the common law, the trial rules, the local rules, and the court policy and procedure.

I will endeavor to have clients fully disclose assets and liabilities, informally exchange information and confer with opposing counsel to discuss settlement, stipulate undisputed matters, and identify issues prior to scheduled hearings.

I will strive to reach agreements on procedural and preliminary matters consistent with clients' legitimate objectives.

I will honor promises and commitments in an effort to raise the level of professionalism and civility in domestic matters.

I will advise clients of the legal standards by which courts decide family law issues including the rebuttable presumption of an equal division of the marital estate and application of the best interest standard when determining custody of the children.

I will, whenever possible, encourage clients to reach amicable settlement of all issues after careful review of statutes and reasonable consideration of the risks, costs, delay and emotional trauma of trial.

I will not seek judicial intervention in matters that can be resolved through cooperation and communication between counsel and parties.

I will not resort to ex parte proceedings in the absence of extreme emergency, as the interests of justice and fair play mandate notice to the opposing party.

I will not abuse time limitations set by courts, will be punctual and prepared for all court appearances and I will notify the court promptly when a case has been settled or must be continued.

I will prepare clients and witnesses for court appearances and advise them of the conduct required of them in order to promote the prompt and efficient administration of justice and to avoid conduct that brings disorder, disruption and disrespect upon the courts.

**LR49-FR00-501. TITLE AND SCOPE**

**A. Title.** These Rules shall be known as the Marion Circuit and Superior Court Family Law Rules.

**B. Scope.** These Rules are in addition to the Marion Circuit and Superior Court Civil Division Rules. In the event of a conflict between the Civil Division and Family Law Rules, these Rules shall control. The Indiana Trial Rules and Indiana Rules of Evidence also apply in all family law matters.

**LR49-FR00-502. ADMINISTRATIVE PROCEDURES**

**A. Provisional Orders.** A request for provisional orders may be made a part of the petition for dissolution of marriage, legal separation or paternity, in which case the petition shall be titled "Petition for Dissolution of Marriage [Legal Separation] [Paternity] and for Provisional Orders".

**B. Time Required.** In all contested family law matters, the moving party shall advise the court of the time required for hearing and contested issues to be considered in the text of a petition or praecipe for hearing. Parties should petition for time necessary for hearing with the expectation that each side will be allotted one-half of the total time allocated. The court normally allows 15 minutes for preliminary hearings and contempt petitions.

**C. Summary Presentation.** By agreement of the parties, all issues and evidence relevant to a domestic relations case may be presented in summary fashion by counsel.

**D. Copies Required.** The parties shall submit sufficient copies of the Final Decree and Property Settlement for the court to retain an original and two copies of each and provide copies to all parties or counsel of record.

**E. Bench Warrant.** In order to obtain a bench warrant from the court, a party must have personal service on the adverse party and complete a bench warrant information sheet. The court may issue a bench warrant on copy service with sworn testimony confirming actual notice to the adverse party.

**F. Summons and Appearance.** In all family law matters, the petitioner shall use the form of

summons and appearance form set forthin Appendix A and shall attach the Verified Financial Declaration Form. Only the last 4 digits of a social security number should appear on the appearance form.

**G. Verification.** Verification language where required shall be in the form as stated in Indiana Trial Rule 11(B): I affirm, under the penalties for perjury, that the foregoing representations are true.

**H. Mandatory Mediation.** Parties must submit all contested final hearing issues requiring two hours or more of court time and all non-contempt post-decree child related issues to mediation prior to presenting the issues to the court for hearing, unless this rule is waived for good cause shown after written request by a party. The court may in its discretion assign matters to mediation at any stage of the proceeding.

**I. Negotiations.** Parties and counsel shall exchange documents, negotiate pending issues prior to scheduled hearing time and report to the Court.

## LR49-FR00-503. NOTICE AND SPECIAL DISCLOSURE REQUIREMENTS

A. **Notice.** In all relevant family law matters, the moving party shall give notice of the time, place of the hearing or trial and that matters may be heard and determined in a party's absence, by summons, subpoena, order to appear, notice of hearing, served upon the adverse party at least seven days prior to the hearing or trial and file a copy of the notice with the Court. Proof of service by certified mail or sheriff is generally required.

B. **Other Pending Legal Proceedings.** In all family matters, the moving party shall provide the court with written notice of all other pending legal proceedings in which either party is involved. The written notice shall include the cause number, name and location of the court, names of parties involved and nature of the legal proceeding, per the appearance form in Appendix A.

C. ***Ex Parte* Proceedings.** The Court in its discretion shall decline to issue an order on any *ex parte* petition for emergency relief absent a showing the moving party has complied with Trial Rule 65 and Indiana case law.

D. **Children Cope with Divorce.** Prior to a final hearing in a dissolution involving minor children or paternity proceeding, the parties shall attend and ensure that the court is provided with written certification that the parties have completed a Children Cope with Divorce Program, or similar type program approved by the Court, unless waived by the Court.

E[1]. **Child Support Account Information Form.** In all family law matters, the parties shall use the Child Support Account Information Form set forth in Appendix B. Anytime the court signs an order creating, modifying or terminating a child support obligation, the parties shall complete and submit a Child Support Account Information Form to the Clerk of the Marion Circuit and Superior Courts.

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[1] Revised May, 7, 2007

**LR49-FR00-504. FINANCIAL DECLARATION FORM**

**A. Requirement[2].** In all family law matters, the initiating party shall complete, serve and file a Financial Declaration Form within 30 days of filing a Petition for Dissolution of Marriage, Legal Separation or to Establish Paternity or a Petition for Modification of Child Support or at least seven days prior to any hearing, whichever is sooner. A blank form shall be served upon the responding party with the summons or order to appear instructing the respondent to complete, serve and file the form within 30 days of receipt or at least seven days prior to any hearing, whichever is sooner. Failure by any party to submit the Verified Financial Declaration Form as required shall preclude him or her from presenting evidence as to those matters contained in the Verified Financial Declaration Form, except for good cause shown. These time limits may be amended by court order for good cause shown.

**B. Exceptions.** The Financial Declaration Form need not be exchanged if:

1. The parties have obtained leave of court;

or

2. The parties have a signed agreement;

3. The proceeding is one in which the service is by publication and there is no response;

4. The proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns only a child support arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation.

**C. Admissibility.** Subject to specific evidentiary challenges, the Financial Declaration shall be admissible into evidence upon filing.

**D. Supporting Documents.** For the purpose of providing a full and complete verification of income, assets, liabilities and values, each party shall attach to the Financial Declaration Form all information reasonably required and reasonably available. At the minimum this shall include current wage records, income tax returns and supporting documentation. "Reasonably available" means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in the possession of the other party. The court may require either party to supplement the Financial Declaration Form with appraisals, bank records, and other supporting documentation. Such supporting documentation shall not be attached to the Financial Declaration filed with the court, or , if attached, shall have all information redacted as necessary to comply with Indiana Trial Rule 5 (G). Supporting documentation, if relevant, may be admitted into evidence at a hearing as an exhibit subject to the Rules of Evidence.

**E. Financial Declaration Forms -- Mandatory Discovery.** The exchange of Financial Declaration Forms constitutes mandatory discovery and Indiana Trial Rule 37 sanctions apply. The Forms shall be supplemented if additional material becomes available pursuant to Indiana Trial Rule 26(E)(2).

## LR49-FR00-505. CHILD SUPPORT GUIDELINES

**A. Child Support Worksheet Required.** In all proceedings involving child support or educational expenses, a Child Support Worksheet shall be provided with any settlement agreement, final decree, or at the time of any hearing or trial.

**B. Deviation from the Child Support Guidelines.** If an agreement concerning child support provides any deviation from the Child Support Guidelines, the parties shall provide the court a written explanation for the deviation.

**C. Income Withholding Order Required.** In all proceedings involving child support, absent other court order, an Income Withholding Order providing for payment through the state collection agency, shall be submitted with any settlement agreement, final decree, or modification.

## LR49-FR00-506. SUBMISSION OF AGREED MATTERS

**A. Written Agreement Required.** No agreed matter shall be submitted unless accompanied with a signed agreement and other appropriate documents such as a Decree. However, if the parties reach a settlement just prior to hearing or trial and there is insufficient time for the attorneys to prepare a typewritten agreement, then the court may accept evidence of that settlement in handwritten form and on the record. If the agreement is entered orally on the record, counsel shall submit an order setting forth the agreement for approval by the court within ten (10) days or such additional time as the court may allow.

**B. Petition for Modification Required.** A verified Petition for Modification shall be included with
any Agreed Entry pursuant to Indiana Trial Rule 7(B).

## LR49-FR00-507. TEMPORARY RESTRAINING ORDERS

Subject to the provisions of Indiana Trial Rule 65 and Indiana case law, in all family law matters, the court may issue a Temporary Restraining Order without hearing or security, if either party files a verified petition with specific allegations that irreparable harm or injury would result to the moving party if no immediate order were issued, or as otherwise as delineated in this Rule.

**A. Joint Order.** If the court finds that an order shall be entered, the court may enjoin both parties from:

1. Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the parties or asset of the marriage without the written consent of parties or the permission of the court;

2. Removing any child of the parties then residing in the State of Indiana from the State with the intent to deprive the court of jurisdiction over such child without the prior written consent of all parties or the permission of the court.

**B. Separate Order Required.** In the event a party seeks to enjoin the non-moving party from

abusing, harassing or disturbing the peace, of the moving party or any child or step-child of the parties, or exclude the non-moving party from the marital residence, the petition must allege specific facts indicating more than a generalized fear of an adverse action; contain evidence of actual or threatened physical or emotional abuse sufficient to find a risk of imminent danger; in the case of an eviction or custody request also show that the moving party is physically available to testify unless there is a showing of exceptional circumstances; and in all cases for restraining order, certify to the court the reasons supporting the claim that notice cannot be given. A joint or mutual restraining or protective order shall not be issued. If both parties allege injury, they shall do so by separate petitions. The court shall review each petition separately and rule on each with separate orders.

**C. Confidential Form.** The moving party shall provide the court with a completed Confidential Form concerning the non-moving party.

**D. Notice of Termination.** When a court issues a Temporary Restraining Order under Indiana Code § 31-15-4-3 and a protective order exists for the parties under Indiana Code § 34-26-2 et seq., a Notice of Termination of the protective order shall be completed pursuant to Indiana Code § 34-26-2-13. A Notice of Termination shall be completed when a Temporary Restraining Order is dissolved by the entry of a decree or court order.

**E. Notice of Extension or Modification.** When a Temporary Restraining Order is extended or modified by the entry of a decree or court order, a Notice of Extension or Modification shall be completed.

**F. Protective Orders.** When a court has issued a protective order prior to the filing of a Petition for Dissolution or initiation of a paternity proceeding, and a dissolution or paternity proceeding is later filed, pursuant to Ind. Code § 34-26-5-6(4), the court that issued the protective order may, on it own motion, or upon petition and order, transfer the protective order file to the court handling the dissolution or paternity case. If there is a pending family law matter, the court where the family law cause is pending shall hear the emergency protective order request, unless otherwise impractical. The Clerk shall file a new protective order proceeding in the court where the family law case is pending. An emergency request relating to a previously disposed cause involving a family with children or paternity shall be filed in the court where the case originated.

**LR49-FR00-508 CHILD CUSTODY AND VISITATION: REFERRALS FOR INVESTIGATION AND REPORT**

On motion of either party with the approval of the court, or on the court's own motion, contested matters involving child custody and parenting time shall be referred to the Domestic Relations Counseling Bureau or to other sources for investigation and submission of a report to the court.

**A. Domestic Relations Counseling Bureau.** The DRCB shall conduct an investigation and report to the court on all contested matters referred to its attention, including written notice to the court when the evaluation has been conducted and the anticipated date a report will be submitted. In addition, the Bureau shall file a written report to the court if an investigation or evaluation is not conducted and the reason it was not completed.

**B. Scope.** This Rule shall apply to disputes involving child custody or parenting time that may exist either before or after the entry of a Final Decree of Dissolution of Marriage or an Entry of Paternity. The parties to contested matters shall meet and cooperate with the Domestic Relations Counseling Bureau as required.

**C. Continuance.** It shall be grounds for a continuance that a court ordered custody/parenting time evaluation or report has not been submitted to the court within seven days prior to the hearing date.

**D. Admissibility.** A court ordered custody/parenting time evaluation or report shall be admissible into evidence on the motion of either party without the evaluator needing to be present at the hearing. No part of this Rule is intended to supplant the right of either party to compel the attendance of the evaluator or other witnesses as set out in Indiana Trial Rule 45.

**E. Release of Custody/Parenting Time Evaluation or Report.** Upon written request, a court ordered custody/parenting time evaluation or report that was submitted only to the Court may be released to all parties.

**F. Physical and Mental Examinations.** In all contested family law matters involving child custody or parenting time, the provisions of Indiana Trial Rule 35 providing for physical or mental examinations by a physician shall be extended to include examinations and evaluations by a psychologist, therapist or other qualified evaluator upon order of the court.

**G. Non disclosure of Report.** Regardless of whether or not the evaluation/report was court-ordered, was conducted by the DRCB, or was a private evaluation, the content of the evaluation/ report shall not be discussed with or in the presence of any minor child of the parties. Violation of this rule may result in a contempt of court proceeding. This provision regarding contempt applies even if the information is not provided to the minor child directly by the party, if the party has allowed, directly or indirectly, any other individual to have access to the evaluation/report, and that individual then discusses the matter with the child.

## LR49-FR00-509. ATTORNEY FEES

**A. Preliminary Attorney Fees.** Attorney fees may be awarded based on evidence presented by affidavit or oral testimony at a preliminary hearing. Affidavits shall be admissible subject to cross-examination. The following factors may be considered:

1. The number and the complexity of the issues;

2. The nature and extent of discovery;

3. The time reasonably necessary for the preparation and conduct of contested hearings;

4. The attorney's hourly rate; and

5. The amount counsel has received from all sources.

**B. Preliminary Appraisal and Accountant Fees.** Appraisal or accounting fees may be awarded based on evidence presented by affidavit or oral testimony at a preliminary hearing. The following factors may be considered:

1. An itemized list of property to be appraised or valued; and

2. An estimate of the cost of the appraisals and the retainer required

**C. Contempt Citation Attorney Fees.** There shall be a rebuttable presumption that attorney fees will be awarded to the prevailing party in all matters involving a contempt citation. An attorney may submit the requested fee by affidavit or oral testimony, which may be accompanied by an itemized statement.

**LR49-FR00-510. PARENTING TIME ORDERS**

**A. Reasonable Parenting Time.** Except for specific deviations as approved by the Court, the phrase "reasonable parenting time" shall be presumed to be those rights and obligations provided for in the Indiana Parenting Time Guidelines, including the commentary, in effect at the time of the court-approved agreement or order, unless the agreement or order provides that parenting time shall be according to the guidelines as amended from time to time.

**B. Reasonable Visitation.** For cases involving visitation orders entered prior to March 31, 2001, and not modified thereafter, unless otherwise defined by court-approved agreement or order, the phrase "reasonable visitation" shall be defined as those rights and obligations provided for in the Marion County Visitation Guidelines, in their entirety, including the commentary, in effect at the time of the court-approved agreement or order, unless the agreement or order provides that visitation shall be according to the Guidelines as amended from time to time.

**C. Acknowledgment.** If the parties acknowledge in writing that they have received a copy of the Indian Parenting Time Guidelines and adopt the Guidelines as written or otherwise explain any deviation from the Guidelines in a settlement agreement or final decree, it will not be necessary that a copy of the Guidelines be attached to the agreement or decree.

**LR49-FR00-511. CASE MANAGEMENT CONFERENCES**

A case management conference shall be held in every contested family law matter requiring one day or more of trial time, or as ordered by the Court. Marion Circuit and Superior Court Civil Division Rule 16.1 shall apply in all respects. In addition, the case management order shall set forth stipulated and contested issues to be considered. The joint case management order shall be submitted at least 60 days prior to the hearing, unless an extension is granted after request by the parties. If there is no case management order timely filed, the hearing may be vacated by the Court

## LR49-FR00-512[2]. TERMINATION OF REPRESENTATIVE CAPACITY

**A.** Upon the entry of a Final Decree of Dissolution of Marriage, Legal Separation or Paternity Judgment or a permanent modification of any custody, support or parenting time order, or the expiration of the appeal time thereon, all attorneys shall terminate their representative capacity by filing a Motion to Withdraw pursuant to Marion County Local Rule 2.

**B.** Service of process of any post dissolution or paternity decree pleadings shall be made upon the party pursuant to Indiana Rules of Trial Procedure.

**C.** Any copy served upon prior counsel who has properly withdrawn in compliance with this Rule, shall be deemed to be a matter of professional courtesy only.

**D.**[3] Counsel for both initiating and responding parties shall be required to file a new appearance in any post dissolution or paternity decree action.

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[2] Amended 9/20/2004; Effective 1/1/2005

[3] 13(d) Adopted 9/20/3004; Effective 1/1/2005

**SUMMONS**
**IN THE MARION CIRCUIT AND SUPERIOR COURTS**

IN RE: THE MARRIAGE OF

_____
Petitioner

and CAUSE NO._____

_____
Respondent

TO RESPONDENT: (Name) _____
(Address) _____
_____

You are hereby notified that you have been sued by the Petitioner for (Dissolution of Marriage) (Legal Separation) (Paternity) (Child Support) in the court indicated above.

You must complete the attached Financial Declaration Form and file it with the court within ten (10) days after receipt of this summons.

If this summons is accompanied by an Order to Appear, you must appear in court on the date and time stated in the Order to Appear. If you do not appear, evidence may be heard in your absence and a determination made by the court. If a Temporary Restraining Order is attached, it is effective immediately upon your receipt or knowledge of the Order.

If you wish to retain an attorney to represent you in this matter, it is advisable to do so before the date stated in the Order to Appear. If you take no action in this case after receipt of this summons, the court can grant a Dissolution of Marriage (Legal Separation) or make a determination regarding any of the following: paternity, child custody, child support, maintenance, visitation, property division (real or personal) and any other distribution of assets and allocation of debts.

Dated: _____ _____
Clerk, Marion County

The following manner of Service of Summons is designated:
☐ Registered or Certified Mail
☐ Service on Individual
☐ Service at place of employment, to wit: _____
☐ Private Service

_____ _____
Attorney for Petitioner Address

_____
Telephone

**SHERIFF'S RETURN OF SERVICE OF SUMMONS**

I hereby certify that I have served this summons on the _____ day of _____ _____:

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant, _____.

(2) By leaving a copy of the Summons and a copy of the complaint at _____ which is the dwelling place or usual place of abode of and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: _____
_____.

_____ _____
Sheriff's Costs Sheriff

By: _____
Deputy

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the _____ day of _____, _____, I mailed a copy of this Summons and a copy of the complaint to the defendant, _____, by _____ mail, requesting a return receipt, at the address furnished by the plaintiff.

Dated: _____ _____
Clerk, Marion County

By: _____
Deputy

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by the defendant on the _____ day of _____, _____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the _____ day of _____, _____.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant _____ was accepted by _____ on behalf of the defendant on the _____ day of _____, _____.

_____
Clerk, Marion County

By: _____
Deputy

# IN THE MARION SUPERIOR COURT
# DOMESTIC RELATIONS
# APPEARANCE FORM
## Initiating / Responding Party

***(Caption)*** ) **Cause No. _____**
) ***(To be supplied by Clerk when case is filed.)***
)

☐ Check if *Pro Se* ***NOTE: This form is not required for pro se protective orders.***

1. _____ Name of party (must include date of birth and social security number in **DR, PO, GU** cases)

2. Attorney information (as applicable for service of process): **(Pro Se litigants must complete this section)**
Name: _____ Atty. Number:_____
Address: _____ Phone: _____
_____ FAX: _____
_____ Computer Address:_____

3. Case Type requested: _____ 4. Will accept Fax service: Yes _____ No _____

5. For all occupants of the residence as well as any child/ren of either the petitioner or the respondent, supply the names, dates of birth and social security numbers.

Name: _____ D.O.B. _____ _____ SSN# _____

Name: _____ D.O.B. _____ _____ SSN# _____

Name: _____ D.O.B. _____ _____ SSN# _____

Name: _____ D.O.B. _____ _____ SSN# _____

6. Are there now or have there been within the last twelve months pending related cases?
Yes _____ No _____ If yes, list case and cause number below:

(The Court has determined that the following types of matters constitute cases that are related when a named party, family or household member(s) have matters pending of the following types: **CM, or DF filings involving domestic violence, family violence and /or substance abuse charges and all cases of the following types: JM, JS, JP, JT, JD, JC, DR, GU, MH, AD and PO)**

**If the caption has a name other than that of the petitioner, please describe the relationship.**

Caption _____ Cause No. _____
Relationship _____

Caption _____ Cause No. _____
Relationship _____

Caption _____ Cause No. _____
Relationship _____

Caption _____ Cause No. _____
Relationship _____

7. Additional information required by state or local rule:
_____

_____

_____

_____
Attorney at Law
Attorney Information

**Authority: Pursuant to Trial Rule 3.1, this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. The Division of State Court Administration has approved this format. Use additional continuation pages if needed.**

**PURSUANT TO TRIAL RULE 3.1(E), THIS APPEARANCE FORM SHALL BE UPDATED PROMPTLY SHOULD THERE BE**
**ANY CHANGE IN OR SUPPLEMENT TO THE INFORMATION PREVIOUSLY SUPPLIED TO THE COURT**

**APPEARANCE FORM (DR)**
**Continuation Page**

## Cause Number _____

**Continuation of item 1** (Names, addresses and phone numbers of additional parties):

Name: _____ Phone: (  ) _____
Address: _____

_____

Name: _____ Phone: (  ) _____
Address: _____

_____

Name: _____ Phone: (  ) _____
Address: _____

_____

**Continuation of item 2** (Attorney information, as applicable for service of process)

Name: _____ Atty. Number:_____
Address: _____ Phone: _____
_____ FAX: _____
_____ Computer Address:_____

Name: _____ Atty. Number:_____
Address: _____ Phone: _____
_____ FAX: _____
_____ Computer Address:_____

**Continuation of item 5** (Social Security numbers of additional children or occupants of residence):

Name: _____ D.O.B. _____ _____ SSN# _____
Name: _____ D.O.B. _____ _____ SSN# _____
Name: _____ D.O.B. _____ _____ SSN# _____
Name: _____ D.O.B. _____ _____ SSN# _____

**Clerk of the Marion Circuit and Superior Courts**
**Child Support Account Information**

Submitted by:_____ Date Submitted: _____/_____/_____

Cause Number: _____ Effective Date: _____/_____/_____

Child Support Account #:_____ ρ Original ρ Modification ρ Termination

Non-Custodial Parent / Person (Payor):

Name: _____ ρ Male ρ Female
Address: _____ S.S.N _____-_____-_____
_____ D.O.B _____/_____/_____
City: _____ Phone (____)_____-_____
State/ZIP: _____ Ethnic Group: _____
Attorney: _____

Payments will be made through: ρ Employer ρ Electronic Funds Transfer ρ Mail / In Person
Comments:_____.

Custodial Parent / Person (Payee):

Name: _____ ρ Male ρ Female
Address: _____ S.S.N _____-_____-_____
_____ D.O.B _____/_____/_____
City: _____ Phone (____)_____-_____
State/ZIP: _____ Ethnic Group: _____
Attorney: _____

Recipient will receive payments through: ρ Electronic Funds Transfer ρ Check (mailed to address above)
Comments:_____

Obligation Information

Current Payment: $_____ Attorney's Fees: $_____ Medical Support: $_____
Arrearage Payment: $_____ Spousal Support: $_____ Blood Test: $_____
Delinquency Payment: $_____ Clerk Fee: $_____ Other (specify): $_____

Frequency: ρ Weekly ρ Bi-Weekly ρ Semi-Monthly ρ Monthly ρ Lump Sum

Dependent Information

| Name(s) of Child(ren) | Date of Birth | Social Security Number | Sex | Relationship |
|---|---|---|---|---|
| _____ | _____/_____/_____ | _____-_____-_____ | ____ | _____ |
| _____ | _____/_____/_____ | _____-_____-_____ | ____ | _____ |
| _____ | _____/_____/_____ | _____-_____-_____ | ____ | _____ |
| _____ | _____/_____/_____ | _____-_____-_____ | ____ | _____ |
| _____ | _____/_____/_____ | _____-_____-_____ | ____ | _____ |

Use the reverse side to note any additional information.

**LR49-TR3 Rule 600**
**CAUSE NUMBER ASSIGNMENT, CASE INITIATION, SERVICE AND RULE APPLICATION**

**A. Application of Rules**. These Rules apply to all filings on the eFile & Serve Marion County Mass Tort Litigation Docket submitted after 12:01 a.m. on February 26, 2008. The Mass Tort Litigation Docket consists of those cases for which a Local Rule exists that has assigned cases to such a docket. eFile & Serve is the exclusive method of filing and service for cases assigned to the mass tort litigation docket. These Rules are to be construed together with the Indiana Rules of Court and all Marion County Civil Court Local Rules, and when two or more of these Rules apply to a given situation, the more docket-specific or document-specific provision shall control. "Court" as used herein, shall mean the Court to which the mass tort docket has been assigned.

**B. Cause Number Assignment and Case Initiation**. Prior to filing a complaint on a Marion County Mass Tort Litigation Docket, the party shall obtain from the Court a cause number, pursuant to Ind. Admin. Rule 8, with an additional three-digit suffix number. In addition to the requirements of Ind. Trial Rule 3, Plaintiffs shall initiate the case on eFile & Serve as soon as reasonably possible after obtaining a cause number. Plaintiff's counsel must post his appearance at the time of initiation, along with the complaint.

**C. Citation to Cause Number**. Parties may cite to the cause number by the full 20 digit cause number or the shortened cause number in the following format: [Uniform Case Number] + ["-"]+ [assigned suffix number]. The "Uniform Case Number" is equivalent to the first two characters referenced in Admin. R. 8(B)(2), with the exception that the numbers do not reference the actual year the case was filed, but rather the numbers reference reserved cause numbers for consistent cause numbering.

**D. Service**. Posting a complaint on eFile & Serve does not constitute service of process on any defendant. In addition to providing the clerk necessary copies of the complaint and summons, the serving party shall provide the clerk with sufficient copies of the notice provided in Rule 602. eFile & Serve is the "alternative method of notice," to all parties of all documents in cases assigned to the Marion County Mass Tort Litigation docket.

**E. Duty of plaintiffs to provide proof of service**. If a party serves process on an individual or an organization, the party shall provide the Court's filing clerk with original proof of service within 10 days of receipt. When perfecting service by registered or certified mail, the party shall provide the original return receipt card to the Court's filing clerk within 10 days of the return of service.

**LR49-TR3.1 Rule 601**
**APPEARANCES**

**A. Form for Appearances**. The attached form is adopted as the exclusive Appearance Form for Attorneys admitted to the Indiana Bar for the Marion County Mass Tort Litigation Docket. An appearance must be completed, signed, filed and served before the first document filed and posted by the signing attorney.

**B. Titling**. A single attorney appearance shall be filed on eFile & Serve with the title on the document and on the docket in the following format: ["Attorney"] + [Name, Attorney number, Email address,] + ["Appearing on Behalf of"] + [Party type] + [Party name]. For example: "Attorney John H. Doe, #11111-49, j.doe@firm.com, Appearing on behalf of ABC Company, Inc." Where multiple attorneys use a single form for the same party, the above information shall be provided for each individual attorney. For example: "Attorneys John H. Doe, #11111-49, j.doe@firm.com and Jane M. Doe, 22222-49, j.doe@firm.com, Appearing on behalf of ABC Company, Inc." If several attorneys share a designated email address, that email address may be placed at the end of the named attorneys rather than throughout the title.

**C. Substitutions**. Where a party serves a Substitution of Appearance to reflect a change of counsel of record, the following format must be used: [Party type] + [Party name] + ["Notice of Substitution of Counsel"] + [New attorney name, New attorney's number, New attorney's email] + [For] + [Former attorney name, Former attorney number, Former attorney's email]. Example: "Defendant ABC Company, Inc.'s Notice of Substitution of Counsel John Doe, 11111-49, j.doe@firm.com, for Attorney Sam Smith, 22222-49, s.smith@firm.com."

For substitution appearances, counsel shall file with the Court both the notice of substitution and the new attorney's appearance form for each affected case. The appearance may be filed as a supporting document to the main document Notice of Substitution.

**D. Pro hac vice Attorneys**. Out of state attorneys who have sought and received limited admission shall use the same appearance form as attorneys regularly admitted to practice law in Indiana after the attorney has received a temporary license number and the Court has granted the petition for limited admission in that case.

**E**. **Withdrawal of Appearances**. A motion for withdrawal of an appearance where new counsel has not appeared must include a letter to the client that was mailed at least 10 days prior to the filing of the motion and certify the last known address and telephone number of the party, pursuant to T.R. 3.1(E). The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment entered against him and shall contain other pertinent information such as hearing dates.

If a plaintiff is the moving party, the motion shall be accompanied by a proposed order that both grants the motion for withdrawal and sets a T.R. 41(E) hearing for a date and time to be indicated on the attached Information/Comments page. The Relief Requested paragraph shall state, "It is therefore ORDERED that the motion for withdrawal of appearance is GRANTED, and Plaintiff shall appear for a hearing at the date and time indicated on the attached Information/Comments page or Plaintiff's case may be dismissed with prejudice." Counsel who moved for the withdrawal shall mail the order setting the T.R. 41(E) hearing to the plaintiff within five days of the date of the service of the Order. The distribution list shall indicate that the Order will be mailed to the plaintiff and was distributed electronically.

**IN THE MARION SUPERIOR COURT**

IN RE MASS TORT LITIGATION )
MARION COUNTY ) Case Number: 49D02-[“95,” “96,” or “98”]01-MI-0001-___
SUPERIOR COURT ROOM 2 )

**[“Attorney”] + [Name, Attorney Number, E-mail address] + [“Appearing on Behalf of”] [Party Type] + [Party Name]**

Party Classification: Initiating_____ Responding_____ Intervening_____

1. The undersigned attorney and all attorneys listed on this form now appear in this case for the following party member(s):

_____

2. Applicable attorney information for service as required by Ind. Trial Rule 5(B) and for case information as required by T.R. 3.1 and 77(B) is as follows:

Name:_____ Atty. Number:_____
Address:_____ Phone:_____
FAX:_____
Computer Address:_____

**[Please add additional lines for each attorney appearing and provide their attorney number and e-mail address]**

3. 1 will accept service by FAX at the above noted number: Yes _____ No X

4. This form has been served on all other parties in the above referenced case via eFile &Serve. The attached Certificate of Service must be completed, pursuant to LR49-TR5 Rule 604(H).

**<u>CERTIFICATE OF SERVICE</u>**

I hereby certify that a copy of the foregoing was electronically served on all counsel of record on the date shown on the service stamp on the first page of this document, by using eFile & Serve.

[Signature]

**LR49-TR4 Rule 602**
**eFILE & SERVE INITIAL NOTICE SHEET**

The following Notice shall be served with each Summons and Complaint in all cases assigned to the Marion County Mass Tort Litigation Docket:

**********NOTICE**********

DOCKET ASSIGNMENT: The enclosed Complaint has been filed in Marion Superior Court, Civil Division, in the State of Indiana and has been assigned to the Mass Tort Litigation Docket. Therefore, several Local Rules, including required Electronic Service procedures, govern the case. You are directed to provide this sheet to any counsel you retain for the defense of this case.

ELECTRONIC SERVICE: All service required by Ind. Trial Rule 5 and other required documents shall be served exclusively using eFile & Serve as authorized by Local Rules. eFile & Serve is an electronic, web-based service system. Counsel must contact the eFile & Serve vendor to establish an administrator who will register and receive user names and passwords for appearing counsel and their staff. All counsel must have Internet connectivity and an e-mail account. An eFile & Serve user name and password is required to serve any pleadings or other documents in this case, as well as receive electronic notice of documents served in the case. To sign up for eFile & Serve, contact Customer Service at 888.529.7587.

LOCAL RULES: The Marion County Local Rules governing the Marion County Mass Tort Litigation Docket are available on the Indiana Judicial Website, in the Marion County Clerk's Office, and through eFile & Serve after counsel obtains a user name and password. The eFile & Serve vendor will provide all technical information and instructions necessary to use eFile & Serve and will identify those Local Rules applicable to Marion County Mass Tort Litigation Docket. The Local Rules have been adopted pursuant to T.R. 81 and compliance is mandatory.

COURT CONTACT: Contact the Marion County Clerk’s Office at 317.327.4740 for the Court contact information for the Court in which your case was filed.

**LR49-TR5 Rule 603**
**eFILE & SERVE PROCEDURE AND ACCESS**

**A. Electronic Service**. eFile & Serve is authorized as the exclusive means for filing or serving all documents to be filed or served pursuant to T.R. 5 and other Rules in cases assigned to the Marion County Mass Tort litigation docket. All references to "document" in this Rule shall include any exhibits or attachments to a document. Document formats and types are defined in Rules 604 and 605.

**B. Documents Filed Under Seal**. No documents filed under seal ("sealed documents") shall be filed electronically. Rather, service of sealed documents shall be made as required by the Trial Rules and shall include a Certificate of Service describing the means of service. A "Notice of Filing" for sealed documents shall be served via eFile & Serve referencing the date the sealed documents were independently served and filed and the means of service.

**C. Posting of Documents**. eFile & Serve is a system for providing electronic service, filing, storage and delivery of documents. All documents posted on eFile & Serve must be served on all counsel of record, and it is not permissible to deselect any counsel from the service list on eFile & Serve. A document posted on eFile & Serve is deemed served as of the date and time indicated within the service stamp described in Subdivision D of this rule.

A copy of each document filed or served in this litigation shall be sent to eFile & Serve by one of the following methods: (1) electronic transfer via the Internet ("uploaded documents") or (2) facsimile transmission. Uploaded documents may be submitted in WordPerfect, Microsoft Word, .pdf, .tif, .bmp, .jpg, .gif. or .hfd format. eFile &Serve will convert all documents into .pdf format and will make them available to system users on an

internet website maintained by eFile & Serve ("Website"). Timing for posting to the Website is as follows:

1. Electronic documents will be posted immediately upon submission by counsel and receipt by eFile & Serve (documents are converted to .pdf prior to upload).

2. Faxed documents will be converted to .pdf by eFile & Serve. Users will receive an e-mail notification once their document is converted. Users must then finalize transmission of the document on eFile & Serve. The document is not served until the transmission step is completed.

**D. Service Stamp and Time of Filing and Service.** Any posted document shall be deemed filed and served as of the date and time indicated on the eFile & Serve service stamp, located on the first page of every posted document. The "service stamp" contains the date, time and Transaction ID Number (TID) of the document and appears in the upper right-hand corner of the first page of all documents transmitted to eFile & Serve. For purposes of this rule, "transmitted" or "transmission" is defined as .pdf-converted documents submitted to eFile & Serve for posting. The provisions of T.R. 6(E) allowing for additional time after service by mail shall not apply to extend deadlines.

**E. Linking**. eFile & Serve shall organize the documents through a chronological index, which will indicate whether that document is linked to others. If the document being served is in response or in addition to another document(s) served on the system, it must be "linked" to that document, as explained in the online rules for the eFile & Serve system. A document may be linked to multiple other documents, but only within the same case. Failure to properly link a document may result in omitted consideration of a submission.

**F. Signature On Documents Filed Or Served Electronically**.

1. The LexisNexis eFile & Serve log-in and password required to submit documents to the eFile & Serve system serve in part as the Filing User's signature on all

electronic documents filed with the Court. They also serve as a signature for purposes of the Indiana Rules of Trial Procedure, including T.R. 11, the Local Rules of this Court and any other purpose for which an attorney's signature is required in connection with proceedings before the Court, other than when a rule or statute requires that a document be verified. Verified filings must contain a traditional, scanned signature that attests to the verification. Documents that require verification and do not contain a traditional, scanned signature may be summarily denied or stricken. Verified filings may contain a signature that complies with paragraph 3, below.

2. Electronically filed documents must include a signature block above the certificate of service (except on appearances) that includes the signature (described in the next paragraph), name, party for whom appearing, attorney number, firm, address, telephone number, and e-mail address of the authorizing attorney or the designated e-mail address for the attorney's firm.

3. Documents that do not require verification or do not otherwise contain a scanned signature, must contain the individual name of the attorney who is authorizing the filing and/or service of the document must be preceded by an "/s/" and typed on the signature line where the attorney's handwritten signature would otherwise appear. Reference to "one of the attorneys" is not proper and may result in summary denial or striking of the filing.

**G. Notification of Submissions**. Each registered eFile & Serve user will be provided with an electronic "mailbox" on the Website. Within one hour of posting the document to the system, eFile & Serve will send a document hyperlink to the mailboxes of all relevant registered users. Sending such a hyperlink to the recipient's mailbox shall constitute service of the document pursuant to T.R. 5, T.R. 72(D) and Rule 600(D), and eFile & Serve and the parties will have no further duty to notify recipients of postings. "Relevant registered users" refers to counsel who have filed their appearances in the case and staff members within the same firm to whom notice is forwarded through eFile & Serve. Notice is not forwarded to staff or attorneys outside the Appearing Attorneys' firms.

Only those registered users who have properly served appearances in the case by the time a document was transmitted will receive notice that the document was posted. Counsel who appear in a case have a duty to review and appropriately respond to documents served in a

case prior to the counsel's appearance. Knowledge of the contents of documents posted prior to a user's appearance in the case will be imputed to a user who appears in the case, regardless of when the user does appear.

**H. User Access to eFile & Serve**. Only registered users may post documents on the case dockets or receive notice of document postings. National counsel who have not filed an appearance must either rely on their local counsel to send them copies or become part of the service list by filing and serving an appearance or petition for temporary admission. In order to post filed documents on the system, the registered user must also be an attorney admitted to the Indiana Bar. Attorneys admitted *pro hac vice* may sign documents, but Local Counsel must also sign and post the document on the system. Non-filed documents are exempt from the Local Counsel posting rule.

**I. Public Access**. Public access to the system is provided through use of the Court's Public Access Terminal to view selected documents pursuant to Admin. Rule 9. Members of the public may schedule an appointment to view selected dockets on eFile & Serve by scheduling an appointment with the Court.

**LR49-TR5 Rule 604**
**DOCUMENT FORMATTING AND SUBMISSION**

**A. Service Stamp**. The first page of all documents will receive a service stamp upon submission and acceptance with the date, time and Transaction ID Number (TID).

**B. Top margin**. All filed documents must have a two-inch top margin on the first page.

**C. Depositions**. Publication of depositions, pursuant to T.R. 5(E)(5), shall be made, without Motion, on the Deposition Docket (98-000) only.

**D. Captioning**. With the exception of the captions for the Complaint, documents filed with the Court and served on eFile & Serve may be captioned, using the shortened cause number defined in Rule 600(C) in the following format:

| | | |
|---|---|---|
| STATE OF INDIANA | ) | MARION SUPERIOR COURT TWO |
| | ) | MASS TORT LITIGATION DOCKET |
| COUNTY OF MARION | ) | [“Asbestos,” “Silica,” “Coal Tar Pitch”] Section |
| CARL CLAIMANT AND CARRIE CLAIMANT, Plaintiffs. | ) | [95-002] |

**E. Proposed Order Format**. All motions must be accompanied by a separate Proposed Order, posted as a supporting document with Document Type “Proposed Order,” when submitted to eFile & Serve. The Order shall be in the following format:

1. Margin. There shall be a margin of two inches on top of the first page of the Proposed Order.

2. Caption. The document may be captioned as described in subdivision D above.

3. Title. The Title of the Proposed Order shall not presume the Court’s Ruling. Proposed orders served on eFile & Serve shall be titled in the following format: [Proposed order on] + [Party type] + [Party name] + [Title of judicial review document]. An example is “Proposed Order on Defendant ABC Corporation's Motion for Enlargement of Time to File Preliminary Exhibit List.”

4. Text of Order.

a. Introduction. The Proposed Order shall initially state that the moving party filed a Motion, followed by the exact title of the Motion as well as any supporting document titles, and that the Court is duly advised in the premises. No further reference to the Motion is necessary and use of the notation "H.I." or other incorporation language is improper. Example: "Plaintiff John Doe filed his Motion for Enlargement of Time to File Final Exhibit List, and the Court is duly advised on the premises."

b. Ruling. The second paragraph of the Proposed Order shall state: "The Court rules as indicated herein, and on the attached Information/Comments Page," as described in subdivision (F)(2) below.

c. Relief Requested. The third paragraph of the Proposed Order shall state "IT IS THEREFORE ORDERED ["ADJUDGED AND DECREED" if the Ruling is final and appealable] [Relief requested in Motion]." In the event that the Court ruling is "Ruling with Comments," the relief requested paragraph on the proposed order shall have no weight and shall not form a part of the ruling.

d. Signature. No provision shall be made for Judicial signing or dating the Order.

e. Distribution. The distribution information provided on the Proposed Order shall state "DISTRIBUTION via Electronic Service."

**F. Official Order Format**. A complete Order issued on the Marion County Mass Tort Litigation Docket shall be in the format of one of the following: (1) A file stamped, signed Order in the standard Order format; or (2) An Order including the text and format referenced in subdivision E, along with the Court's electronic Ruling Overlay in the upper margin and the Court's attached Information/Comments Page.

1. Ruling Overlay. The Court's electronic Ruling Overlay shall be superimposed on the Proposed Order and shall include the State Seal, the Judge's signature, and the ruling language.

2. Information/Comments Page. Every Order shall include an additional page including pertinent information and comments regarding the ruling indicated in the Ruling Overlay. Such information provided includes the Court, the Cause Number and case name, the Original Proposed Order Transaction ID Number (TID), the current date and the Judge's signature, as well as comments, if any, necessary to the ruling.

**G. Previously Served Documents**. Any document already posted using eFile & Serve should not be attached to new documents or resubmitted to eFile & Serve. Reference shall be made to the eFile & Serve TID, the Document Title, the cause number, and the date submitted. Users shall link to the document if on the same docket.

**H. Certificate of Service**. All filed documents must include a Certificate of Service referencing the service stamp and the manner of service. The Certificate of Service shall be in the following format:

> **CERTIFICATE OF SERVICE**
>
> The undersigned attorney certifies that the foregoing was electronically served on all counsel of record on the date shown on the service stamp on the first page of this document, by using eFile & Serve.

"Electronically served" shall mean the methods described in Rule 603. The document, before the Certificate of Service, must include the filing attorney's name, party for whom appearing, attorney number, firm, address, telephone number, and e-mail address of the authorizing attorney or the designated e-mail address for the attorney's firm.

**I. Exhibits**. To prevent the file stamp from obscuring information on an exhibit, a cover page shall be filed with exhibits. The cover page shall contain a two-inch top margin and only succinctly identify the exhibit to which it is attached. Exhibits must be marked in such a way, e.g., Bates stamped, to allow for easy reference and specific designation.

**J. Rules for Titling Documents**. Documents filed or served via eFile & Serve shall comply with the following title requirements to facilitate searching and generating reports and to comply with T.R. 77(B):

> 1. <u>Filings excluding Appearances and Proposed Orders</u>. Documents filed with the Court shall be titled on eFile & Serve in the following format: [Party Type] + [Name of Party] + [Title of Document] + [Title of document to which the new

document relates or responds, if applicable] + [Basis therefore]. The following are examples of how to title documents:

a. Plaintiff John Doe's Complaint;
b. Defendant XYZ Corporation's Motion to Dismiss Plaintiffs' Complaint on the basis of the Statute of Limitations;
c. Plaintiffs John Doe's and Jane Doe's Response in Opposition to Defendant XYZ Corporation's Motion to Dismiss on the Basis of the Statute of Limitations.
d. Plaintiff John Doe's Exhibit A to Designation of Evidence to collective Response to Defendants' Motion for Summary judgment.
e. Deposition of Phil Physician, January 1, 2005, Vol. 2.
f. Defendant XYZ Corporation's Response to Plaintiff's Supplemental Interrogatories.

2. Letters or Notices. Letters or other document forms served on eFile & Serve shall be titled in the following format: ["Letter" or Other Document Form] + "From" + [Name of Sending Party] + "to" + [Name of Recipient Party] + [Subject Matter]. The following are examples of how to title these documents:

a. Letter from XYZ Corporation to Plaintiffs Concerning Case Management Order Conference Schedule
b. Notice From XYZ Corporation to All Counsel of Record of John Doe's Availability for Deposition

3. Cancellations. Documents intended to cancel previously scheduled events must use the document type "CANCELLATION" and be titled on eFile & Serve in the following format: ["CANCELLATION:"] + [Party Type] + [Party Name] + [Description of Canceled Event]. Example: "CANCELLATION: Defendant ABC Company, Inc.'s Notice of Canceling John Doe's Deposition scheduled for January 1, 2012."

4. Verified documents. All documents required to be verified by statute, Ind. Trial Rules, or any Local Rule shall include the word "Verified" in the title of the document.

**LR49-TR5 Rule 605**
**DOCUMENT TYPES**

**A. "Document Type" Selection**. When users submit documents to eFile & Serve, the user must specify the "Document Type" for each document from the menu of approved document categories. An asterisk (*) accompanies the document types that are referred for judicial review, and only those documents will receive judicial review.

**B**. **Extra Documents**. CCS entries are not permitted. Cover or transmittal letters shall not be served with documents submitted for filing.

**C. Main and Supporting Documents**. Each distinct document should be prepared and uploaded to eFile & Serve separately, as a main or supporting document. "Main" is the default setting for the first document uploaded on eFile & Serve in each transaction. "Supporting" documents may be uploaded, but are restricted to only those documents that relate to the main document uploaded in the transaction. eFile & Serve does not restrict the number of supporting documents.

For example, when filing a Motion for Summary Judgment, Designation of Evidence, Brief in Support, Exhibits and Proposed Order, each document type should be uploaded separately and properly titled. The motion for summary judgment is the main document and all others are supporting documents.

## LR49-TR5 Rule 606
## eFILE & SERVE ERRORS

**A. Resubmission**. In the event that any document served and/or filed on eFile & Serve contains errors in violation of these Local Rules and is rejected by the filing clerk, the document must be re-filed and served. Questions regarding reasons for rejection of a specific document may be directed to the Court's filing clerk. In the event that any part of a main or supporting document submitted for filing is rejected, the entire submission must be resubmitted.

**B. Relation Back**. A document that has been resubmitted after being rejected for violations of these Local Rules will relate back to the time of the first attempted filing and be deemed filed as of the time of the first attempted filing provided that the violations were corrected and the document is resubmitted within two business days of the notice of rejection. Any time limit triggered by any resubmitted document does not begin until the day after the filing of the document.

**C. Penalties**. The Court may impose penalties, including striking documents, if firms or attorneys commit repeated or egregious violations of these Local Rules.

**D. Tombstoning**.

1. Definition and application. "Tombstoning" is the procedure by which all documents within a transaction are removed from the docket. This procedure is only to protect privileged or confidential information and is not for removal of merely incorrectly filed documents. A record of the transaction will remain in a user's mailbox, but the document will no longer be able to be viewed.

2. Procedure. In the event that privileged or confidential information is inadvertently posted on eFile & Serve, counsel shall contact the Court immediately to request that the document be tombstoned. After counsel has contacted the Court to initiate the tombstoning procedure, counsel must submit within two days a Verified Motion to Tombstone Documents, a proposed order, and any substitution documents.

a. Verified Motion to Tombstone Documents. This motion shall contain the document's TID number, date submitted, the cause number/case name, and the basis for claiming privilege and/or confidentiality. The verified motion shall

explain how the error occurred and must be signed by the submitting/authorizing attorney. Any documents that the party wishes to substitute for the tombstoned document must be attached to the verified motion and contain the word "Substituted" in their title.

b. Proposed Order. The proposed order shall be titled, "Order Tombstoning [original document title] [(TID Number)]." If the party wishes to substitute documents for the tombstoned document, the proposed order must specifically refer to the documents and state, "By this Order, TID Number [TID number] and its Supporting Document(s) are removed from the docket of the above-captioned matter and the Court substitutes the document(s) *nunc pro tunc*."

**LR49-TR5 Rule 607**
**CONTACTING THE COURT**

E-mail is the preferred method by which counsel should communicate with the Court regarding all Mass Tort Local Rules substantive language and requirements. All questions regarding technological procedure should be directed to eFile & Serve Technical Support.

When sending e-mail to the Court regarding specific items submitted to eFile & Serve, provide the following information:

A. Cause number/case name;

B. Date document submitted;

C. Transaction ID Number (TID); and

D. Title.

Each Court has a designated liaison, and counsel has the obligation to contact the Court to obtain that liaison's contact information. If a party files a motion to correct error, a motion that requires or requests an immediate hearing, or any other document that requires prompt Court review, the party shall also e-mail the Court's liaison and provide notice of the filing.

**LR49-TR5 Rule 608**
**MOTION PRACTICE**

**A. Motions for Enlargement of Time**.

All motions for enlargement of time must be verified and demonstrate good cause.

(1) Plaintiffs. Plaintiffs shall not seek consent of opposing counsel before filing a motion for enlargement of time, but shall file a motion for enlargement of time. Defendants shall have five days, including days when the Court is not open, after the filing of plaintiffs' motion to file an objection.

(2) Defendants. Defendants shall determine whether opposing counsel objects to a motion for enlargement before filing. The motion shall specify which opposing counsel was contacted and whether opposing counsel objected to the motion. Plaintiffs shall not have to seek consent of opposing parties before filing a verified motion for enlargement of time that demonstrates good cause, and defendants shall have five days after the filing of a plaintiff's verified motion for enlargement of time to file an objection.

(a) Plaintiff cannot be reached. If opposing counsel cannot be reached, the motion shall specify the efforts made to contact opposing counsel.

(b) Plaintiff objects. If opposing counsel does object to the motion, the motion shall so state and demonstrate good cause for the enlargement in a verified motion.

(c) Plaintiff does not object. If opposing counsel does not object, only a "Notice of Agreed Enlargement of Time" needs to be filed and the name of the counsel consenting to the enlargement shall be specified. Such notice shall not include a proposed order.

(d) Contents of all motions for enlargement. The contents of a motion for enlargement of time or notice of agreed enlargement of time shall include

(1) Whether the case is currently set for trial, and, if so, when.

(2) The filing to be submitted, the time period that is sought to be extended, and the time period that triggered it.

(3) The specific due date requested.

Any motion not satisfying these requirements may be summarily denied.

**B. Time for Response to All Motions**. Notwithstanding LR49-TR5-203, any party objecting to a motion shall have 10 days from the date of filing to file a response, except as otherwise provided by Mass Tort Local Rule or Court order. The party filing the motion or any other interested party in the case may file a reply thereto within seven days of the responsive filing. The Court will not await a response before ruling on the following motions: defendants' motions to enlarge time, to file an oversize brief, or to withdraw an appearance.

**C. Joinder in Motions**. Any party wishing to join in a filed motion shall file a notice of joinder within seven days of the filing of the motion.

**D. Multiple case service.** Multiple case service document types are restricted to Appearances, Notices of Substitution of Counsel, Notices of Withdrawal of Counsel, Notices of Deposition, Notices of No Objection to Motion for Summary Judgment, Notices of Dismissal, Notices of Agreed Enlargement of Time, and Notices of Bankruptcy. No other documents can be served as multiple case service without leave of Court. No motions and no proposed orders may be multiple case served. A document may contain multiple captions before the title of the document, but unless it falls within the previous categories of documents approved for multiple case service, it must be transmitted in separate transactions for each case to which it applies.

**LR49-TR5 Rule 609**
**MASTER DOCKET**

Each section of the Marion County Mass Tort Litigation Docket has a Master Docket for serving items of general applicability such as Trial Calendars, Case Management Order proposals and Case Management Orders, Notices of Depositions if not case specific, Agenda Items, Committee Reports, Requests for Local Rules or amendments, Master Pleadings, Master Discovery and similar documents. Case Management Order proposals and Case Management Orders for trial settings shall be served on the Master Docket. Parties must first obtain leave of Court before filing any documents on the Master Docket, other than those specifically enumerated in this Rule.

**LR49-TR8(C) Rule 610**
**NONPARTY PRACTICE**

When a party identifies a nonparty through written notice or pleading, that identification sufficiently amends the Answers of all parties by interlineation, regardless of whether the party first naming the nonparty is subsequently dismissed from the case.

**LR49-TR12(B)(6) Rule 611**
**GRANT OF TRIAL RULE 12 MOTIONS**

A party shall have 30 days following the grant of a T.R. 12(B) motion within which to replead. All Proposed Orders for motions to dismiss must indicate the 30-day repleading period. Also, Proposed Orders for motions to dismiss must specify that the motion is granted "without prejudice" in the Relief Requested paragraph. An example is: "IT IS THEREFORE ORDERED that Defendant XYZ Corp.'s Motion to Dismiss Plaintiffs' Complaint on the basis of the Statute of Limitations is GRANTED without prejudice. Plaintiffs have thirty (30) days within which to replead their claims against Defendant XYZ Corporation." If Plaintiff fails to replead within the allotted 30 days, parties may petition for entry of final judgment.

## LR49-TR26 Rule 612
## DISCOVERY

**A. Joint Defense Privilege**. All communications, in any form whether oral, written, or transcribed by any means, among defense counsel in the Marion County Mass Tort Litigation cases are hereby deemed privileged. Plaintiffs and their attorneys are prohibited from discovering such information in such filed cases.

**B**. **Certificate of T.R. 26(F) Compliance**. Parties must certify in detail in a motion to compel the efforts that the moving party has taken to informally resolve any discovery dispute. The statement of efforts shall include the dates, time, place, TID numbers of relevant correspondence, other methods of communication, and the names of all participating attorneys and parties. Failure to include a verified T.R. 26(F) certification may result in summary denial of a motion to compel.

**C. Effect of Trial Rule 12 and Rule 706 motions**. The filing of a motion under T.R. 12 or Rule 706 tolls pending discovery deadlines.

**D. No Local Limits**. The limitation on the number of interrogatories and requests for production in the Marion County Local Rules shall not apply.

**LR49-TR41 Rule 613**
**PLAINTIFFS' DISMISSALS**

**A. Dismissal of Defendants.** When plaintiff has resolved the claims with all the defendants named or no longer wishes to pursue claims against the remaining defendants, plaintiff shall file, "Plaintiff's Motion to Dismiss Remaining Defendants," together with a proposed order dismissing with or without prejudice all remaining defendants who have not settled for consideration. The filing of this motion does not divest this Court of jurisdiction with regard to enforcement of settlements or other agreements. For cases dismissed without prejudice, defendants may file motions for entry of final judgment beginning two years after the dismissal.

**B. Final Dismissal.** When the plaintiff has filed the final signed Stipulation of Dismissal and there remains no further need for enforcement jurisdiction, the plaintiff shall file a "Notice of Final Dismissal of Pending Claims." The filing of this Notice closes the case statistically and completely divests this Court of jurisdiction over the matter. If no Notice of Final Dismissal of Pending Claims is filed, the case shall be considered open and active.

**LR49-TR56 Rule 614**
**MOTIONS FOR SUMMARY JUDGMENT**

**A. Party Filing Motion for Summary Judgment**. A party filing a motion for summary judgment shall:

1. File a motion, supporting brief, and designation of any evidence upon which the party relies.

2. The designation of evidence may be made in the motion or by a separate document, and shall contain specific and appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence either already in the record or attached as an exhibit to the designation or brief.

3. The supporting brief must include a separate section labeled "Statement of Undisputed Material Facts" listing, in separately numbered paragraphs, the individual undisputed facts that are potentially determinative of the motion as to which the moving party contends there is no genuine issue that contain specific and appropriate citations to admissible evidence already in the record or attached as an exhibit to the brief. The Statement of Undisputed Material Facts should not contain mere background facts which put the case in perspective or the party's argument which should be in the argument portion of the brief.

4. The movant may not incorporate by reference any designation of evidence or statement of undisputed material fact contained in another section or part of the supporting brief.

5. The moving party must also submit to the Court a proposed order on its motion for summary judgment.

**B. Party Responding to Motion for Summary Judgment**.

1. No later than 30 days after service of the motion, a party opposing the motion shall file:

a. A response brief, and;

b. A designation of evidence that is specific and separate as to each movant and that designates evidence that the respondent asserts creates a disputed fact or a genuine issue. Respondents' designation shall contain specific and appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence either already in the record or attached as an exhibit to the designation or brief.

2. The response brief shall contain a separate section labeled "Statement of Material Facts in Dispute and Genuine Issues," which shall contain a separate subsection as to each movant, listing in separately numbered paragraphs, the individual disputed facts

and/or genuine issues as to that movant. Each subsection shall contain at least one of the following two separate parts:

(a) the disputed material facts which preclude summary judgment; and/or

(b) the material facts which are not in dispute, but which respondent asserts create a genuine issue and preclude summary judgment.

3. The asserted material facts and genuine issues shall be supported by specific and appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence either already in the record or attached as an exhibit to the brief.

4. The non-movant's Statement of Material Facts in Dispute and Genuine Issues should not contain mere background facts which put the case in perspective or the party's argument which should be in the argument portion of the brief.

5. The response brief shall contain a separate argument section as to each movant, unless the entire argument is identical as to each movant.

6. The respondent may not incorporate by reference any designation of evidence, statement of material fact in dispute, or genuine issue contained in another section or part of the response brief or "Statement of Material Facts in Dispute and Genuine Issues".

7. Citation to documents previously served on eFile & Serve shall be by document name, date document was served on eFile & Serve, and TID number, and if possible, page and line, paragraph number or similar specific reference.

**C. Reply Brief**. A party filing a motion for summary judgment may file a reply brief no later than 10 days after service of the opposing party's submissions.

**D. Surreply**. If, in reply, the moving party relies upon evidence not previously cited or objects to the admissibility of the non-moving party's evidence, the non-moving party may file a surreply brief limited to such new evidence and objections, no later than five days after service of the reply brief.

**E. Page limits**. Memoranda in support of or in opposition to motions for summary judgment shall not exceed 15 pages in length and reply briefs and surreply briefs shall not exceed eight pages in length, unless accompanied by a Motion for Leave to File a Brief in Excess of Page Limits, along with an email alerting the Court to the pending motion.

**F. Designated Documents**. With respect to documents designated in support of or in opposition to motions for summary judgment:

1. Counsel shall attach as supporting documents to the motion any designated documents not previously uploaded onto eFile & Serve, other than deposition transcripts.

2. Counsel shall upload any deposition transcripts, not previously uploaded on eFile & Serve, but relied upon for purposes of summary judgment, in their entirety on the Deposition Docket, as provided in Rule 604(C).

3. Counsel need not upload copies of designated documents already posted on eFile & Serve unless they have been altered and such alteration is relevant to the designation.

4. Counsel need not attach as an exhibit any designated document already posted on eFile & Serve, but rather, citation to the document as described above shall be sufficient.

5. "Specific and appropriate citations" throughout this Rule shall mean case name and shortened cause number, document title, date document was served on eFile & Serve, TID number, and if possible, page and line, paragraph number or similar specific reference.

**G. Confirm Hearings**. Any party may request a hearing on a motion for summary judgment or on a response in opposition to summary judgment by filing a request for hearing not more than 20 days, but not less than 10 days before the first day scheduled for the hearing. The request for hearing shall be made in a separate document from any other filing, but it may be submitted as a main or supporting document. The document type shall be "Request for Hearing," and the request shall be titled,

[party type] [party name]'s Request for Hearing on [(party name)'s or "Its"] Motion for Summary Judgment for the [month] [year] Summary Judgment Settings.

**H. Outlines**. At the time of the hearing, counsel must provide three copies of an outline summarizing the brief submitted to the Court in support of or opposing the motion for summary judgment. Two three-hole punched copies must be provided to the Court and opposing counsel shall receive one.

**LR49-TR73 Rule 615**
**COURT HEARINGS**

STATUS CONFERENCES AND MOTION DAYS

**A. Agenda Item Proposals**. Any party that wishes to address any pending motion or general issue at one of the status conferences or motion days must submit a written notice containing proposed agenda items. Proposed agendas must be filed and served on the Master Docket no less than 10 days prior to the scheduled motion days or status conference. Parties must describe proposed agenda items with particularity, including the cases, dates, titles, and eFile & Serve TID numbers for all written submissions relating to each item proposed in the agenda.

**B. Motions Must be Fully Briefed**. Only motions that are fully briefed and at issue at least seven days before the hearing will be considered by the Court.

**C. Failure to Submit Items**. If no proposed agendas are submitted to the Court by the aforementioned deadline, the motions day or status conference may be vacated.

**LR49-AD3 Rule 616**
**CONDUCT OF ATTORNEYS *PRO HAC VICE***

Local Counsel must appear on behalf of his client when an attorney admitted *pro hac vice* plans to participate at a hearing or trial. Trial counsel admitted *pro hac vice* and Local Counsel are required to attend any Final Pre-Trial Conferences scheduled for cases to which they have been admitted, unless the trial counsel admitted *pro hac vice* has received leave of Court not to attend the final pre-trial conference.

**LR49-TR01-ASB-700**
**SCOPE OF MARION COUNTY MASS TORT**
**ASBESTOS LITIGATION DOCKET AND LOCAL RULES**

Pursuant to the Order of the Marion Superior Court Executive Committee and this Rule, the Marion County Clerk of the Courts is directed to file all asbestos-related personal injury, wrongful death, or survival action cases in Marion Superior Court Two, Civil Division, creating the Marion County Mass Tort Asbestos Litigation Docket. The cause numbers assigned to these cases shall begin with 49D02-["95," "96," or "98"]01-MI-0001 followed by a numeric suffix. On eFile & Serve, the cases will be identified in the division field as "Asbestos."

Any Local Rule in the 700 Series shall apply to the asbestos division only. The Mass Tort Litigation Rules, Series 600 *et seq*., govern litigation in the asbestos personal injury division.

The Master Docket for the Asbestos Division is 49D02-9501-MI-00001-000 (95-000).

E-mail is the preferred method by which counsel should contact the Court. The Court contact is Ryan Johanningsmeier, Special Master for Mass Tort Litigation, rjohanni@indygov.org.

**LR49-TR8 Rule 701**
**MASTER COMPLAINTS**

A. All plaintiffs' counsel who intend to file future cases under the Master Docket shall file Master Complaints that shall set forth all allegations required by statute and case law for a personal injury lawsuit alleging exposure to asbestos.

B. There shall be a master complaint form filed for each form of filing anticipated by counsel (e.g., single plaintiff, married plaintiff, and deceased plaintiff).

C. Master Complaints shall be identified as "[Firm Name]'s [Single/Married/Deceased] Plaintiff Master [A/B/C] Complaint." The Firm Name may be shortened for ease of application.

D. Plaintiffs' counsel shall file their Master Complaints under the Master Docket and they shall be available for use and incorporation into new case filings by referencing the TID number.

E. In the event of a change in the name of the Plaintiffs' counsel's firm, Plaintiffs' counsel shall re-file each form of Master Complaint on the Master Docket, making sure that each Master Complaint contains the firm's proper and current name.

**LR49-TR8 Rule 702**
**CASE-SPECIFIC COMPLAINTS**

At the time a specific Plaintiff's case is filed, the content of the case-specific Complaint shall include the following:

a. Plaintiff's full name;
b. Defendants' identities and the capacity in which the Defendant is being sued (e.g., product manufacturer);
c. Statement that jurisdiction and venue are proper;
d. The asbestos-related disease allegedly suffered by the plaintiff or plaintiff's decedent;
e. Date of diagnosis of the alleged asbestos-related disease;
f. Date of death of the plaintiff's decedent, if applicable;
g. Decedent's alleged cause of death, if applicable;
h. Statement indicating which Master Complaint plaintiff's counsel incorporates; and,
i. Any other specific information required by law or the case.

**LR49-TR8 Rule 703**
**RESPONSIVE PLEADINGS/ANSWERS**

**A. Time for filing**. The obligation of defendants to respond to a Plaintiff's Complaint is not triggered until 30 days after Plaintiff serves a Verified Initial Disclosure Statement or 30 days after the defendant is served with summons in the case, whichever time is later. No T.R. 12 motions or other responsive pleadings may be filed until the time for Plaintiff to file his VIDS has expired. LR49-TR5 Rule 203(D) shall not apply in Asbestos Section cases.

**B. Master Answers**. Defendants may file Master Answers in response to Master Complaints. Any Master Answers shall be identified as "Defendant [Party Name]'s Master Answer to [Firm Name]'s [Single/Married/Deceased] Plaintiff Master [A/B/C] Complaint." If a defendant has filed a Master Answer, the defendant's case-specific answer shall refer to the defendant's applicable Master Answer by TID number, if any, and may add any additional responses or defenses.

**C. Additional Defendants**. In cases where the plaintiff has been granted leave only to join additional defendants, the plaintiff shall limit the amendments to allegations pertaining to the new defendants. The original defendants need not respond to the amended complaint, and the filing of the amended complaint only to join additional defendants does not toll or vacate any existing deadlines under these rules as to the original defendants.

**D. Denial of Trial Rule 12 and Rule 706 Motions**. A defendant shall not be required to file an Answer while it has a T.R. 12 or Rule 706 motion pending, but rather shall file its Answer no later than 10 days after the Court's denial of its T.R. 12 or Rule 706 motion, if applicable.

**LR49-TR12 Rule 704**
**VERIFIED INITIAL DISCLOSURE STATEMENTS (VIDS)**

A. Verified Initial Disclosure Statements

1. Verified Initial Disclosure Statements ("VIDS") shall be signed under oath.

2. Plaintiff's VIDS shall be considered part of the Complaint and constitute a pleading pursuant to the Trial Rules.

3. Any party's VIDS may be used in all pre-trial proceedings and at trial consistent with the Indiana Rules of Trial Procedure and Indiana Rules of Evidence.

B. Timing

1. In an exigent case, a plaintiff shall file and serve the VIDS no later than 15 days after the date the Motion for Expedited Trial Setting was filed.

2. In a non-exigent case, a plaintiff shall file and serve the VIDS no later than 90 days after the filing of the Complaint.

3. A plaintiff will not be required to respond to any discovery, including interrogatories, requests for productions, requests for admissions, or deposition requests propounded by defendants until after plaintiff has filed his VIDS, except for good cause shown by defendants, or as allowed by Rule 709.

**LR49-TR12 Rule 705**
**PLAINTIFFS' VIDS: CONTENT**

Each plaintiff shall file a separate Verified Initial Disclosure Statement (VIDS) that shall contain the following information correlated for each alleged exposure:

**1. "Who"**:

(a) The identity of the Plaintiff/Worker, including his or her full name, all other names by which he or she has been known, his or her trade or craft, current or last address, and, if applicable, place and date of death. The SSN and birth date shall be verified and mailed under separate cover to Sims & Associates, Inc. Plaintiff shall state in his VIDS that he has transmitted this information to Sims & Assoc., Inc., and Sims & Assoc. shall release this information upon request to defense counsel who appear in the case.

(b) The identity of the Plaintiff/Worker's employer at the time of each and every exposure to asbestos, or period of exposure to asbestos, setting forth the name and last known address for each employer, as well as the beginning and ending dates for each employment (e.g., "for the alleged exposure of April 14-18, 1956: ABC General Contractors, 1234 Main Street, Connersville, Indiana 46703, Employed from November 1, 1952 to July 15, 1961.").

(c) The identities of those working with the products of asbestos-containing materials as described in 2, below, at the time of each such alleged exposure. State the identity of these persons, their trade, and their employer(s) (e.g., "Joe Smith, insulator, employee of XYZ Corporation.").

**2. "What"**: The name or type of the asbestos-containing product or item the Plaintiff/Worker used or to which he or she was allegedly exposed, stating the manufacturer's company name (e.g., "Allbrand 85% magnesia pipe covering"), being as particular as possible. If Plaintiff cannot remember the name of the product he alleges he used or to which he alleges he was exposed, he shall provide a description of the product, being as particular as possible.

**3. "When"**: The dates during which the Plaintiff/Worker was allegedly exposed to asbestos at each jobsite, setting forth the beginning and ending dates for each exposure period, including date, month and year.

**4. "Where"**: The location of each alleged exposure to asbestos, setting forth the address of the premises as well as the specific area on each premises where the claimed exposure occurred (e.g., "boiler room #3 of Generic plant on East Ohio Street in Indianapolis"), and;

**5. "How"**: The circumstances of the alleged exposure to asbestos, including a description of what the Plaintiff/Worker was doing on the premises, and what, if anything, was occurring in the specific area on each premises where and when the claimed exposure occurred, including a description of work performed by both the Plaintiff/Worker at that time and by any

third-party working with asbestos or asbestos-containing materials. For example, if the Plaintiff/Worker was a carpenter who did not personally use asbestos-containing materials, but is alleged to have been exposed because he or she worked near some insulators in boiler room #3 of the IPALCO generating station on South Harding Street in Indianapolis, then the work performed by the insulators must be described with particularity (e.g., "employees from XYZ Corp. removed insulation containing asbestos from pipes and pipe fittings in the boiler room.").

**6. Foreign law**. Plaintiff shall reference all foreign law plaintiff alleges applies in the case, if any, and the specific defendants to which plaintiff alleges the foreign law applies.

If Plaintiff is not able to provide the information provided above, Plaintiff shall specify the unsuccessful efforts to obtain the information and a precise date when the information will be provided to defendants.

**LR49-TR12 Rule 706**
**DISPOSITIVE MOTIONS BASED ON PLAINTIFFS' VIDS**

Any defendant who desires to file a Trial Rule 12 motion in a non-exigent case must do so within 30 days of the filing of VIDS. Plaintiff's response to any such motion based upon the VIDS will be due 30 days after the motion was filed. Any reply shall be filed within 10 days after the response is filed. In an exigent case, a defendant must file a dispositive motion or motion for more definite statement based on the pleadings within 15 days of the filing of such VIDS, a response is due within 10 days, and any reply is due within five days.

**LR49-TR26 Rule 707**
**PLAINTIFF'S DISCOVERY PROPOUNDED TO DEFENDANTS**

**A. Service**. A plaintiff may serve upon any defendant a Master Set of Interrogatories and Production Requests tailored appropriately to the type of defendant being served. Plaintiff may serve the Master Set of Interrogatories and/or Production Requests by letter, which must specifically reference the eFile & Serve TID number assigned to the document containing the discovery requests being served. A single service letter to all defendants may be served and applies to all defendants, regardless of time of filing their appearance. If plaintiff serves all defendants by letter prior to the appearance of a defendant, the discovery shall be deemed served on the defendant.

**B. Time for responding**. In a non-exigent case, defendants shall respond to Plaintiff's Master Set of Interrogatories and Production Requests or any other discovery within 120 days after the date of service or the filing of an Answer, whichever is later. In an exigent case, defendants shall respond to Plaintiff's Master Set of Interrogatories and Production Requests or any other discovery within 60 days after the date that the Motion for Expedited Trial was filed, the date of service of the discovery, or the filing of its Answer, whichever is later. A defendant will not be required to respond to any discovery until after the defendant has filed its Answer, except for good cause shown by plaintiff.

**C. Master Responses**. Defendants may file a Master Set of Answers to Plaintiffs' Master Set of Interrogatories and Production Requests on the Master Docket and incorporate those answers into responses to discovery requests in individual cases.

**D. Case-specific Discovery**. Plaintiffs may serve case-specific discovery that is not duplicative of any master discovery.

**LR49-TR26 Rule 708**
**DEFENDANTS' DISCOVERY PROPOUNDED TO PLAINTIFFS**

**A. Time for response**. In a non-exigent case, a plaintiff shall respond to Defendants' Master Set of Interrogatories and Requests for Production or any other discovery no later than 120 days after the VIDS was filed or the service of the discovery, whichever is later. In an exigent case, a plaintiff shall respond to Defendants' Master Set of Interrogatories and Requests for Production or any other discovery no later than 30 days after the date the Motion for Expedited Trial Setting was filed, the filing of the VIDS, or service of the discovery, whichever is later. Defendants may serve Master Discovery by letter, which must specifically reference the TID number assigned to the document containing the discovery requests being served.

**B. Case-specific discovery**. Individual defendants may serve additional written discovery in individual cases that is not duplicative of the Master Set of Interrogatories and Requests for Production or of other defendants' case-specific discovery in the individual case.

**C. Effect of Service**. Defendants shall not serve duplicative discovery. All discovery served by one defendant in a particular case shall be deemed to have been served on behalf of all defendants who file a notice of joinder in the discovery within 10 days of the service of the discovery on Plaintiff. Any defendant who joins in the discovery may rely on a plaintiff's answers or responses to discovery regardless of which defendant actually served the written discovery or when the defendant appears in the case. Accordingly, any defendant who filed a joinder may seek to compel responses to discovery.

**D. Required Medical Information**. Within 30 days of filing the VIDS, a plaintiff shall serve to defendants:

1. A description or name of all illnesses or injuries from which the Plaintiff/Worker allegedly suffers as a result of exposure to asbestos;

2. The date each such illness or injury was diagnosed;

3. The name and address of each person who made such diagnosis;

4. A list of all symptoms experienced by Plaintiff/Worker which were allegedly asbestos-related, including a description of each symptom;

5. If Plaintiff/Worker smokes or has smoked tobacco, the quantity and duration of tobacco usage during his or her lifetime, and the brand name of the products or a description of the items used; and,

6. A list of all health care providers who have treated Plaintiff/Worker for each illness or injury allegedly caused by exposure to asbestos or any other airborne contaminants along with their current or last known addresses.

7. Any medical or employment records of the plaintiff in the possession of Plaintiff or his counsel.

**E. Required Records or Materials**. A plaintiff shall provide to Sims & Associates copies of the following documents if in plaintiff's or his counsel's possession, or signed and dated authorizations to obtain the same:

1. Plaintiff/Worker's medical and hospital records, and diagnosing and treating physician's records in the possession of the plaintiff, plaintiff's counsel or their agents, including any written reports relating to any alleged diagnosis or alleged confirmation of any diagnosis of an asbestos -related disease or disease process or any other disease allegedly caused by airborne contaminants;

2. Pension records and all related information;

3. Social Security Administration Work Histories (Form SSA-7050);

4. X-ray films, CT scans, and/or pathologies which are in the possession of the plaintiff, plaintiff's counsel and/or their agents, or in the alternative, specifically identify the person or entity in possession of these materials;

5. Federal Income Tax Returns (Form 1040 or 1040A for the prior seven years, or in the case of a decedent, for the seven years preceding his or her death);

6. Any and all forms, claims, or other documents submitted to any trust or other entity on plaintiff's behalf related to any injury plaintiff claims is a result of alleged asbestos exposure.

7. Any and all documents generated by any health and/or disease screening in which the plaintiff participated;

8. A list of all previous lawsuits in which the plaintiff was involved, identifying them by name, location, cause number, filing date, and current status.

9. Signed and undated releases, compliant with the Health Insurance Portability and Accountability Act, authorizing such Defendants' designee to obtain complete copies of Plaintiff/Worker's:
(a) medical, hospital and other health care records;
(b) radiology and/or pathology materials, which shall be addressed individually to the "Department of Radiology" and the "Department of Pathology;"
(c) employment records;
(d) pension records and information;
(e) Social Security Administration work histories (Form SSA-7050);
(f) federal income tax returns (Form 1040 or 1040A) for the prior seven (7) years, or in the case of a decedent, for the seven years preceding his or her death;

(g) forms, claims, or other documents submitted to any trust or other entity on plaintiff's behalf related to any injury plaintiff claims is a result of alleged asbestos exposure; and,

(h) records of any screenings in which Plaintiff participated.

10. A list of all health care providers who have treated Plaintiff/Worker within the last 20 years.

The time limit for providing this information to Sims & Associates is within 30 days of filing the VIDS in non-exigent cases, and within 15 days of filing the VIDS in exigent cases.

**F. Standing to Compel Releases**. Any defendant shall have the right to petition the Court for an Order to compel the plaintiff to provide a signed release if more than 30 days have passed from the time plaintiff was provided a release to be signed, provided that the defendant has complied with Rule 612(B).

**G**. **Requirements to Produce.** Failure to provide the materials or authorizations set forth in this Rule after an entry of an Order compelling the same may be grounds for dismissal. All records described in Subdivisions (D) and (E) shall be produced within the time period allotted regardless of the stayed status of any individual case.

**LR49-TR30 Rule 709**
**DEPOSITIONS DE BENE ESSE**

A. If counsel for the plaintiff has a good faith belief that the health and medical condition of their client or a witness requires that a videotaped deposition de bene esse be taken of such witness, they shall provide to defendants not less than 20 days prior to the date set for such deposition, the following information:

1. written notice of their intent to take such a deposition to all defendants (to their counsel if counsel have appeared for such defendant(s), or to any defendant's appropriate person for receipt of service of process if no counsel has yet appeared for that defendant). Such Notice of Deposition shall be in writing, delivered by facsimile together with hard copy by mail, or by hard copy hand-delivered to counsel for such defendant (if there is one), or by electronic mail (or similar computer assisted electronic means), but if and only if such defendant has previously agreed to such service; and,

2. copies of the following documents:

   (a) a copy of the Verified Initial Disclosure Statement;
   (b) any and all medical and hospital records and reports in the possession of such plaintiffs' counsel (except that these are to be delivered to Sims & Associates);
   (c) signed and undated authorizations for the release of all medical and hospital records (except that these are to be delivered to Sims & Associates);
   (d) Plaintiff's Social Security Administration Work History (Form SSA-7050); and,
   (e) Answers to Defendants' Master Set of Interrogatories and Requests for Production.

B. The de bene esse deposition shall not occur less than 60 days from the date the Complaint is filed, other than by leave of Court for good cause shown.

C. Prior to the taking of the witness' deposition de bene esse as noticed above, the non-noticing party shall have the right to take a discovery deposition of such witness, notwithstanding Rule 704(B).

D. The de bene esse deposition shall occur no less than seven days after the completion of the discovery deposition, except as by agreement of all parties or by order of the Court.

E. In extraordinary circumstances, counsel may conduct the evidentiary deposition de bene esse, without the non-noticing party first taking a discovery deposition, if the noticing party's counsel can establish to the satisfaction of the non-noticing parties (or, if necessary, the Court) a necessity for doing so.

F. If an evidentiary deposition de bene esse occurs before the discovery deposition, the non-noticing party shall have the right to conduct a discovery deposition of the witness off-camera, which is a separate deposition, immediately following the conclusion of the direct examination in the deposition de bene esse. The discovery deposition of the witness off-camera shall continue from day to day until completed as the witness' health permits, after which the non-noticing party shall have the right to depose the witness on camera as cross-examination in the videotaped deposition de bene esse.

**LR49-TR30 Rule 710**
**DEPOSITIONS OF PRODUCT IDENTIFICATION/EXPOSURE WITNESSES**

**A. Attendance by defendant**. A defendant shall not be required to attend depositions of product identification and exposure witnesses identified by plaintiff, unless plaintiff, in good faith, has identified, along with the notice of deposition or on the plaintiffs' Witness List, that this witness will testify regarding a product manufactured or distributed by, or attributed to, that particular defendant, an alleged exposure upon a premises owned by or in the control of that particular defendant, or an alleged exposure allegedly caused by work performed by that particular defendant.

**B. Use of testimony**. If a witness submits an affidavit, testifies in his or her deposition, or testifies at trial about a product or job site which was not identified with the notice of deposition or on the plaintiff's Witness List, plaintiff shall be prohibited from introducing that testimony at trial, using that testimony in opposition to a motion for summary judgment or using that testimony in any other matter against the defendant which did not receive proper notice. Plaintiff may be allowed to utilize such testimony, however, upon giving those defendants, who were only identified by such witness subsequent to the issuance of the original notice of deposition, upon proper notice, a chance to re-depose this witness as to issues regarding their products, job sites, or work at issue.

**LR49-TR40 Rule 711**
**TRIAL SETTINGS**

**A**. The Court will set six trial settings per calendar year for the asbestos cases pending on the Marion County Mass Tort Litigation Docket.

**B**. Plaintiffs' firms are assigned no more than two trial settings per year.

**C**. Once a particular trial setting has been established, no cases can be added or removed, nor can the order of the cases be altered in any way without a written, verified showing of extraordinary circumstances. Specifically, if a case is settled, dismissed or resolved in some other manner, or an exigent case loses its exigent status, before the applicable trial date, the parties will not be allowed to fill the newly vacant slot in the trial setting with another case.

**D**. This Court has determined that generally no more than eight cases shall be set for each trial setting. Relief from this Rule may be granted upon good cause shown.

**E**. **Provisional Order Setting Trial.** No less than 18 months prior to a trial date, the parties shall submit to the Court a proposed Provisional Order Setting Trial (POST) tentatively scheduling cases for trial pursuant to the trial setting criteria in Rule 713.

1. The POST shall list:

(a) first and second-choice settings, consisting of two exigent cases, if any, and if not, two (2) slots tentatively reserved for exigent cases;

(b) third through eighth-choice settings, consisting of six non-exigent cases in First in, First out ("FIFO") order; and,

(c) two (2) additional non-exigent cases in FIFO order that shall be listed as alternates, and which are only tentatively set for trial, but which will be the eighth setting, or seventh and eighth-choice settings, in the event that there is only one or are no exigent cases for that trial setting.

2. All non-exigent cases are only tentatively set for trial, and are subject to displacement by cases that are rolled over from the previous trial setting for the same plaintiffs' counsel.

3. This POST is intended to allow the parties to begin preparing the tentatively scheduled cases for trial and alleviate the burden the parties bear in litigating entire cases in very short time frames.

**F**. **Final Order Setting Trial.** No less than five months prior to a trial date, the parties shall submit to the Court a proposed Final Order Setting Trial (FOST) for that trial date which confirms the cases set for trial pursuant to the trial setting criteria in Rule 713.

1. The FOST will:

a. Identify the rollover case(s) from the previous trial setting for that same plaintiffs' counsel;

b. Confirm any exigent case(s); and,

c. Vacate any previously scheduled case(s) for trial that is/are displaced by any rollover case(s).

**G. Exigent Case.** In the event that a case is granted exigent status pursuant to Rule 712 and set for trial less than 18 months prior to its scheduled trial date, certain Case Management Deadlines provided in these Rules are modified:

1. Plaintiff's VIDS, Plaintiff's Responses to Master Discovery, and Plaintiff's Preliminary Fact Witness List shall be eFiled & Served no later than 30 days after the Motion for Expedited Treatment is filed, or 480 days before trial, whichever is later;

2. Plaintiff's Statement of Special Damages shall be eFiled & Served no later than 30 days after the Motion for Expedited Treatment is filed, or 270 days before trial, whichever is later;

3. Defendants' Preliminary Fact Witness Lists shall be eFiled & Served no later than 30 days after the filing of Plaintiff's Preliminary Fact Witness List, or 420 days before trial, whichever is later;

4. This section modifies only those due dates specified herein. The deadlines established in section (I), below, control the remaining deadlines, and all other provisions of Section (I) otherwise control.

**H. Stayed Cases.**

1. **Definition and Designation of Stayed Cases**. A "stayed case" is one that is currently not set for trial or one that is not exigent under Rule 712. The stayed case designation shall be lifted automatically when the case is reached in FIFO order and set on a POST of FOST.

2. **Effect of Stayed Status**. No formal activity is required in a stayed case, other than the filing of plaintiffs' pleadings, appearances, and the gathering of information provided in Rules 708(D) and 708(E). Those filings must be made regardless of stayed status. Other filings are permitted by any party, but the time for response shall not begin until the case is set on a

POST or FOST. For summary judgment motions filed pursuant to Rule 714 in a stayed case, the time for response is the time set forth in Rule 714.

**I. Case Management Orders**

Except as otherwise provided in Section (G), above, all cases shall be governed by the Case Management Order, provided herein:

| | | |
|---|---|---|
| STATE OF INDIANA | ) | MARION SUPERIOR COURT TWO |
| | ) | MASS TORT LITIGATION |
| COUNTY OF MARION | ) | ASBESTOS DIVISION |

IN RE: [month] [year] Trial Setting Master Docket, 95-000

[CASE NAMES] [CAUSE NO.'S]

**CASE MANAGEMENT ORDER**

Pursuant to Rule 711, the Court hereby enters the following Case Management Order to govern cases included in the POST.

The Court recognizes that some of the cases may have been subject to prior Case Management Orders. The deadlines established in this Order shall supersede all prior deadlines. Except where specifically noted below, nothing in this order shall be read to require a party to re-file or re-serve any materials, except for Requests for Hearings on motions for summary judgment. Should any party desire to re-serve or re-file amended or supplemental materials in accordance with the following deadlines, leave is hereby granted to do so without the need for any further motion or order. The specific dates set forth in this Order are based on the recommendations of the parties.

**1. Disclosure Statements**

Within 30 days after the Court issues the Provisional Order Setting Trial ("POST"), Plaintiffs shall eFile their Verified Initial Disclosure Statements ("VIDS").

To the extent that Plaintiffs have previously filed VIDS, Plaintiffs shall also by this date review them and supplement them to the extent necessary to comply with the Rules.

**2. <u>Statement of Special Damages and Settled Parties</u>**

A. Two hundred seventy (270) days before trial, Plaintiffs shall eFile their statement of special damages and their list of settled Defendants.

B. Plaintiffs shall have a continuing obligation to update this list of settled Defendants and shall provide a complete list to opposing counsel and the Court at the Final Pre-Trial Conference, at which time counsel for the Defense may orally amend their Answer and the record to add any Defendants recently dismissed from the case as non-parties.

**3. <u>Written Discovery</u>**

A. Written discovery shall be served and answered pursuant to Local Rules.

B. No party shall serve written discovery any later than 90 days before trial.

**4. <u>Witnesses</u>**

A. Within 60 days after the Court issues the POST, Plaintiffs shall eFile their Preliminary Fact Witness Lists identifying all witnesses from whom Plaintiffs may offer testimony at trial or in connection with dispositive motions. To the extent Plaintiffs have previously filed a Preliminary or Final Fact Witness List, Plaintiffs shall also by this date review them and supplement and amend them to identify those witnesses Plaintiffs currently believe will actually testify. Plaintiffs' counsel shall accept service of subpoenas on behalf of all Plaintiffs' fact witnesses and/or produce those witnesses for deposition, unless Plaintiffs' counsel notifies Defendants otherwise. Except by agreement of all parties or by order of the Court for good cause shown, Plaintiff must

produce for deposition by Defendants all of Plaintiff's fact witnesses upon whom Plaintiff will rely for purposes of summary judgment no later than 210 days before trial.

B. At least seven days prior to the scheduled deposition of a Plaintiff, co-worker, or other identification witness, Plaintiff shall serve Defendants with a notice containing the names of each Plaintiff for whom the witness will be called to testify and against which Defendants the witness is offered. These witnesses shall be produced for deposition by Plaintiff's counsel without subpoena upon reasonable notice by Defendants. Plaintiff will be prohibited from relying on or using at summary judgment or trial any evidence from any witness who fails to appear for a deposition as noticed, without good cause.

C. Four hundred twenty (420) days before trial, or 30 days after Plaintiffs eFile their Preliminary Fact Witness Lists, whichever is later, Defendants shall eFile their Preliminary Fact Witness Lists identifying all witnesses from whom Defendants may offer testimony at trial or in connection with dispositive motions. To the extent Defendants have previously filed a Preliminary or Final Fact Witness List, Defendants shall also by this date review them and supplement and amend them to identify those witnesses Defendants currently believe will actually testify.

D. One hundred eighty (180) days before trial, Plaintiffs shall eFile their Expert Witness Lists identifying those expert witnesses from whom Plaintiffs may offer testimony at trial or in connection with any dispositive motions. To the extent Plaintiffs have previously provided Expert Witness Lists, Plaintiffs shall also by this date review them and supplement and amend them to identify those witnesses Plaintiffs currently believe will actually testify. Plaintiffs shall also by this date serve copies of any existing

expert reports prepared in connection with these cases, if any, and reliance materials. Plaintiffs shall also by this date provide available deposition dates and locations for all of their testifying experts. Pursuant to T.R. 26(B)(4)(c), the parties seeking expert discovery shall pay the expert's reasonable fee for deposition testimony.

E. One hundred twenty (120) days before trial, or 30 days after Plaintiffs eFile their Expert Witness Lists, whichever is later, Defendants shall eFile their Expert Witness Lists identifying those expert witnesses from whom Defendants may offer testimony at trial or in connection with any dispositive motions. To the extent Defendants have previously provided Expert Witness Lists, Defendants shall also by this date review them and supplement and amend them to identify those witnesses Defendants currently believe will actually testify. Defendants shall also by this date serve copies of any existing expert reports prepared in connection with these cases, if any, and reliance materials. Defendants shall also by this date provide available deposition dates and locations for all of their testifying experts. Pursuant to T.R. 26(B)(4)(c), the parties seeking expert discovery shall pay the expert's reasonable fee for deposition testimony.

F. One hundred twenty (120) days before trial, Plaintiffs shall eFile their Final Witness and Exhibit Lists. The lists shall contain only those witnesses and exhibits Plaintiffs actually intend to call to testify or to introduce at trial.

G. Sixty (60) days before trial, or 60 days after Plaintiffs eFile their Final Witness and Exhibit Lists, Defendants shall eFile their Final Witness and Exhibit Lists. The lists shall contain only those witnesses and exhibits Defendants actually intend to call to testify or to introduce at trial.

H. Thirty (30) days before trial, the parties shall have made available for deposition all witnesses and all experts they have retained to testify. The parties shall cooperate in the scheduling of depositions and shall complete all deposition discovery by that date, unless otherwise agreed by all parties or by order of Court with good cause shown.

**5. <u>Motions</u>**

A. Motions for summary judgment shall be eFiled & Served at least 150 days before trial and comply with Rule 614. Responses, replies and surreplies shall be eFiled & Served as set forth in T.R. 56 and in Rule 614. Hearings on motions for summary judgment will be scheduled for any party requesting a hearing, pursuant to T.R. 56 and Rule 614.

B. Hearings on motions for summary judgment will be set at least 90 days before trial, or on such other dates as the Court may schedule for particular motions for any party tendering notice as required by T.R. 56. The Court will provide counsel with a schedule setting forth the order of arguments and time limits. The parties are encouraged to file written waivers of these oral arguments.

C. All responses and/or objections to motions, with the exception of motions for summary judgment and motions to dismiss, served by one Defendant shall be deemed joined by all other Defendants, without the filing of any joinders.

D. Parties must contact the Court to request a hearing on any motion.

**6. <u>Trial Preparation</u>**

A. Not later than 21 days before the trial date, the parties shall make each of the exhibits described in their Final Exhibit Lists available for inspection and copying.

Nothing in this Order is intended to limit any party's right to copy or inspect trial exhibits earlier through discovery requests.

B. Not later than 14 days prior to the trial date, each party shall eFile:

1) Any stipulations of fact;

2) A list of depositions intended to be used in the party's case-in-chief that includes page and line numbers that will be read;

3) Any motions in limine. All motions in limine must divide the subjects into categories and include legal authority for each point. Motions in limine which simply list subjects without proper briefing ad legal authority will not be considered; and

4) A trial brief succinctly addressing the following matters: (a) contested issues of fact; (b) contested issues of law and supporting authority; (c) a summary of motions in limine and anticipated evidentiary disputes; (d) a list of witnesses counsel intends to call at trial. The trial brief shall be delivered to the Court and shall not be served on other parties or filed using eFile & Serve. Each party shall present <u>two copies</u> of the trial brief to the Court which the Clerk shall stamp as "RECEIVED."

C. Not later than seven days before trial, each party shall eFile:

1) Objections and counter-designations to depositions;

2) Objections or responses to motions in limine; and

3) Any proposed preliminary jury instructions to be read to the jury prior to opening statements, and an agreed preliminary issue instruction. The issue instruction shall also be provided to the Court via email to the Court's

Special Master for asbestos cases in word processing format. If the parties cannot agree to a preliminary issue instruction, the proposed instructions may be provided to the Court in hard copy and via email along with a summary of any areas of disagreement.

D. Nothing in this Order is intended to prohibit the parties from raising matters related to these cases during other conferences scheduled on the Court's Mass Tort Litigation dockets. The parties shall submit proposed agendas which comply with Rule 615 and list specifically those matters which require attention. If no agendas are received or if all parties represent that the status conference is necessary, the Court may vacate that conference from the Court's calendar.

E. The Court shall conduct a final pre-trial conference to be scheduled. All trial counsel who expect to participate in the trial shall attend the final pre-trial conference.

F. The Court will announce during the Defense Case-in-Chief the deadline for the Final Proposed Jury Instructions, as well as the number of proposed non-pattern instructions permitted per side. Counsel shall submit two copies of ALL proposed instructions (pattern and non-pattern), in three-ring binders, with numerical dividers; providing the instruction with the appropriate given/modified/refused/withdrawn provisions, followed by copies of the legal support for the proposed instructions. Counsel shall also provide proposed pattern instructions separated from the non-pattern instructions with the appropriate given/modified/refused/withdrawn provisions. The disks or email copies of the proposed instructions shall not have the citation that was provided on the hard copy (to reduce the amount of editing required during compilation

for the instructions). Because the Court will require the Defendants to act in concert with regard to chargeable instructions, Defendants should collaborate when compiling the three-ring binder submission of proposed instructions.

**LR49-TR40 Rule 712**
**EXIGENT CASES AND EXPEDITED TRIAL SETTINGS**

A. EXIGENT CASES

1. "Exigent Case" shall mean the allegedly injured plaintiff has been diagnosed with malignant mesothelioma, any other asbestos-related Stage IV condition, or can show other compelling circumstances that justifies deviating from the strong presumption that all cases shall be handled in FIFO Order.

2. Any case that does not meet the definition of an "exigent case" shall be a non-exigent case. In the event the plaintiff in an exigent case dies before the deadline to file summary judgments and the Court grants a party's motion to remove the case from an expedited trial setting, the case will no longer be considered exigent for purposes of establishing deadlines and trial settings.

3. To obtain exigent status and an expedited trial setting, a plaintiff must:

(a) File with the Court a Motion for Expedited Trial Setting showing good cause why the plaintiff should be afforded the preferential treatment; and,

(b) Attach to the Motion for Expedited Trial Setting an affidavit from a qualified physician speaking to the deteriorating health of the plaintiff and indicating that the plaintiff meets the definition of exigent. The qualified physician's affidavit must unequivocally state that the physician has read the Court's definition of an "exigent case" and that to a reasonable degree of medical certainty, the plaintiff meets the Court's definition. In the event that Plaintiff seeks exigent status on a basis other than the Plaintiff's serious medical condition, Plaintiff shall attach a detailed affidavit that demonstrates facts supporting the need for an expedited trial date.

4. Following a Motion to Expedite Trial, the case shall proceed as if exigent pending the Court's ruling on that Request

5. Plaintiff shall make all reasonable attempts to make the affiant available for deposition within thirty (30) days of the filing of such affidavit. A deposition of the affiant for the purposes of challenging the exigent status will be limited solely to the facts and circumstances surrounding the determination that Plaintiff qualifies for exigent status.

6. Defendant(s) shall file any objection to Plaintiff's request for an exigent trial setting on or before 60 days after the date of the Motion for Expedited Trial Setting was filed, or within 30 days of service upon that Defendant, whichever is later.

7. An exigent case shall remain exigent and receive expedited treatment only so long as:

(a) the Plaintiff remains living; or,

(b) the parties and the Court have invested substantial amounts of time and effort in preparing the case for trial and the deadline for filing motions for summary judgment has passed such that in the interest of judicial economy the case should continue to receive expedited treatment and remain in place on the upcoming trial calendar.

8. At no time will an expedited trial setting be granted for any exigent case less than eight months after the date on which plaintiff requests the exigent status and expedited trial setting.

9. This Rule is only for the purposes of determining trial setting priority, and designation of a case as "exigent" shall not constitute evidence that the plaintiff's injuries were caused by or related to asbestos.

**LR49-TR40 Rule 713**
**TRIAL SETTING CRITERIA**

A. Asbestos cases pending on the Marion County Mass Tort Litigation Docket shall be set for trial pursuant to the following criteria, absent a written, verified showing of good cause:

1. Any case identified by the Court as an "exigent case" may receive a priority setting and expedited trial date, in comparison with non-exigent cases.

2. No more than two "exigent cases", as that term is defined in Rule 712, will be scheduled for trial in any single trial setting.

3. Non-exigent cases will fill the remaining slots in a particular trial setting using the First In, First Out ("FIFO") method. FIFO method shall mean filling the trial setting slots in cause number order, beginning with a particular plaintiffs' firm's oldest pending cases and moving forward according to cause number.

B. In the event that one or more cases set in any particular trial setting is not tried, settled, dismissed or otherwise resolved:

1. The case shall roll over and displace the settings in that firm's next trial setting.

2. Cases rolled over will be set for trial behind only exigent cases assigned to that trial setting by the Court.

3. Cases that are rolled over will be assigned to that firm's next trial setting in the same order as originally scheduled for trial.

4. Any vacancies remaining in the new trial setting shall be filled according to the trial setting criteria in section A of this Rule.

5. Cases displaced by the cases rolled over from the previous trial setting then become first choice settings in that firm's very next trial setting in the order that they were originally set for trial, behind any exigent cases set for that day.

6. Any vacancies remaining in that trial setting shall be filled according to trial setting criteria in section A of this Local Rule.

7. The only exception to the limit of eight cases set in a trial setting is in the limited circumstance when seven cases roll over to a trial setting in which two (2) exigent cases are already pending, in which case nine cases may be scheduled in the trial setting.

8. In the event that one exigent case rolls over from the previous trial setting and two exigent cases are set for the next trial setting, no exigent case will be displaced, but all of the non-exigent cases will roll over to the next trial setting.

C. Cases will be released from a trial setting by the Court as follows:

1. Four weeks before the first scheduled day of trial, the seventh and eighth choice settings shall be released from the trial setting and roll over to the Plaintiff firm's next trial setting.

2. Two weeks from the first scheduled day of trial, cases that are not first, second, or third choices in the trial setting shall be released from the trial setting and roll over to the plaintiffs' firm's next trial setting.

3. At Noon on the day before trial is set to begin, all cases but the first choice in the trial setting shall be released from the trial setting and roll over to the plaintiffs' firm's next trial setting.

D. Once cases are assigned to a particular trial setting by the Court, the trial setting will not be altered or modified without good cause shown, other than to accommodate cases rolling over from previous trial settings, as described above.

E. A motion to continue trial may be made only by a written and verified motion pursuant to T.R. 53.5, and will be granted only upon a showing of exceptional circumstances.

F. If a motion to continue trial is granted:

1. The case(s) affected by the motion to continue shall roll over to the plaintiffs' firm's next trial setting immediately upon entry of the Court's order granting the motion; and,

2. The case(s) affected shall roll over to the plaintiffs' firm's next trial setting in the same order as previously set, in accordance with the provisions of this Rule.

3. All existing Case Management Order deadlines for that case are vacated.

**LR49-TR56 Rule 714**
**INITIAL SUMMARY JUDGMENT MOTION DOCKET**

**A. Application.** This Rule shall apply to any summary judgment motion that is filed in a stayed case or is not filed pursuant to the deadlines set in a Case Management Order or any enlargements thereto. Summary judgment motions filed pursuant to this Rule shall be termed "initial summary judgment motions." Only summary judgment motions that raise issues for which no significant discovery is deemed necessary for the preparation and filing of the motion may be filed as an initial summary judgment motion. Examples of such issues would be the product liability or construction statute of repose bars.

**B. Title and Proposed Orders.** The title of an initial summary judgment motion shall include the word "Initial." In addition to the requirements of Rule 614, parties moving for summary judgment pursuant to this Rule shall submit two proposed orders as supporting documents: one that sets a hearing date and time for the motion to be indicated on the attached Information/Comments page, and a second proposed order that grants the initial summary judgment motion. The proposed orders shall not be final or appealable. Motions that are submitted without both proposed orders will be rejected.

**C. Procedure.** A party may file an initial summary judgment motion at any time. The time for responding to an initial summary judgment motion is continued to such time as the Court orders that the initial summary judgment motion is set for a hearing date that will be set at the Court's discretion. A party shall have 30 days after an initial summary judgment motion is set for a hearing date to file a response. The party that filed the initial summary judgment motion shall have 10 days to file a reply. Documents on which a party relies in moving or responding to an initial summary judgment motion shall be attached as supporting documents to

If Plaintiff responds to the initial summary judgment motion by asserting that Plaintiff does not yet have sufficient information to be able to file a substantive response to the initial summary judgment motion, Plaintiff shall comply with T.R. 56(F) and file a proposed order as a supporting document with Plaintiff's response that sets a case management conference for a date and time to be set by the Court on the Information/Comments page.

**D. Requests for Hearing.** If a plaintiff does not file a response to an initial summary judgment motion and requests a hearing, the plaintiff must file a separate Request for Hearing that complies with Rule 614(G). Any defendant that desires a hearing on its initial motion for summary judgment shall file a Request for Hearing that complies with Rule 614(G). If no request for hearing is filed for the hearing date set in the order setting the initial summary judgment motions for hearing, the Court may vacate the hearing.

**LR49-TR01 Rule 800**
**SCOPE OF MARION COUNTY MASS TORT**
**SILICA LITIGATION DOCKET AND LOCAL RULES**

Pursuant to the Marion Superior Court Executive Committee and this Rule, the Marion County Clerk of the Courts is directed to file all Silica and Mixed-Dust related personal injury cases in Marion Superior Court Two, Civil Division, creating the Marion County Mass Tort Silica and Mixed-Dust Litigation Docket ("Silica Division"). The cause numbers assigned to these cases shall begin with 49D02-["95," "96," or "98"]01-MI-0001 followed by a numeric suffix.

Any Local Rule in the 800 Series shall apply to the Silica and Mixed-Dust personal injury division only. The Mass Tort Litigation Rules, Subset 600 *et seq*., govern litigation in the Silica Division.

The Master Docket for the Silica Division is 49D02-9601-MI-00001-000 (96-000). Master Docket filings for the Silica Division submitted prior to June 1, 2007, may be found on the Master Docket for the Asbestos Division, 49D02-9501-MI-00001-000 (95-000). Counsel who appear in a Silica Division case are ordered to link themselves to the Silica Master Docket. Users may contact Sims & Associates at 765.483.9528, for assistance.

E-mail is the preferred method by which counsel should contact the Court. The Court contact is Ryan Johanningsmeier, Special Master for Mass Tort Litigation, rjohanni@indygov.org.

**LR49-TR01 Rule 900**
**SCOPE OF MARION COUNTY MASS TORT**
**COAL TAR PITCH LITIGATION DOCKET AND LOCAL RULES**

Pursuant to Order of the Marion Superior Court Executive Committee and this Rule, the Marion County Clerk of the Courts is directed to file all Coal Tar Pitch related personal injury cases in Marion Superior Court Two, creating the Marion County Mass Tort Coal Tar Pitch Litigation Docket ("CTP Division"). The cause numbers assigned to these cases shall begin with 49D02-9901-MI-00001, followed by a numeric suffix.

Any Local Rule in the 900 Series shall apply to the Coal Tar Pitch personal injury division only. The Mass Tort Litigation Rules, Subset 600 *et seq*., govern litigation in the CTP division.

The Master Docket for the CTP Division is 49D02-9901-MI-00001-000 (99-000). Counsel who appear in a CTP Division case are ordered to link themselves to the CTP Master Docket. Users may contact Sims & Associates at 765.483.9528, for assistance.

E-mail is the preferred method by which counsel should contact the Court. The Court contact is Ryan Johanningsmeier, Special Master for Mass Tort Litigation, rjohanni@indygov.org.