

In the Indiana Supreme Court

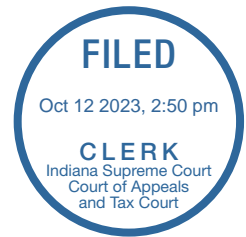
Christine Cosme and Roy Cosme,
Appellants,

v.

Debora A. Warfield Clark, Dan Churilla
d/b/a Churilla Insurance, and Erie
Insurance Exchange,
Appellees.

Court of Appeals Case No.
22A-CT-1897

Trial Court Case No.
45D01-1803-CT-39



Published Order Inviting Amicus Curiae Briefing and Setting Oral Argument

The Court of Appeals issued a memorandum decision in Cosme v. Warfield Clark, et al., 22A-CT-1897, on March 8, 2023. The appellants have filed a transfer petition, and some of the appellees have opposed transfer. We invite amicus curiae briefing on the question of whether we should clarify or modify the framework our Court articulated in Purcell v. Old National Bank, 972 N.E.2d 835 (Ind. 2012), as it relates to (a) the standard a trial court should apply when deciding whether to grant a Trial Rule 50(A) motion and (b) the standard of review an appellate court should apply when reviewing the trial court's decision to grant or deny a Trial Rule 50(A) motion.

Pursuant to Appellate Rule 41, any entity wishing to prepare and file a brief as amicus curiae must file a motion for leave to appear as amicus and tender its proposed brief on or before **November 16, 2023**. The Court encourages the submission of joint briefs if similarly aligned entities seek to appear as amici. Any amicus brief must not exceed 4,200 words, exclusive of the items listed in Appellate Rule 44(C), and must be accompanied by the verified statement of word count. *See* App. R. 44(F).

The parties may file a single response brief, not exceeding 4,200 words, addressing any and all amicus brief(s) whose arguments they oppose; any such response brief must be filed on or before **November 30, 2023**, and must comply with Appellate Rule 44(C) and (F).

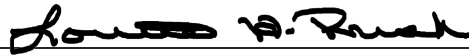
The Court has determined the above-captioned case merits oral argument. The argument will be conducted in the Courtroom of the Indiana Supreme Court, 317 Statehouse, 200 West Washington Street, Indianapolis, Indiana on:

Thursday, December 14, 2023 at 9:00 a.m.

The argument will be forty minutes in length, equally divided between the appellant(s) and the appellee(s). If there are multiple appellants or appellees, the parties shall divide their side's allotted time among themselves as they deem appropriate. Any entity granted amicus curiae status may argue without further motion, but only with the consent of the party with whom the amicus curiae is substantively aligned. If the Court has granted transfer, the appellant shall argue first. If the petition to transfer jurisdiction is pending, the petitioner(s) on transfer shall argue first.

Attorneys of record and self-represented parties shall file an acknowledgement of the oral argument setting no later than fifteen days after service of this order, and should arrive at least twenty minutes before the scheduled start of the argument to complete an appearance form. Important information about oral argument procedures is in Appellate Rules 52 and 53, and on the internet at <https://www.in.gov/courts/supreme/arguments/instructions/>. Contact the Department of Supreme Court Services at 317-233-8697 with questions not answered on the website or by the rules.

Done at Indianapolis, Indiana, on 10/12/2023.



Loretta H. Rush
Chief Justice of Indiana