



IN THE
Indiana Supreme Court

Supreme Court Case No. 23S-CT-5

Donnell Goston, Sr., *et al.*,
Appellants-Plaintiffs

—v—

State of Indiana, *et al.*,
Appellees-Defendants

Decided: January 9, 2023

Appeal from the Marion Superior Court,
No. 49D06-0910-CT-46723
The Honorable Kurt Eisgruber, Judge

On Petition to Transfer from the Indiana Court of Appeals,
No. 21A-CT-2484

Per Curiam Opinion

Chief Justice Rush and Justices Massa, Slaughter, Goff, and Molter concur.

Per curiam.

Indiana Trial Rule 81(A) provides trial courts the general authority to adopt “local and administrative district rules not inconsistent with . . . these Rules of Trial Procedure or other Rules of the Indiana Supreme Court.” More specifically, Trial Rule 16(J) provides trial courts the authority to “establish by rule a pre-trial calendar on which actions may be placed for consideration” and to enter pre-trial orders controlling the course of proceedings “unless modified thereafter to prevent manifest injustice.” Pursuant to these trial rules, Marion County has promulgated Local Rule LR49-TR16 207(B), which governs case management orders and permits Marion County courts to establish limitations “on the time to file all pre-trial motions.”

In this case, the defendants filed a motion for summary judgment after the deadline for dispositive motions that had been established in a case management order. The trial court eventually granted that motion. On appeal, the plaintiffs argued in part that the trial court erred in entertaining a motion for summary judgment after the deadline for dispositive motions had passed. Affirming the trial court’s summary judgment order, the Court of Appeals held among other things that Trial Rule 56(B), which permits a motion for summary judgment to be made by a defending party “at any time,” takes precedence over Local Rule 207(B).

On this procedural issue, the Court of Appeals reached the right result, but for the wrong reason. The trial court acted within its discretion to consider the defendants’ summary judgment motion, not because Trial Rule 16 and Local Rule 207(B) conflict with Trial Rule 56(B), but because they work in harmony. As the plaintiffs write in their transfer petition,

Rule 16 gives the Trial Court discretion and authority to set and alter dispositive motion deadlines in a way that allows summary judgment motions to be filed “at any time.” This does not mean that deadlines may not be placed on summary judgment motions, nor does it mean that local rules allowing such deadlines are categorically invalid. It means that summary judgment motions can be filed “at any time” before the dispositive motion deadline expires, or “at

any time” after the deadline expires so long as the Trial Court finds it will prevent manifest injustice. In this way, Rules 16 and 56 work together

(Trans. Pet. at 11-12). Here, the trial court appropriately exercised the discretion afforded by Trial Rule 16 in a manner that balanced the goals of doing justice to the merits of the case, minimizing the risk of prejudice to the plaintiffs, and maintaining orderly and efficient court proceedings. *See Daub v. Daub*, 629 N.E.2d 873, 875 (Ind. Ct. App. 1994).

We grant transfer at the request of both the plaintiffs and the defendants to clarify that these rules work in harmony and are not in conflict with one another. No other grounds for transfer have been asserted, and in all other respects we summarily affirm the Court of Appeals’ opinion. *See* Ind. Appellate Rule 58(A)(2).

Rush, C.J., and Massa, Slaughter, Goff, and Molter, JJ., concur.

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