

STATE OF INDIANA

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MARION CIRCUIT AND  
SUPERIOR COURTS

COUNTY OF MARION

In Re Local Court Rules

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate  
from the Schedule for Amending Local Court Rules, and Requesting  
Comments**

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rule concerning **LR49-TR3-200 RANDOM FILING OF CIVIL CASES**. And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rule will be effective on **November 15, 2020**.

Comments to this proposed Local Rule amendment will be received through noon on **October 5, 2020**. Comments to this proposed amended Local Rule should be e-mailed to the Office of the Court Administrator, c/o Emily VanOsdol, at [Emily.VanOsdol@indy.gov](mailto:Emily.VanOsdol@indy.gov) or mailed to:

Emily VanOsdol  
Office of the Court Administrator  
Marion County Circuit and Superior Courts  
200 East Washington St., Ste. T1221  
Indianapolis, IN 46204

All of the above is so ORDERED this 4<sup>th</sup> day of September, 2020.

/s/ Heather Welch  
Judge Heather Welch  
Presiding Judge  
Marion Superior Court

## LR49-TR3-200 RANDOM FILING OF CIVIL CASES

A. All civil cases filed with the Marion County Clerk's Office designated by statute or rule as being required to be filed in certain named Courts shall be so assigned.

B. Cases involving a petition for specialized driving privileges pursuant to I.C. § 9-30-16 in which the suspension of the driving privileges was not imposed by or recommended by a court imposing a sentence in a criminal case, and was not based upon delinquent child support or the person's status as a student under I.C. § 9-24-2, shall be filed in the Marion Circuit Court; all other petitions or requests for specialized driving privileges shall be filed in the court in which the charges are pending or in which the sentence was imposed, in the court in which the issue of child support is docketed, or in the Juvenile Division if the suspension was based upon the person's status as a student under I.C. § 9-24-2.

C. Civil Plenary (PL), Mortgage Foreclosure (MF), Civil Collections (CC), Civil Torts (CT), and Domestic Relations (DR) cases shall be allocated at follows:

1. Civil Plenary (CP/PL) cases

- a. 1% shall be randomly filed in Circuit Court, and
- b. 99% shall be filed in Superior Court, divided randomly and evenly among Courts ~~the judges of the Civil Division~~ (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, ~~49D10, 49D11, 49D12,~~ and 49D13, ~~and 49D14~~).

2. Mortgage Foreclosure (MF) cases

- a. 5% shall be randomly filed in Circuit Court, and
- b. 95% shall be filed in Superior Court, divided randomly and evenly among Courts ~~the judges of the Civil Division~~ (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, ~~49D10, 49D11, 49D12,~~ and 49D13, ~~and 49D14~~).

3. Civil Collections (CC) cases

- a. 1% shall be randomly filed in Circuit Court, and
- b. 99% shall be filed in Superior Court, divided randomly and evenly among Courts ~~the judges of the Civil Division~~ (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, ~~49D10, 49D11, 49D12,~~ and 49D13, ~~and 49D14~~).

4. Civil Torts (CT) and Domestic Relations (DR) cases

Shall be assigned in the proportion of 100% in Superior Court, divided randomly and evenly among the judges of the Civil Division (49D01, 49D02, 49D03, 49D04, 49D05, 49D06, 49D07, 49D10, 49D11, 49D12, 49D13, and 49D14).

5. Protective Order (PO) cases that do not involve a relationship as defined by IC 35-31.5-2-128 shall be assigned to Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13.

6. Family Cases

a. DC and DN cases shall be assigned to Marion Superior Court, divided randomly and evenly among Courts D10, D14, and G16. (Effective November 15, 2020).

b. JP cases shall be assigned in the following manner:

1. 30% of JP filings, not initiated by the Prosecutor's Office shall be assigned to Marion Superior Court, divided randomly and evenly among Courts D10, D14, and G16.

2. JP filings initiated in conjunction with an existing case in Superior Court D09 or D15 shall be assigned to the Court that houses the accompanying juvenile case.

3. All other JP filings shall be assigned to the Marion Circuit Court.

(Effective January 1, 2021.)

c. All cases filed in the Juvenile Division shall be divided and randomly assigned to courts D09 and D15, including case types JQ, JC, JD, JS, JM, and JT. (Effective January 1, 2021.)

d. Protective order cases that are domestic in nature (those that involve a relationship as defined by IC 35-31.5-2-128) shall be divided and randomly assigned to Courts D10, D14, and G16. (Effective November 15, 2020.)

1. When there is an existing DN, DR, DC, or JP case, any related PO filing shall be assigned to the same court as the existing family case.

D. Marion Superior Court, Civil Division D12 shall be assigned the following cases-filings:

1. Any civil case where the environment is involved as the lead issue or where a decision of an environmental administrative agency is being appealed;
2. Any civil action that includes a count based upon or involving Indiana Code Title 13/ Environment or Title 14/ Natural and Cultural Resources;
3. Any civil action requiring judicial review from final agency action involving an environmental matter;
4. Department of Revenue UST and solid waste fee tax warrants;
5. Common law theories of recovery such as toxic torts, property contamination cases alleging nuisance, trespass, negligence and environmental cleanup and contribution actions;

6. Open Door and Public Record suits or appeals related to IDEM, DNR, ISHD, State Fire Marshall or the Fire Prevention and Building Safety Commission; and

7. Contract or other disputes involving a substantive environmental issue.

E. Civil cases involving judicial review of a zoning decision pursuant to IC 36-7-4-1601 et seq. shall be assigned to Court D07. ~~filed in Marion Superior Court, Civil 7 (D07).~~

F. Civil cases requiring judicial review of a final State Agency decision under Article 21.5 of the Indiana Administrative Orders and Procedures Act (I.C. 4-21.5 et seq.) shall be randomly assigned.

G. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-30-10 shall be filed in the Marion Circuit Court.

H. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-24-2 shall be filed in ~~the Juvenile Division~~ Courts D09 and D15 of the Marion Superior Court.

I. Cases involving a petition for change of name filed under I.C. § 34-28-2 shall be filed in the Marion Circuit Court.

J. All cases filed in the Juvenile Division will be split evenly between courts D09 and D15.

All civil cases other than those listed above filed with the Marion County Clerk's Office for the Marion Superior Court shall be assigned to an individual courtroom on a random basis. The process for the random assignment shall be done through the Court and Clerk's automated case management system.

*Amended effective ~~January 1, 2019.~~ November 15, 2020.*