

**NOTICE OF PROPOSED AMENDEMENTS**  
**TO**  
**LOCAL RULES**

Notice is hereby given that the Courts of Howard County propose to amend the Local Court Rules. The full text of all proposed amendments are attached.

Comments will be received from the bar and the public until May 1, 2005. All comments should be in writing, and addressed to William C. Menges, Jr., Judge, Howard Superior Court I, Courthouse, 104 North Buckeye Street, Room 216, Kokomo, Indiana 46901.

The proposals shall be adopted, modified, or rejected by July 15, 2005, and will be effective on January 1, 2006.

The Clerk of the Circuit Court is directed to post this Notice in her office, and on the website maintained by her.


Dated this 14<sup>th</sup> day of March, 2005.



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**LYNN MURRAY, JUDGE**  
**HOWARD CIRCUIT COURT**



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**WILLIAM C. MENGES, JR., JUDGE**  
**HOWARD SUPERIOR COURT I**



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**STEPHEN M. JESSUP, JUDGE**  
**HOWARD SUPERIOR COURT II**



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**DOUGLAS A. TATE, JUDGE**  
**HOWARD SUPERIOR COURT III**

## CIVIL RULE 6

### **PREPARATION OF PLEADINGS, MOTIONS AND OTHER PAPERS**

**A. PRODUCTION.** Pleading, motions, and other paper shall be on white paper.

~~Effective January 1, 1992, a~~ All pleadings, copies, motions, and documents filed with the court, with the exception of exhibits and existing wills, shall be prepared on 8.5" x 11" paper. ~~Through December 31, 1991, such paper and records will be accepted on either 8.5" x 11" or 8.5" x 14" size paper with the exception of order, which shall be on 8.5" x 11" paper after the effective date of this rule.~~ The lines shall be double spaced except for quotations, which shall be indented and single spaced.

**B. TITLES.** Titles on all pleadings shall delineate each topic included in the pleading, e.g. where a pleading contains an Answer, a Motion to Strike or Dismiss, or a Jury Request, each shall be set forth in the title.

## CIVIL RULE 7

### FILINGS

**A. PLEADINGS.** The entry of appearance and the filing of pleadings or other matters not requiring immediate Court action shall be filed with the Clerk. The Judge may, however, permit papers to be filed with him ~~the Court~~, in which event ~~he shall note thereon~~ the filing date shall be noted thereon.

**B. CHRONOLOGICAL CASE SUMMARY ENTRIES.** Written pleadings presented for filing ~~must~~ shall be accompanied by a proposed entry for the Chronological Case Summary. It shall contain the title and number of the case, the date, and exact entry to appear on the Chronological Case Summary. The proposed entry shall be signed by counsel.

**C. COPIES TO SPECIAL JUDGES.** When a Special Judge is selected, copies of all pleadings, motions, or briefs filed shall be mailed or delivered to the office of the Special Judge with certificate of forwarding same made a part of the original papers.

## CIVIL RULE 8

### CHANGE OF JUDGE

#### **Purpose of Rule:**

This rule is adopted to comply with the requirements of Trial Rule 79(h) of the Indiana Rules of Trial Procedure. It is intended to provide a means of selection of special judges insuring the effective use of all judicial resources within Administrative District 5, and includes each person eligible for appointment under Section (j) of Trial Rule 79.

#### **Central Office Established:**

There is established a Central Office for Keeping of records of appointment and selection of special judges for this District. The Central Office of this District shall be the Wabash Circuit Court.

~~This~~ The Howard County Courts shall hereafter refer to the Central Office of this District whenever selection of a special judge is required under this rule. ~~This~~ The particular Court shall accept from the Central Administrator the name of the individual to then be appointed as special judge.

The person serving as Administrator of the Central Office shall have the following responsibilities:

1. To maintain a list of persons qualified to serve as special judge under Section (j) of Trial Rule 79.
2. To take referrals from the several courts of this District, requesting appointment of a special judge.

3. To alternately and on a rotating basis appoint qualified judges from the list maintained for that purpose.
4. To notify the referring Court of the individual to be appointed under this Rule.

**Current Rotation Schedule:**

The following shall be the rotation schedule initially used by the Central Administrator.

1. The Judge of Cass Superior Court, ~~currently the Honorable Douglas A. Cox.~~
2. The Judge of the Wabash Circuit Court, ~~currently the Honorable Daniel Vanderpool.~~
3. The Judge of the Howard Superior Court III, ~~currently the Honorable John Wood.~~
4. The Judge of the Fulton Superior Court, ~~currently the Honorable Rosemary Higgins-Burke.~~
5. The Judge of the Howard Superior Court II, ~~currently the Honorable Stephen M. Jessup.~~
6. The Judge of the Fulton Circuit Court, ~~currently the Honorable Douglas Morton.~~
7. The Judge of the Howard Circuit Court, ~~currently the Honorable Lynn Murray.~~
8. The Judge of the Tipton Circuit Court, ~~currently the Honorable Dane Nash.~~

9. The Judge of the Miami Superior Court, ~~currently the Honorable Daniel Barina.~~
10. The Judge of the Howard Superior Court I, ~~currently the Honorable Dennis Parry.~~
11. The Judge of the Cass Circuit Court, ~~currently the Honorable Julian Ridlen.~~
12. The Judge of the Wabash Superior Court, ~~currently the Honorable Michael Sposeep.~~
13. The Judge of the Miami Circuit Court, ~~currently the Honorable Bruce Embry.~~
14. The Judge of Cass Superior Court II.

**Administrative Fee:**

Each of the court participating under this Rule shall pay each year the sum of Fifty Dollars (\$50.00) to the Central Administrator, payable directly to the Administrator by the 15th of September of each year.

**Certification to Supreme Court:**

In cases in which no judge is eligible to serve as special judge in a particular case, or where the circumstances of a case require it, the Court shall certify those circumstances to the Supreme Court, and that Court shall make appointment.

## CIVIL RULE 10

### MOTIONS

**A. ORAL ARGUMENTS.** The Court shall not hear oral arguments on motions unless required by the Indiana Rules of Procedure, requested by a party and allowed by the Court in its discretion, or at the request of the Court.

**B. BRIEFS AND MEMORANDA REGARDING MOTIONS.** If a party desires to file a brief and memorandum in support of any motion, such brief or memorandum shall accompany or be filed simultaneously with the motion, and a copy served on the adverse party. If the adverse party desires to file a brief or memorandum, the adverse party shall file it as ordered by the Court.

**C. ENLARGEMENT OF TIME.** An initial written motion for enlargement of time pursuant to Trial Rule 6(B)(1) to respond to a claim shall be automatically allowed for an additional 30 days from the date of filing by a written order of the Court except in matters denominated in the pleadings as emergency in nature. Any motion filed pursuant to this rule shall state the date when such response is due and the date to which time is enlarged. The ~~motion~~motion must be filed on or before the original due date, or this rule is inapplicable.

## CIVIL RULE 11

### CONTINUANCES

A motion for a continuance, unless made during the hearing of the cause, shall be for cause, in writing and verified. A motion for continuance ~~must~~shall be filed as soon after the cause for continuance is discovered by the moving party. The attorney's signature on a request for a continuance is considered a certification that the client has been notified of the request.

The motion shall contain a statement concerning notification to opposing counsel or to pro se party:

1. That other counsel/party has been contacted and has no objection.
2. That other counsel/party has been contacted and does object.
3. That other counsel/party has not been contacted after diligent effort.

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