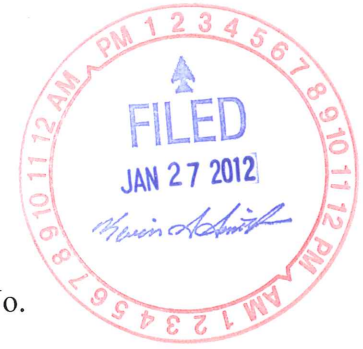

In the
Indiana Supreme Court

Tim BERRY, Auditor, State of Indiana; M. Caroline SPOTTS, Principal Clerk of the Indiana House of Representatives; and the STATE OF INDIANA, Appellants,	)	Supreme Court Cause No. 49S00-1201-PL-53
	)	Court of Appeals Cause No. 49A02-1112-PL-1153
v.	)	Marion Superior Court Cause No. 49D10-1106-PL-023491
William CRAWFORD, Appellee.	)	

ORDER

Before us are Appellants' "Verified Motion to Accept Jurisdiction of Interlocutory Appeal," filed pursuant to Indiana Appellate Rule 14(B)(2), and Appellants' "Verified Motion to Transfer Jurisdiction of Interlocutory Appeal before Consideration by the Court of Appeals," filed pursuant to Indiana Appellate Rule 56(A). Appellee timely tendered a response to the former and an untimely response to the latter, although the Court notes there is little substantive difference between the contents of the Appellees' two responses.

Having considered the above-referenced verified motions and being duly advised, the Court hereby GRANTS both of the Appellants' verified motions. Pursuant to Rule 56(A), this case shall proceed in this Court "as if had been originally filed []here," and shall do so pursuant to the deadlines set forth in the Appellate Rules.

Also pending before the Court are other filings recently submitted by the parties related to: (1) "Appellants' Verified Emergency Motion to Stay Trial Court Proceedings"; (2) Appellants' "Motion for Emergency Consideration of Defendants' Motion to Transfer Jurisdiction before Consideration by the Court of Appeals"; (3) Appellants' "Motion for Leave to File Reply in Support of Verified Motion to Accept Jurisdiction of Interlocutory Appeal"; and (4) Appellee's "Motion for Leave to File Response to [Appellants'] Reply to [Appellee's] Response to Motion to Accept Interlocutory Appeal." These additional filings remain pending before the Court and will be ruled upon in due course.

The Clerk of the Supreme Court is directed to assign this appeal a Supreme Court cause number and to transfer the chronological case summary from the current Court of Appeals cause number to the new cause number. The Clerk is also directed to send a copy of this order to the Hon. Margret Robb, Chief Judge, Indiana Court of Appeals; to the Hon. David J. Dreyer, Judge of the Marion Superior Court; to the Hon. Elizabeth White, Clerk of the Marion Superior Court; to Steve Lancaster, Court of Appeals Administrator; to the Supreme Court Administration Office; and to all counsel of record. Finally, the Clerk is also directed to post this order to the Court's website.

Done at Indianapolis, Indiana, this 27th day of January, 2012.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

DICKSON, RUCKER, and DAVID, JJ., concur.

SULLIVAN, J., dissents from the Court's decision granting Appellants' motion to transfer, believing that the requirement of Rule 56(A) "that an emergency exists requiring speedy determination" is not met in this case. The Court having granted Appellants' motion to transfer, SULLIVAN, J., also dissents from the Court's decision granting Appellants' motion to accept jurisdiction over this interlocutory appeal, believing both that the Appellants will not suffer any substantial expense, damage, or injury if the interlocutory order is erroneous and the determination of the error is withheld until after judgment and that the remedy of appeal is otherwise adequate. *See* Rule 14(B)(1)(c)(i) and (iii). *See also* State ex rel. Masariu v. Marion Superior Ct., No. 1, 621 N.E.2d 1097, 1099 (1993) (Shepard, C.J., dissenting) (in a writ proceeding challenging a trial court's jurisdiction to hear a claim against the Clerk of the Indiana House of Representatives, "I would permit the trial court to complete the litigation so that we could hear the matter through the regular appellate process") (emphasis supplied); Powell v. McCormack, 395 U.S. 486 (1969) (where *inter alia* Adam Clayton Powell challenged the refusal of the Sergeant at Arms of the U.S. House of Representatives to pay his Congressional salary, the case was litigated first in the District Court and then the Circuit Court of Appeals before being decided by the Supreme Court).