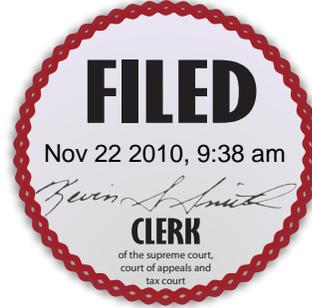


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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COURT OF APPEALS OF INDIANA

UMA D. CHALUVADI,
Appellant-Defendant,

vs.

CITY OF INDIANAPOLIS,
Appellee-Plaintiff.

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No. 49A02-1003-OV-230

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable William E. Young, Judge
Cause No. 49G13-0912-OV-162117

November 22, 2010

MEMORANDUM DECISION ON REHEARING

BAKER, Chief Judge

Appellee-plaintiff City of Indianapolis has filed a petition for rehearing on our August 25, 2010, decision in favor of appellant-defendant Uma D. Chaluvadi. Having considered the City's petition, we hereby grant the petition and dismiss the appeal.

Chaluvadi is appealing two default judgments entered by the trial court regarding two traffic tickets she received on November 30, 2009. Her brief, however, discussed only one of those judgments, which is the judgment we reversed in our original decision.

That ticket was issued for an alleged violation of a local ordinance, making the City the proper appellee. The City did not file an Appellee's brief, and on rehearing, the City explains its failure to do so by highlighting the fact that Chaluvadi served the wrong party. Specifically, she served the Clerk of the Marion Circuit Court, which is a separate, distinct entity from the City of Indianapolis. Ind. Const. art. VI, sec. II; Ind. Code § 36-1-4-1 et seq. Consequently, her service on the Clerk was inadequate. Inasmuch as the City has never been properly served and as a result, was unable to participate by filing an Appellee's brief, we dismiss her appeal of this default judgment. See Ind. Appellate Rule 24(A) (requiring that the "Appellant's Case Summary and appearances must be served on all parties to the appeal" and "all other documents tendered to the Clerk for filing must be served upon all parties who have filed an Appellant's Case Summary or an appearance") (emphases added); Matter of Belanger's Estate, 437 N.E.2d 90, 91 (Ind. Ct. App. 1982) (holding that the "[f]ailure to serve all necessary papers upon an opposing party may result in dismissal").

As to the second ticket, which Chaluvadi did not discuss in her brief, the City notes that this ticket was issued for failing to display her vehicle's registration sticker, which is a violation of a State statute. Therefore, the State of Indiana would have been the proper Appellee for that portion of the appeal. Inasmuch as Chaluvadi has never served the Attorney General with this appeal, we also dismiss her appeal of the second default judgment.

Dismissed.

BAILEY, J., concurs.

RILEY, J., dissents.