

IN THE CIRCUIT AND SUPERIOR COURTS OF KOSCIUSKO COUNTY
KOSCIUSKO COUNTY JUSTICE BUILDING
121 NORTH LAKE STREET
WARSAW, INDIANA 46580

The Kosciusko Circuit Court and the Superior Courts of Kosciusko County, State of Indiana, do now, in general session, promulgate this Order Relating to Case Assignment.

IT IS ORDERED:

Effective July 1, 2019, LR43-AR1E-1 shall be amended to provide for Initial Civil Case Assignment as follows:

LR43-AR1E-1 CIVIL CASE ASSIGNMENT

- (1) ~~All cases which have case classification code~~ MH, TS, and TP **cases** shall be filed in the Kosciusko Circuit Court.
- (2) ~~All cases which have case classification code~~ JC, JD, JS, ~~JP~~, JM and JT **cases** shall be filed in Kosciusko Superior Court No. 1. **JP cases shall be filed in Kosciusko Superior Court No. 4.**
- (3) ~~All cases which have case classification code~~ PL and CT ~~cases~~ **RS, AD, AH, ES, EU, GU and TR may** shall be filed in either **Fifty percent (50%) in the Kosciusko Circuit Court or Kosciusko Superior Court No. 1 and Fifty percent (50%) in the Kosciusko Superior Court No. 4, on an alternating basis, and any such matters on the active docket of the Kosciusko Superior Court No. 1 as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.**
- (4) Seventy-five percent (75%) of MI cases shall be filed in Kosciusko Superior Court No. 3 **and** Twenty-five percent (25%) ~~may~~ **shall** be filed in either Kosciusko Circuit Court or Kosciusko Superior Court No. 1, ~~; however, attorneys are strongly encouraged to file such cases on an alternating basis, in Kosciusko Circuit Court and Kosciusko Superior Court No. 1.~~
- (5) ~~All cases which have case classification code~~ IF **cases** shall be filed in Kosciusko Superior Court No. 2.
- (6) ~~All cases which have case classification code~~ OV, OE, PO (except PO cases where a JP, DC or DN case ~~in in is in~~ existence involving the same parties, which shall then be filed in the court having the JP, DC or DN case), and SC **cases** shall be filed in Kosciusko Superior Court No. 3.
- (7) ~~Twenty percent (20%) of DC and DN cases shall be filed in Kosciusko Superior Court No. 3.~~

- ~~(8)~~ (7) ~~Thirty percent (30%)~~ **Sixty percent (60%)** of DC and **Ninety percent (90%)** of DN cases shall be filed in ~~Kosciusko Circuit Court~~ **Kosciusko Superior Court No. 4**, and any such matters on the active docket of the ~~Kosciusko Circuit Court~~ and the **Superior Court No. 3** as of July 1, 2019, are transferred to the active docket of the **Kosciusko Superior Court No. 4** as of that date.
- ~~(9)~~ (8) ~~Twenty percent (20%)~~ **Ten percent (10%)** of ~~DC~~ DN and **Forty percent (40%)** of ~~DN~~ DC cases shall be filed in **Kosciusko Superior Court No. 1**.
- ~~(10)~~ ~~Thirty percent (30%) of dissolution cases shall be filed in Kosciusko Superior Court No. 2.~~
- ~~(11)~~ (9) ~~Collection (CC) cases shall be filed in Kosciusko Superior Court No. 3 or Kosciusko Superior Court No. 2 with case assignment to be made by the Clerk in order that: three-fourths (3/4) are filed in Kosciusko Superior Court No. 3; one-fourth (1/4) are filed in Kosciusko Superior Court No. 2.~~ **Kosciusko Superior Court No. 4**, and any such matters on the active docket of the **Kosciusko Superior Court No. 2** and **Kosciusko Superior Court No. 3** as of July 1, 2019, are transferred to the active docket of the **Kosciusko Superior Court No. 4** as of that date.
- ~~(12)~~ ~~MF cases shall be filed in Kosciusko Circuit Court and Kosciusko Superior Court No. 3 with case assignment to be made by the Clerk in order that: one-half (1/2) are filed in Kosciusko Circuit Court; and one-half (1/2) are filed in Kosciusko Superior Court No. 3.~~
- ~~(13)~~ ~~XP cases may be filed in any court.~~
- (10) **ES, EM, EU and TR cases and matters not otherwise described herein, shall be filed Fifty percent (50%) in the Kosciusko Circuit Court and Fifty percent (50%) in the Kosciusko Superior Court No. 1.**
- (11) **AD cases shall be filed Thirty-Three percent (33%) in the Kosciusko Circuit Court and Sixty-Seven percent (67%) in the Kosciusko Superior Court No. 1.**
- (12) **GU cases shall be filed Twenty percent (20%) in the Kosciusko Circuit Court and Eighty percent (80%) in the Kosciusko Superior Court No. 1.**
- (13) **MF cases shall be filed Fifty percent (50%) in the Kosciusko Superior Court No. 4 and Fifty percent (50%) in the Kosciusko Superior Court No. 3, on an alternating basis, and any such matters on the active docket of the Kosciusko Circuit Court as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.**
- (14) **XP cases may be filed in any court.**
- (15) **RS cases shall be filed Fifty percent (50%) in the Kosciusko Superior Court No. 1 and Fifty percent (50%) in the Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Circuit Court as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.**
- (16) **All civil cases shall be filed in a random manner and in the percentages as provided by these rules. The Judges of the Kosciusko Circuit Court and the Kosciusko Superior Courts shall periodically review the filing patterns**

of civil cases and the Judges of such Courts reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and to expedite dispositions of all pending civil cases.

(Amended effective January 1, 2018; further amended July 1, 2019)

IT IS FURTHER ORDERED effective July 1, 2019, LR 43-TR79-2 shall be amended to provide for Special Judge Appointment in Civil Cases as follows:

LR43-TR79-2 SPECIAL JUDGE APPOINTMENT IN CIVIL CASES

If a judge in Kosciusko County grants a motion for change of judge under TR 76, or recuses or is disqualified under TR 79(C), and the parties are unable to agree to a judge, or the judge agreed upon does not accept the appointment within the time required by TR 79(D), the following local rule applies:

- a. If the case is in the Kosciusko Circuit Court, it must be transferred to:
 - 1. Kosciusko Superior Court No. 1
 - 2. Kosciusko Superior Court No. 2
 - 3. Kosciusko Superior Court No. 3
 - 4. **Kosciusko Superior Court No. 4**

- b. If the case is in Kosciusko Superior Court 1, it must be transferred to:
 - 1. Kosciusko Circuit Court
 - ~~2. Kosciusko Superior Court No. 3~~
 - ~~3. Kosciusko Superior Court No. 2~~
 - 2. **Kosciusko Superior Court No. 4**
 - 3. **Kosciusko Superior Court No. 2**
 - 4. **Kosciusko Superior Court No. 3**

- c. If the case is in Kosciusko Superior Court No. 2, it must be transferred to:
 - 1. Kosciusko Superior Court No. 3
 - 2. Kosciusko Circuit Court
 - 3. Kosciusko Superior Court No. 4 4
 - 4. **Kosciusko Superior Court No. 1**

- d. If the case is in Kosciusko Superior Court 3, it must be transferred to:
 - 1. Kosciusko Superior Court No. ~~2~~ 4
 - 2. Kosciusko Superior Court No. 1

3. Kosciusko Circuit Court
4. **Kosciusko Superior Court No. 2**

e. **If the case is in Kosciusko Superior Court No. 4, it must be transferred to:**

1. **Kosciusko Superior Court No. 2**
2. **Kosciusko Superior Court No. 3**
3. **Kosciusko Superior Court No. 1**
4. **Kosciusko Circuit Court**

If none of the judges of the transferee courts are able to hear the case, the Chief Judge of the administrative judicial district of which Kosciusko County is a member must appoint a special judge from the other judges within the district. If the Chief Judge of the administrative judicial district is unable to make the appointment, the district judge, who is not a judicial officer in Kosciusko County, with the most time of judicial service, shall make the appointment. In the event the judge presiding in a civil case concludes that the unique circumstances presented in the proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for an appointment.

The appointed judge under this local rule must accept the case unless:

- a. Disqualified under the Code of Judicial Conduct;
- b. Ineligible under the Trial Rules; or
- c. Excused by the Indiana Supreme Court.

(Amended effective August 1, 2015; further amended July 1, 2019)

IT IS FURTHER ORDERED:

Effective July 1, 2019, LR43-CR2.2-2 shall be amended to provide for Initial Criminal Case Assignment as follows:

(1) All D and C Felonies

Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include ~~any~~ cases filed under Title 35, Article 48 (Controlled Substances)

Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.

Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2

Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include ~~any~~ cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include ~~any~~ cases filed under Title 35, Article 48 (Controlled Substances).

Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.

Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include ~~any~~ cases filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

(2) All F6, F5, F4 Felonies

~~Thirty five percent (35%)~~ **Twenty percent (20%)** of F6, and F5 felonies and **Fifty percent (50%)** of F4 felonies shall be filed in the Kosciusko Circuit Court and should include ~~any~~ cases filed under Title 35, Article 48 (Controlled Substances).

~~Thirty-five percent (35%)~~ **Twenty percent (20%)** of all F4 felonies and ~~Five percent (5%)~~ **Twenty percent (20%)** of all F5 and **Twenty percent (20%)** of F6 felonies shall be filed in the Kosciusko Superior Court No. 1.

~~Fifteen percent (15%)~~ **Twenty percent (20%)** of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 2.

Thirty percent (30%) of all F4 felonies and ~~Forty-Five percent (45%)~~ **Forty percent (40%)** of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 3 and should include ~~any~~ cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

(3) Felonies under Title 35-42-1 (Homicide) and ~~I.C. 35-48 (Controlled Substances)~~ cases

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) ~~and those filed under Title 35, Article 48 (Controlled Substances)~~ shall be filed in the Kosciusko Circuit Court. ~~(Amended effective January 1, 2005)~~

(4) All other Felony cases

All other felonies shall be assigned on an alternating basis to the Kosciusko Circuit Court and the Kosciusko Superior Court No. 1.

(5) All Misdemeanor cases

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

(6) All I.C. 31-6-4 (Juvenile) cases

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code shall be initially assigned to Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

(7) Combination of Felony and Misdemeanor cases

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

(8) Post-Conviction Relief Cases

PC cases shall be filed in the court in which the related criminal case was filed.

(Amended effective January 1, 2018; further amended July 1, 2019)

IT IS FURTHER ORDERED:

Effective July 1, 2019, LR43-AR9 shall be established to provide for Transfer of Cases as follows:

LR43-AR9 TRANSFER OF CASES

- (A) The judge in any Kosciusko Court, by appropriate Order entered in the Record and Judgment and Orders, may transfer and reassign to any other court of record in the county with jurisdiction to hear the matter any pending civil case, subject to acceptance by the receiving court.**

(effective July 1, 2019)

IT IS FURTHER ORDERED:

Effective July 1, 2019, LR43-AR10 shall be established to provide for Judge Pro Tempore as follows:

LR43-AR10 JUDGE PRO TEMPORE

- (A) The Judge of the Kosciusko Circuit Court or any Kosciusko Superior Court, may, at any time, act as Judge in another Superior Court or the Kosciusko Circuit Court as Judge Pro Tempore, and act in any matter as if the Judge acting as a Pro Tempore was an elected Judge of the Court in which said Judge so acts.

(effective July 1, 2019)

IT IS FURTHER ORDERED:

Effective July 1, 2019, LR43-CR2.2(8) shall be established to provide for Random Filing of Criminal Cases as follows:

LR43-CR2.2-2(8) RANDOM FILING OF CRIMINAL CASES

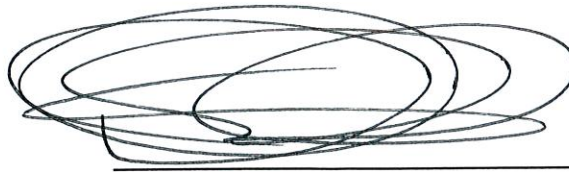
- (A) All criminal cases shall be filed in a random manner and in the percentages as provided by these rules. The Judges of the Kosciusko Circuit Court and the Kosciusko Superior Courts shall periodically review the filing patterns of criminal cases and the Judges of such Courts reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and to expedite dispositions of all pending criminal cases.

(effective July 1, 2019)

DATED AND ORDERED this 4TH day of April, 2019.



Michael W. Reed, Judge
Kosciusko Circuit Court



David C. Cates, Judge
Kosciusko Superior Court No. 1



Torrey J. Bauer, Judge
Kosciusko Superior Court No. 2



Joe V. Sutton, Judge
Kosciusko Superior Court No. 3