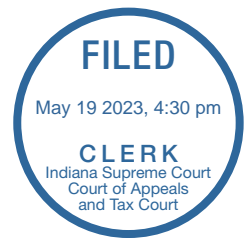


In the Indiana Supreme Court

In the Matter of the Civil Case
Management Pathways Pilot Project

Supreme Court Case No.
23S-MS-131



Order Establishing the Civil Case Management Pathways Pilot Project

The Civil Litigation Taskforce's Final Report recommended a civil case management pilot project utilizing a pathways approach. The purpose of the pilot is to decrease the amount of time until case disposition, significantly reduce discovery disputes, allow judges to spend more time on complicated issues, and increase the satisfaction of court users.

The pilot will use a pathway assignment system to achieve right-sized case management to best align court management practices and resources. The pathways are presumptively assigned by case type, but the parties or the judge can move a case to a different pathway as needed. There are two presumptive pathways:

Streamlined Pathway

CC -- Civil Collection

EV -- Petition for Eviction

MF -- Mortgage Foreclosure

MI -- Miscellaneous

TP -- Verified Petition for Issuance of a Tax Deed

TS -- Application for Judgment in a Tax Sale

Complex Pathway

CT -- Civil Tort

PL -- Civil Plenary

An additional pathway, the General Pathway, is for cases that fall somewhere in the middle of the Streamlined or Complex Pathway. No cases are presumptively assigned to the General Pathway.

For Complex and General Pathway cases, participating judges must set early case management conferences and enter a case management order and discovery protocol. Firm trial dates shall be set 6 months from the date of the case management conference for Streamlined Pathway cases, 12 months from the date of the case management conference for General Pathway cases, and 18 months from the date of the case management conference for Complex Pathway cases.

In this pilot, discovery is tied to the pathway assigned and each pathway has mandatory disclosures and limits on the number of written discovery requests and the duration of depositions. For purposes of this pilot, discovery is controlled by the constraints attached to this Order in **Exhibit A**, and for any conflict that exists between a pilot judge's local court rules and the pilot procedures, the pilot procedures control. Forms have been created for use of this pilot and are located on the Indiana Supreme Court's website.

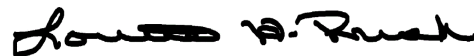
Accordingly, there is hereby CREATED the Civil Case Management Pathways Pilot Project. The term of this pilot project shall not exceed two (2) years, commencing with cases filed on June 1, 2023.

It is ORDERED that the following judges shall participate in the Civil Case Management Pathways Pilot Project:

- Judge Jon Brown, Hamilton Superior Court 2
- Judge Jennifer DeGroot, Allen Superior Court 3
- Judge Kimberly Dowling, Delaware Circuit Court 2
- Judge Mark Dudley, Madison Circuit Court 6
- Judge William Hughes, Hamilton Superior Court 3
- Judge Hunter Reece, Warren Circuit Court
- Judge Richard Stalbrink, Jr. LaPorte Superior Court 2

It is further ORDERED that the Indiana Office of Court Services shall provide staff support to the Civil Case Management Pathways Pilot Project.

Done at Indianapolis, Indiana, on 5/19/2023 .



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Exhibit A: Discovery for the Civil Case Management Pathways Pilot Project

Discovery generally:

- Relief from discovery limitations subject to court approval upon:
 - the parties' agreement or
 - a specific showing that the additional discovery is proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.
- The relevant time period for all discovery is a period of six (6) years prior to the date of the adverse event/action that forms the basis of the claim/counterclaim or defense, unless a different time is set by agreement of the parties or Court order.
- No general objections to discovery will be allowed. If a party objects to a discovery request, either in whole or in part, the objecting party must concisely state in detail the basis for the objection. If a party provides a partial or incomplete answer or response to a discovery request, the responding party must state specifically the reason that the answer or response is partial or incomplete. Any general objections (e.g., an objection that does not specifically state the grounds on which it was based or an objection that applies globally, not to specific requests) will be stricken and have no effect.
- For discovery disputes, parties must either meet in person, virtually, or by phone; email discussion is insufficient to satisfy T.R. 26(F). If parties are unable to agree after a meeting in person or by phone, parties must then ask for a short virtual or telephonic meeting with the judge to try resolve the dispute before filing a written motion.
- There are no proposed limits on non-party discovery, however, a judge can add or approve limits in the discovery protocol.
- If there exists a conflict between the pilot judge's county's local rules and the pilot procedures, the pilot procedures control.

Streamlined Pathway cases:

- Mandatory disclosures must be made within 30 days of execution of the discovery protocol that include:
 - the name, last-known title and dates of employment, if applicable, and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
 - a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.

- No party shall serve more than: fifteen (15) interrogatories, fifteen (15) requests for production, and fifteen (15) requests for admission (excluding authenticating business records). Sub-parts to interrogatories, requests for productions and requests for admission shall not be counted as part of the number served, provided that the subparts are related to the same topic (i.e., multiple questions within one question, such as 1(A)-(D))).
- Each party is limited to not more than two (2) depositions (excluding experts and parties or party representatives), with a three-hour (3) limit for each deposition (unless the deposition is of an expert, a party, or a party representative).

General Pathway cases:

- Mandatory disclosures must be made within 45 days of execution of the discovery protocol that include:
 - the name, last-known title and dates of employment, if applicable, and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
 - a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
 - a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under T.R. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and
 - documents that support any irreparable harm being alleged by the Plaintiff or any concerning any damages that Plaintiff is seeking in the Complaint.
- No party shall serve more than: twenty-five (25) interrogatories, twenty-five (25) requests for production, and twenty-five (25) requests for admission (excluding authenticating business records). Sub-parts to interrogatories, requests for productions and requests for admission shall not be counted as part of the number served, provided that the subparts are related to the same topic (i.e., multiple questions within one question, such as 1(A)-(D))).
- Each party is limited to not more than five (5) depositions (excluding experts), with a three-hour (3) limit for each deposition (unless the deposition is of an expert, a party, or a party representative)

Complex Pathway cases

- Mandatory disclosures must be made within 45 days of execution of the discovery protocol that include:

- the name, last-known title and dates of employment, if applicable, and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;
 - a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;
 - a computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under T.R. 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered;
 - for inspection and copying as under T.R. 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment; and
 - documents that support any irreparable harm being alleged by the Plaintiff or any concerning any damages that Plaintiff is seeking in the Complaint.
- No party shall serve more than: forty (40) interrogatories, forty (40) requests for production, and forty (40) requests for admission (excluding authenticating business records). Sub-parts to interrogatories, requests for productions and requests for admission shall not be counted as part of the number served, provided that the subparts are related to the same topic (i.e., multiple questions within one question, such as 1(A)-(D))).
 - Each party is limited to not more than ten (10) depositions (excluding experts and parties or party representatives), with a seven-hour (7) limit for each deposition (unless the deposition is of an expert, a party, or a party representative).