

In the Indiana Supreme Court

Mitchell Schultz,
Appellant,

v.

S.P. Real Estate, LLC,
Appellee.

Court of Appeals Case No.
25A-CT-165

Trial Court Case No.
37C01-2005-CT-340



Published Order Setting Oral Argument and Inviting Amicus Briefing

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, October 29, 2026, at 10:00 a.m.

Attorneys of record shall file an acknowledgement of the argument setting no later than fifteen days after service of this order and should arrive thirty minutes before the argument. Important information about oral argument procedures is in Appellate Rules 52 and 53, and online at <https://www.in.gov/courts/supreme/arguments/instructions/>. Contact Supreme Court Services at 317-233-8700 with questions not answered on the website or by the rules.

The Court invites briefing from any amici with an interest in this case on the following question: **Whether the Comparative Fault Act permits allocating fault to a plaintiff for a defendant's intentional tort.** Any entity wishing to prepare and file an amicus brief must file a motion for leave to appear as amicus and tender its proposed brief no later than **Monday, August 31, 2026**. *See* App. R. 41. 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 each file a single response brief, not exceeding 4,200 words, addressing the amicus brief(s); any such response must be filed no later than **Monday, September 21, 2026**, and must comply with Appellate Rules 44(C) and (F). After briefing has concluded, the Court will issue a separate order allocating oral argument time.

Done at Indianapolis, Indiana, on 7/9/2026.

Loretta H. Rush
Chief Justice of Indiana