

In the Indiana Supreme Court

Cause No. 25S-MS-5



Order Amending Rules of Trial Procedure

On January 12, 2021, this Court created the Civil Litigation Taskforce—as part of the Indiana Innovation Initiative—to focus on improvements related to civil litigation. We directed the Taskforce to analyze the research on court reform, assess the impact of innovations in other states, identify innovative strategies for significantly improving court processes, and provide a written report with findings and recommendations.

In that report, the Taskforce recommended that the Court modify Indiana’s Rules of Trial Procedure to follow reforms in other states. Those recommendations included amending our trial rules to:

- Include proportionality as a fundamental principle to limit the availability of discovery;
- Align the general scope of discovery with the issues in the case, rather than its subject matter;
- Limit the number of discovery requests and the number and duration of depositions, subject to the parties’ agreement or court approval;
- Prohibit general objections to discovery; and
- Enhance the use of court-appointed neutrals to help manage discovery in appropriate cases.

The Taskforce’s report also recommended that the Court modify our trial rules related to service of process to ensure due process without creating unnecessary cost and delay. Those recommendations included amending our trial rules to:

- Permit electronic service of process on registered agents;
- Allow service by publication in online media, in addition to printed newspapers;
- Expressly permit alternative methods of service, such as email, text message, and social media direct message; and
- Clarify service on individuals to the address shown on the summons.

The Court commends the Taskforce’s members for their exceptional work.


The Taskforce’s proposed amendments were reviewed by the Committee on Rules of Practice and Procedure and then posted for public comment, with two versions of Rules 26(B) and 30(A). The first version included language about proportionality in discovery and the second version did not. Having reviewed the Taskforce’s proposed amendments, the Rules Committee recommendations, and the public comments, the Court approves the Taskforce’s proposed amendments to our trial rules, including the second version of Rules 26(B) and 30(A).

The Court will revisit the issue of proportionality in discovery at the conclusion of the Civil Case Management Pathways Pilot Project.

Under this Court's authority to establish procedures and supervise the administration of all courts in the state, Indiana's Rules of Trial Procedure are amended as set forth in Exhibit A to this order (deletions shown by ~~strikethrough~~ and new text shown by underlining).

The amendments are effective January 1, 2026.

Done at Indianapolis, Indiana, on 9/9/2025.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

All Justices concur.

Rules of Trial Procedure

Rule 1. Scope of the Rules

Except as provided otherwise, these rules govern the procedure and practice in all courts of the state of Indiana in all suits of a civil nature whether cognizable as cases at law, in equity, or of statutory origin. They ~~must~~shall be construed to secure the just, speedy, and inexpensive determination of every action. Courts may adopt local and administrative district rules consistent with the procedures and limitations in Rule 81.

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Rule 4.1. Summons: Service on individuals

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(B) Copy Service to Be Followed With Mail. When ~~ever~~ service is made under subdivision Clause (A)(3) or (A)(4) of subdivision (A), the person making the service also ~~must~~shall send by first class mail, a copy of the summons and the complaint to the ~~last known address~~address on the summons of the person being served, and this fact ~~must~~shall be shown upon the return.

(C) Duty to Notify Court. When service is predicated upon mail, if the mailed copy is returned for any reason prior to entry of judgment or within thirty days thereafter, the party relying upon service must file notice with the court.

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Rule 4.6. Service Upon Organizations

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(B) Manner of service. Service under subdivision (A) ~~of this rule~~ ~~must~~shall be made on the proper person in the manner provided by these rules for service upon individuals, but ~~service a person seeking service or his attorney must~~shall not knowingly ~~be~~be directed ~~service to be made at~~ the person's ~~residence~~dwellling house or place of abode, unless ~~the such is an~~ address is furnished under the requirements of a statute or valid agreement, or unless an affidavit on or attached to the summons states that service in another manner is impractical. A registered agent that has consented to service by electronic means may be served in such a manner.

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Rule 4.14. Service Under Special Order of Court

Upon ~~application of a verified motion filed by~~ any party setting forth facts sufficient to show that prior attempts to obtain service pursuant to the trial rules have been unsuccessful, the court in which any action is pending may make an appropriate order for service in ~~a any other manner not provided by these rules or statutes when such service that~~ is reasonably calculated to give the defendant actual knowledge of the proceedings and an opportunity

Exhibit A

to be heard. Such other forms of service may include social media, email, or other technology.

...

Rule 5. Service and filing of pleadings, documents, and other papers

(A) Service: When Required. Unless otherwise provided by these rules or an order of the court, each party and special judge, if any, ~~must~~ shall be served with ~~each of the following papers:~~

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(B) Service: How made. Whenever a party is represented by an attorney of record, service ~~must~~ shall be made upon such attorney unless service upon the party is ordered by the court. Service upon the attorney or party ~~must~~ shall be made by delivering or mailing a copy of the papers to the last known address, or where service is by electronic means approved by the Indiana Office of Judicial Administration (IOJA) a copy of the documents to the fax number or ~~email~~ mail address set out in the appearance form or correction as required by Rule 3.1(E).

...

(2) Service by Mail. If service is made by mail, the papers ~~must~~ shall be deposited in the United States mail or third-party commercial carrier by which a receipt may be requested and obtained addressed to the person on whom they are being served, with postage prepaid. Service ~~is~~ shall be deemed complete upon mailing. Proof of service of all papers permitted to be mailed may be made by written acknowledgment of service, by affidavit of the person who mailed the papers, or by certificate of ~~service~~ an attorney. It ~~is~~ shall be the duty of attorneys when entering their appearance in a cause or when filing pleadings or papers therein, to have noted in the Chronological Case Summary or said pleadings or papers so filed the address and telephone number of their office. Service by delivery or by mail at such address ~~is~~ shall be deemed sufficient and complete.

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(C) Certificate of Service. Any ~~person~~ attorney or unrepresented self-represented party tendering a document ~~to the Clerk~~ for filing ~~must~~ shall ~~include~~ certify that cause that a certificate of service ~~has been to be made,~~ listing the parties served, and specifying the date and means of service. The certificate of service ~~must~~ shall be placed at the end of the document and ~~must~~ shall not be separately filed. The separate filing of a certificate of service, however, ~~must~~ shall not be grounds for rejecting a document for filing. ~~A~~ The court ~~Clerk that receives may permit~~ documents ~~to be filed~~ without a certificate of service ~~but~~ must ~~shall~~ require prompt filing of a separate certificate of service.

(D) Same: Numerous defendants. ~~In any action in which there are unusually large numbers of defendants, the court, upon motion or of its own initiative, may order~~

Exhibit A

~~(1) — that service of the pleadings of the defendants and replies thereto need not be made as between the defendants;~~

~~(2) — that any cross-claim, counterclaim, or matter constituting an avoidance or affirmative defense contained therein shall be deemed to be denied or avoided by all other parties; and~~

~~(3) — that the filing of any such pleading and service thereof upon the plaintiff constitutes due notice of it to the parties.~~

~~A copy of every such order shall be served upon the parties in such manner and form as the court directs.~~

(DE) Filing.

(1) Except as ~~otherwise~~ provided in ~~subdivisionsubparagraph (D)(2) hereof~~, all pleadings and papers ~~subsequent to after~~ the complaint ~~which that~~ are required to be served upon a party ~~mustshall~~ be filed with the ~~C~~ourt either before service or within a reasonable period of time thereafter.

(2) ~~A~~No deposition, ~~or~~ request for discovery, or response ~~to request for discovery thereto~~ under ~~Trial~~Rules 27, 30, 31, 33, 34 or 36 ~~mustshall not~~ be filed with the ~~C~~ourt unless:

(a) A motion is filed pursuant to ~~Trial~~Rule 26(C) or ~~Trial~~Rule 37 and the original deposition, ~~or~~ request for discovery, or response ~~to request for discovery thereto~~ is necessary to enable the ~~C~~ourt to rule; or

(b) A party desires to use the deposition, ~~or~~ request for discovery, or response ~~to request for discovery thereto~~ for evidentiary purposes at trial or in connection with a motion, and the ~~C~~ourt, either upon its own motion or that of any party, or as a part of any pre-trial order, orders the filing of the original.

(EF) Filing with the Court Defined. ...

(FG) Confidentiality of Court Records. ...

(GH) Distribution of Orders. ...

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Rule 16. Pre-trial procedure: Formulating Issues.

(A) When required--Purpose. In any action except criminal cases, the court may in its discretion and ~~mustshall~~ upon the motion of any party, direct the attorneys for the parties to appear before it for a conference to consider:

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(6) ~~the entry of a discovery order;~~

(7) the desirability of using one or more types of alternative dispute resolution under the rules~~therefor~~;

Exhibit A

(87) the desirability of setting deadlines for dispositive motions in light of the date set for trial; and

(98) such other matters as may aid in the disposition of the action.

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(C) Conference of attorneys. Unless otherwise ordered by the court, at least ten ~~[10]~~ days prior to the pre-trial conference, attorneys for each of the parties ~~must~~shall meet and confer for the following purposes:

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(5) Access to Court Records. Discuss Rules on Access to Court Records issues that may arise during the proceedings.

(6) Discovery. Discuss discovery, including a discovery order.

(76) Discuss settlement. The possibility of compromise settlement ~~must~~shall be fully discussed and explored.

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Rule 26. General provisions governing discovery

(A) Discovery methods. Parties may obtain discovery by one or more of the following methods:

- (1) depositions upon oral examination or written questions;
- (2) written interrogatories;
- (3) production of documents, electronically stored information, or things or permission to enter upon land or other property, for inspection and other purposes;
- (4) physical and mental examination;
- (5) requests for admission.

~~Unless the court orders otherwise under subdivision (C) of this rule, the frequency of use of these methods is not limited.~~

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(B) Scope of discovery. Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) In General. Parties may obtain discovery regarding any matter, not privileged, which is relevant to ~~the subject-matter involved in the pending action, whether it relates to~~ the claim or defense of the party seeking discovery or the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information

Exhibit A

sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

The frequency or extent of use of the discovery methods otherwise permitted under these rules and by any local rule ~~must~~^{shall} be limited by the court if it determines that: (i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; (ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought or; (iii) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. The court may act upon its own initiative after reasonable notice or pursuant to a motion under Rule 26(C).

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(C) Protective orders.

~~(1)~~ Upon motion by any party or by the person from whom discovery is sought, and for good cause shown, the court in which the action is pending or alternatively, on matters relating to a deposition, the court in the county where the deposition is being taken, may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.;

~~(2)~~ The order may include~~ing~~ one or more of the following:

~~(a)~~ that the discovery not be had;

~~(b)~~ that the discovery may be had only on specified terms and conditions, including a designation of the time, ~~or place,~~ and manner of sharing costs;

~~(c)~~ that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;

~~(d)~~ that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;

~~(e)~~ that discovery be conducted with no one present except the parties and their attorneys and persons designated by the court;

~~(f)~~ that a deposition after being sealed be opened only by order of the court;

~~(g)~~ that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way;

~~(h)~~ that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court. ~~If the motion for a protective order is denied in whole or in part, the court may, on such terms and conditions as are just, order that any party or person provide or permit discovery. The provisions of Trial Rule 37(A)(4) apply to the award of expenses incurred in relation to the motion.~~

Exhibit A

(i9) that a party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause. The court may specify conditions for the discovery.

(3) If the motion for a protective order is denied in whole or in part, the court may order that any party or person provide or permit discovery on such terms and conditions as are just. The provisions of Rule 37(A)(4) apply to the award of expenses incurred in relation to the motion.

(4) An order issued under this rule does not exclude the document or information from public access if filed with a court. Parties must comply with Rule 6 of the Indiana Rules on Access to Court Records to exclude a Court Record from public access.

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Rule 30. Depositions Upon Oral Examination

(A) When depositions may be taken. After commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination. Leave of court, granted with or without notice, must be obtained only if the plaintiff seeks to take a deposition prior to the expiration of twenty ~~[20]~~ days after service of summons and complaint upon any defendant except that leave is not required:

- (1) if a defendant has served a notice of taking deposition or otherwise sought discovery; or
- (2) if special notice is given as provided in subdivision (B)(2) ~~of this rule~~.

The attendance of witnesses may be compelled by the use of subpoena as provided in Rule 45. The deposition of a person confined in prison may be taken only by leave of court on such terms as the court prescribes.

(B) Notice of examination: General requirements--Special notice--Non-stenographic recording--Production of documents and things--Deposition of organization.

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(6) A party may in ~~the~~^{his} notice name as the deponent an organization, including without limitation a governmental organization, or a partnership and designate with reasonable particularity the matters on which examination is requested. At least fifteen days before the date of the deposition, the serving party and the organization or its counsel must confer in good faith about the matters for examination. The organization so named ~~must~~^{shall} designate one or more officers, directors, or managing agents, executive officers, or other persons duly authorized and consenting to testify on its behalf. The persons so designated

Exhibit A

~~must~~~~shall~~ testify as to matters known or available to the organization. This subdivision ~~(B)(6)~~ does not preclude taking a deposition by any other procedure authorized in these rules.

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Rule 33. Interrogatories to Parties

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(B) Format of interrogatory and response. A party who serves written interrogatories under this rule ~~must~~~~shall~~ provide, after each interrogatory, a reasonable amount of space for a response or an objection. Answers or objections to interrogatories ~~must~~~~shall~~ include the interrogatory which is being answered or to which an objection is made. The interrogatory which is being answered or objected to ~~must~~~~shall~~ be placed immediately preceding the answer or objection.

Each interrogatory ~~must~~~~shall~~ be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objections ~~must~~~~shall~~ be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. General objections must not be made and will have no effect. A general objection is an objection that is not directed to a specific interrogatory, does not specifically state the grounds on which it was based, or applies globally.

(C) Time for service, response, and sanctions. The party upon whom the interrogatories have been served ~~must~~~~shall~~ serve a copy of the answers and objections within a period designated by the party submitting the interrogatories, not less than thirty ~~(30)~~ days after the service thereof or within such shorter or longer time as the court may allow. The party submitting the interrogatories may move for an order under Rule 37(A) with respect to any objection to or other failure to answer an interrogatory.

The party upon whom the interrogatories have been served may object to the failure to follow the Format requirements in ~~subdivisionsubpart~~ (B) by returning the interrogatories to the party who caused them to be served. If this objection is to be made, the interrogatories ~~must~~~~shall~~ be returned to the party who caused them to be served not later than the seventh ~~(7th)~~ day after they were received. If the interrogatories are not returned in that time, then this objection is waived.

(D) Scope--Use at trial. Interrogatories may relate to any matters which can be inquired into under Rule 26(B) and must be stated with reasonable particularity, and the answers may be used to the extent permitted by the rules of evidence.

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Rule 34. Production of documents, electronically stored information, and things and entry upon land for inspection and other purposes

(A) Scope. Any party may serve on any other party a request:

(1) to produce and permit the party making the request, or someone acting on the requester's behalf, to inspect and copy, any designated documents or electronically stored information (including, without limitation, writings, drawings, graphs, charts, photographs, sound recordings, images and other data or data compilations from which information can be obtained or translated, if necessary, by the respondent into reasonably usable form); or

~~(2) to inspect and copy, test, or sample any designated tangible things which constitute or contain matters within the scope of Rule 26(B) and which are in the possession, custody,~~ or control of the party upon whom the request is served; or

~~(3) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of Rule 26(B).~~

(B) ~~Procedure~~Timing. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party.

(C) Procedure. The request ~~must~~ set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request may specify the form or forms in which electronically stored information is to be produced. The request ~~must~~ specify a reasonable time, place, and manner of making the inspection and performing the related acts. ~~Service is dispensed with if the whereabouts of the parties is unknown.~~

(D) Responses. The party upon whom the request is served ~~must~~ serve a written response within a period designated in the request, not less than thirty ~~[30]~~ days after ~~the service, thereof~~ or within such shorter or longer time as the court may allow. The response ~~must~~ state, with respect to each item or category, that inspection and related activities will be permitted as requested; ~~unless documents are produced with the response or an objection is asserted. it is objected to, including an objection to the requested form or forms for producing electronically stored information, stating in which event the reasons for objection shall be stated.~~

(E) Objections. If objection is made to part of an item or category, the part ~~must~~ be specified. If objection is made to the requested form or forms for producing electronically stored information--or if no form was specified in the request--the responding party must state the form or forms it intends to use. ~~General objections must not be made and will have no effect. A general objection is an objection that is not directed to a specific request, does not specifically state the grounds on which it is based, or applies globally.~~

Exhibit A

Any objection must state whether any responsive materials are being withheld on the basis of that objection. The party submitting the request may move for an order under Rule 37(A) with respect to any objection to or other failure to respond to the request or any part of the request thereof, or any failure to permit inspection as requested.

(F) Manner of production. Unless the parties otherwise agree, or the court otherwise orders, a party who produces documents for inspection ~~must~~shall produce them as they are kept in the usual course of business or ~~must~~shall organize and label them to correspond with the categories in the request.

If a request for electronically stored information does not specify the form or forms of production, a responding party must produce the information in a form or forms in which it is ordinarily maintained or in a form or forms that are reasonably usable.

A party need not produce the same electronically stored information in more than one form.

~~(G)~~ Application to Non-parties:

(1) Scope. A witness or person other than a party may be requested to produce or permit the matters allowed by ~~subdivisionsubsection~~ (A) ~~of this rule~~. Such request ~~must~~shall be served upon other parties and included in or with a subpoena served upon such witness or person.

(2) Timing. ~~Neither a~~ request ~~nor~~ subpoena to produce or permit as permitted by this rule ~~must~~shall not be served upon a non-party until at least ~~tenfifteen (15)~~ days after the date on which the party intending to serve such request or subpoena serves a copy of the proposed request and subpoena on all other parties. Provided, however, that if such request or subpoena relates to a matter set for hearing within such ~~fifteen (15)~~ ten-day period or arises out of a bona fide emergency, such request or subpoena may be served upon a non-party one ~~(1)~~ day after ~~servicereceipt~~ of the proposed request or subpoena ~~to~~by all other parties.

(3) Objections. Any party objecting to the request or subpoena must serve a written response within ten days of service setting forth the specific grounds for the objection and a proposed date and time to meet and confer under Rule 26(F). If the parties cannot reach an agreement, the objecting party must move to quash or modify as permitted by Rule 45(B) within twenty days of the objection. If no timely motion to quash is filed, the party may serve the request or subpoena.

(4) Procedure. The request ~~must~~shall contain the matter provided in ~~subdivisionsubsection~~ (C) ~~of this rule. It shall and also~~ state that the witness or person to whom it is directed:

(a) is entitled to security against damages or payment of damages resulting from such request;

(b) and may respond to such request by submitting to its terms, by proposing different terms, by objecting specifically or generally to the request by serving a written response to

Exhibit A

the party making the request within thirty ~~(30)~~ days, or by moving to quash as permitted by Rule 45(B).

(5) Responses. Any party, or any witness or person upon whom the request properly is made may respond to the request as provided in ~~subdivisions~~~~subsection (D-FB) of this rule~~. If the ~~non-party objects, response of the witness or person to whom it is directed is unfavorable, if he moves to quash, if he~~ refuses to cooperate after responding, ~~or~~ fails to respond, or if ~~the response is incomplete~~~~he objects~~, the party making the request may move for an order under Rule 37(A) with respect to any such response or objection. In granting an order under this subsection and Rule 37(A)(2) the court ~~must~~~~shall~~ condition relief upon the prepayment of damages to be proximately incurred by the witness or person to whom the request is directed or require an adequate surety bond or other indemnity conditioned against such damages. Such damages ~~must~~~~shall~~ include reasonable attorneys' fees incurred in reasonable resistance and in establishing such threatened damage or damages.

(64) Providing copies. A party receiving documents from a non-party ~~pursuant to this provision~~~~must~~~~shall~~ serve copies on all other parties within fifteen ~~(15)~~ days of receiving the documents. If the documents are voluminous and service of a complete set of copies is burdensome, the receiving party ~~must~~~~shall~~ notify all parties within fifteen ~~(15)~~ days of receiving the documents that the documents are available for inspection at the location of their production by the non-party, or at another location agreed to by the parties. The parties ~~must~~~~shall~~ agree to arrangements for copying, and any party desiring copies ~~must~~~~shall~~ bear the cost of reproducing them.

(HB) Exception to best evidence rule. When a party or witness in control of a writing or document subject to examination under this rule or Rule 9.2(E) refuses or is unable to produce it, evidence thereof ~~must~~~~shall~~ be allowed by other parties without compliance with the rule of evidence requiring production of the original document or writing as best evidence.

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Rule 36. Requests for admission

(A) Request for admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(B) ~~set forth in the request~~, including the genuineness of any documents described in the request. Copies of documents ~~must~~~~shall~~ be served with the request unless they have been or are otherwise furnished or made available for inspection and copying.

(B) Timing. The request may, without leave of court, be served ~~not earlier than ten days after the issues are first closed on the merits or thirty days from commencement of the action in cases where no responsive pleading is required~~~~upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party~~. ~~Requests for admission must not be combined~~

Exhibit A

in the same document with any other pleading and must be served separately from any other form of discovery.

(C) Failure to admit or deny. Each matter of which an admission is requested ~~must~~shall be separately set forth. The matter is admitted unless, within a period designated in the request, not less than thirty ~~[30]~~ days after service thereof or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney.

~~(C)~~(D) Objections. If objection is made, the reasons ~~must~~therefor shall be stated. General objections must not be made and will have no effect. A general objection is an objection that is not directed to a specific request for admission, does not specifically state the grounds on which it was based, or applies globally. The answer ~~must~~shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial ~~must~~shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify ~~the~~his answer or deny only a part of the matter of which an admission is requested, ~~the party~~he must~~shall~~ specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless ~~the party~~he states that ~~he has made~~ reasonable inquiry has been made and that the information known or readily obtainable ~~by him~~ is insufficient to enable ~~an admission~~him to admit or ~~denial~~deny or that the inquiry would be unreasonably burdensome. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; ~~the party~~he may, subject to the provisions of Rule 37(C), deny the matter or set forth reasons why ~~the party~~he cannot admit or deny it.

(E) Motion to compel and order. A motion to compel and order are not required where a party fails to admit or deny under subdivision (C). To address objections under subdivision (D), ~~the~~ party who has requested the admissions may move for an order with respect to the answers or objections after the parties attempt to resolve their dispute under Rule 26(F). ~~Unless the court determines that an objection is justified, it shall order that an answer be served.~~ If the court determines that an answer does not comply with the requirements of this rule or that an objection is not justified, it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pre-trial conference or at a designated time prior to trial. The provisions of Rule 37(A)(4) apply to the award of expenses incurred in relation to the motion.

~~(D)~~(F) Effect of admission. Any matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the admission. Subject to the provisions of Rule 16 governing amendment of a pre-trial order, the court may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the court that withdrawal or amendment will prejudice ~~him in~~ maintaining ~~the~~his action or

Exhibit A

defense on the merits. Any admission made by a party under this rule is for the purpose of the pending action only and is not an admission ~~by him~~ for any other purpose nor may it be used against ~~the partyhim~~ in any other proceeding.

(G) Expenses on failure to admit. ~~If a party fails to admit the genuineness of any document or the truth of any matter as requested under this rule, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, the party may apply to the court for an order requiring the other party to pay the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The court must make the order unless it finds that~~

~~(1) the request was held objectionable under subdivision (A),~~

~~(2) the admission sought was of no substantial importance,~~

~~(3) the party failing to admit had reasonable ground to believe that they might prevail on the matter, or~~

~~(4) there was other good reason for the failure to admit.~~

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Rule 37. Failure to make or cooperate in discovery: Sanctions

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~~(C) Expenses on failure to admit.~~ ~~If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The court shall make the order unless it finds that (1) the request was held objectionable pursuant to Rule 36(A), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit.~~

(C~~B~~) Failure of party to attend at own deposition or serve answers to interrogatories or respond to requests for inspection. If a party or an officer, director, or managing agent of a party or an organization, including without limitation a governmental organization, or a person designated under Rule 30(B)(6) or 31(A) to testify on behalf of a party or an organization, including without limitation a governmental organization, fails (1) to appear before the officer who is to take ~~thehis~~ deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under paragraphs (a), (b), and (c) of subdivision (B)(2) ~~of this rule~~. In lieu of any order or in addition thereto, the court ~~must~~**shall**

Exhibit A

require the party failing to act or the advising attorney ~~advising him~~ or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 26(C).

(DE) Electronically stored information. ~~Absent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good faith operation of an electronic information system. A court may impose sanctions on a party for failing to take reasonable steps to preserve electronically stored information that is relevant, material to the litigation, should have been preserved in anticipation of or during litigation and is lost because a party fails to take reasonable steps to preserve it, cannot be restored or replaced through additional discovery, and either prejudice results to another party from loss of the information or the party acted with the intent to deprive another party of the information's use in the litigation.~~

~~The sanctions available to the court include the following: a presumption that the lost information was unfavorable to the party, an instruction the jury must presume the information was unfavorable to the party, dismissal of the action, entry of a default judgment, or other orders as are just and necessary to cure the prejudice.~~

...

Rule 53. Court-appointed NeutralsMasters

(A) Appointment and compensation. Each trial court ~~with the concurrence of the Supreme Court~~ may appoint a court-appointed neutrals~~special master~~ in a case pending therein ~~if: (1) All parties consent to appointment of a court-appointed neutral; or (2) If all parties do not consent, the court, after giving notice to the parties and an opportunity to be heard finds it probable that appointment of a court-appointed neutral will materially assist the court in resolving the case in a just and timely manner; the anticipated costs associated with the appointment of a court-appointed neutral are proportionate to the value of the case; and the anticipated costs associated with the appointment of a court-appointed neutral will not be unduly burdensome to any party.~~ As used in these rules the ~~term~~~~word~~ "court-appointed neutral" includes without limitation an attorney, a senior judge, a referee, an auditor, an examiner, a commissioner, ~~and~~ an assessor, ~~or any attorney or non-attorney who has special skills or training appropriate to perform the tasks that may be required.~~ If an attorney, the court-appointed neutral must be an attorney licensed and in good standing in the State of Indiana. Selection of the court-appointed neutral may be by agreement of the parties or selected by the court. The compensation to be allowed to a court-appointed neutral~~master must~~~~shall~~ be reasonable~~allowed in the~~

Exhibit A

manner and amount paid to judges pro tem and such additional compensation as is fixed by the Supreme Court.

(B) Reference. ~~The order of reference may also direct the court-appointed neutral to only report upon particular issues, perform particular acts, receive and report evidence only, or fix the time and place for beginning and closing hearings, or the filing of the court-appointed neutral's report. A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account and of difficult computation of damages, a reference shall be made only upon a showing that some exceptional condition requires it. Reference shall be allowed when the parties agree prior to trial as provided by these rules or by statute.~~

(C) Powers. ~~Subject to the specifications and limitations stated in the order of reference, the court-appointed neutral has the power to regulate all proceedings before the court-appointed neutral, and to take all measures necessary or proper for the efficient performance of the duties assigned under the order. The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order. He may require the production before him of evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. He may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may himself examine them and may call the parties to the action and examine them upon oath. When a party so requests, the master shall make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(C) for a court sitting without a jury.~~

(D) Proceedings.

(1) Meetings. When a reference is made, the clerk ~~must~~~~shall forthwith~~ furnish the ~~court-appointed neutral~~~~master~~ with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the ~~court-appointed neutral~~~~master~~ ~~must~~~~shall~~ ~~forthwith~~ set a time and place for the first meeting of the parties or their attorneys to be held within twenty ~~[20]~~ days after the date of the order of reference and ~~shall~~ notify the parties or their attorneys. It is the duty of the ~~court-appointed neutral~~~~master~~ to proceed with all reasonable diligence. Either party, on notice to the parties and ~~court-appointed neutral~~~~master~~, may apply to the court for an order requiring the ~~court-appointed neutral~~~~master~~ to speed the proceedings and to make ~~the~~~~his~~ report. If a party fails to appear at the time and place appointed, the ~~court-appointed neutral~~~~master~~ may proceed

Exhibit A

ex parte or, in ~~the court-appointed neutral's~~^{his} discretion, adjourn the proceedings to a future day, giving notice to the absent party of the adjournment.

(2) Witnesses. ~~The court-appointed neutral may examine witnesses, including the parties to the action, under oath. The court-appointed neutral may permit the parties to examine witnesses under oath and may place reasonable limits on the examination of witnesses by the parties.~~ The parties may procure the attendance of witnesses before the ~~court-~~^{appointed neutral}~~master~~ by the issuance and service of subpoenas as provided in Rule 45. If without adequate excuse a witness fails to appear or give evidence, ~~the witness~~^{he} may be punished as for a contempt and be subjected to the consequences, penalties, and remedies provided in Rules 37 and 45.

(3) Evidence and Statement of accounts. ~~The court-appointed neutral may require the production of evidence on all matters embraced in the order of reference, including the production of records and documents of all kinds, including electronic media. The court-appointed neutral may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to place witnesses under oath. If a party so requests, the court-appointed neutral must make a record of the evidence offered and excluded in the same manner, and subject to the same limitations, as provided for a court sitting without a jury.~~ When matters of accounting are in issue before the ~~court-appointed neutral~~^{master}, ~~the court-appointed neutral~~^{he} may prescribe the form in which the amounts ~~must~~^{shall} be submitted and in any proper case may require or receive in evidence a statement by a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the ~~court-appointed neutral~~^{master} may require a different form of statement to be furnished, or the accounts or specific items thereof to be provided by oral examination of the accounting parties or upon written interrogatories or in such other manner as ~~he~~^{he} ~~directe~~^{ds}.

(E) Report.

(1) Contents and filing. The ~~court-appointed neutral~~^{master} ~~must~~^{shall} prepare a report upon the matters submitted ~~to him~~ by the order of reference and, if required by request of any party or the court prior to hearing or the taking of evidence ~~by him~~ to make findings of fact, ~~the court-appointed neutral~~^{he} ~~must~~^{shall} set them forth in the report. ~~The court-~~^{appointed neutral}~~He must~~^{shall} file the report with the clerk of the court ~~and in an action to be tried without a jury, unless otherwise directed by the order of reference, shall file with it a transcript of the proceedings and of the evidence and the original exhibits. The clerk shall forthwith mail to all parties notice of the filing.~~

(2) In nonjury actions. ~~In an action to be tried without a jury the court shall accept the master's decision or his findings of fact unless clearly erroneous.~~ Within ten ~~[10]~~ days after being served with notice of the filing of the report any party may serve written objections ~~thereto~~ upon the other parties. Application to the court for action upon the report and upon objections ~~thereto~~ ~~must~~^{shall} be by motion and upon notice as prescribed in Rules 5 and 6.

Exhibit A

The court after hearing may adopt the report or may reject it in whole or in part or may receive further evidence or may re-commit it with instructions.

(3) In jury actions. In an action to be tried by a jury the ~~court-appointed neutral~~~~master~~ ~~must~~~~shall~~ not be directed to report the evidence. ~~The~~~~His~~ findings upon the issues submitted to ~~the court-appointed neutral~~~~him~~ are admissible as evidence of the matters found and may be read to the jury, subject to the ruling of the court upon any objections in point of law which may be made to the report.

...

(5) Draft report. Before filing ~~the~~~~his~~ report a ~~court-appointed neutral~~~~master~~ may submit a draft thereof to counsel for all parties for the purpose of receiving their suggestions. ~~The court may also request interim report(s) from the court-appointed neutral at any time.~~

...

Rule 63. Disability and unavailability of a judge

...

(D) Compensation of judge pro tempore. A judge pro tempore appointed by the Supreme Court under this rule ~~shall~~~~receives~~ a salary computed at the same rate as the regular judge commencing from the date ~~of~~~~he qualification~~~~qualifies~~. A judge pro tempore appointed locally ~~must~~~~shall~~ be paid ~~twenty-five dollars~~ \$25.00 for each day or parts ~~of days thereof~~ actually served. The judge pro tempore ~~must~~~~shall~~ be paid out of the respective county, city, or town general fund, without an appropriation ~~therefor~~, upon allowance by the board of county commissioners of the county or council of the city or town in which the court is located. If ~~he is~~ appointed locally, the judge pro tempore ~~must~~~~shall~~ present a claim to the board of county commissioners specifying the number of days or parts of days actually served, which claim ~~must~~~~shall~~ be verified by the clerk of the court and the board ~~must~~~~shall~~ allow the claim. If ~~he is~~ appointed by the Supreme Court, the judge ~~pro tempore~~ ~~must~~~~shall~~ present a claim to the board with a copy of ~~the~~~~his~~ appointment from the Supreme Court, a statement showing the date of ~~his~~ qualification verified by the clerk, and a request ~~for payment that he be paid~~ in the same manner thereafter as a regular judge, and thereafter ~~the judge pro tempore~~~~he~~ ~~must~~~~shall~~ be paid in the same manner as a regular judge. ~~The appointment of a judge pro tempore~~~~Nothing herein shall be construed to~~ ~~does not~~ diminish in any manner the compensation of any regular judge so long as such regular judge continues in office.

...

Rule 81. Local court rules

(A) Authority. Courts may regulate local court and administrative district practice by adopting and amending in accordance with this Rule local and administrative district rules not inconsistent with--and not duplicative of--these Rules of Trial Procedure or other Rules of the Indiana Supreme Court. ~~Courts are strongly encouraged to adopt a single set of local rules for use in all courts of record in a county and will be required to do so after January 1,~~

Exhibit A

~~2007.~~ The ~~local and administrative district rules~~~~single set~~ may reflect different practices due to geographic, jurisdictional, and other variables. Courts ~~must~~~~shall~~ not use standing orders (that is, generic orders not entered in the individual case) to regulate local court or administrative district practice. Local and administrative district rules requiring approval of the Indiana Supreme Court or the Indiana Office of Judicial Administration (IOJA) are subject to the provisions of this rule.

(B) Notice and comment.

...

(2) The court ~~must~~~~shall~~ also transmit the proposal to the county clerk and to the IOJA in digital format. The county clerk ~~must~~~~shall~~ post the proposal in the county clerk's office(s) and on the county clerk's website, if any, and the IOJA ~~must~~~~shall~~ post the proposal on the Indiana Judicial Website for public inspection and comment. The court and the IOJA ~~must~~~~shall~~ receive comments for not less than thirty ~~(30)~~ days.

...

(D) Exceptions to the schedule. If a court finds that there is good cause to deviate from the schedule established by the IOJA, the court or administrative district may adopt or amend local or administrative district rules at other times. However, a local or administrative district rule ~~does~~~~shall~~ not take effect unless it has first been posted for thirty ~~(30)~~ days in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website. The court promptly thereafter ~~must~~~~shall~~ provide opportunity to comment in the manner provided in ~~subdivision~~~~subsection~~ (B)(1) ~~above~~.

...

(F) Adopted Rules. The court ~~must~~~~shall~~ cause ~~adopted rules and amendments to be placed in the Record of Judgments and Orders, shall cause~~ the county clerk to post ~~local rules and amendments~~~~them~~ in the county clerk's office(s) and on the county clerk's website, if any, for public inspection, and ~~must~~~~shall~~ transmit a copy of the rules in digital format to the IOJA for posting on the Indiana Judicial Website.

...

~~(I) Transition. To continue in effect local and administrative district rules promulgated before the effective date of this Rule, the court shall (1) renumber such rules according to the uniform numbering system established by the IOJA under subsection (E) above, (2) cause such rules to be posted and available in the clerk's office as required by subsection (G) above, and (3) transmit a copy of such rules in digital format to the IOJA for posting on the Indiana Judicial Website. By January 1, 2007, local rules must be in compliance with the terms of this Rule.~~

(I) Periodic review and update. ~~At least once every two years,~~ ~~C~~courts and administrative districts ~~must~~~~shall~~ review ~~periodically~~ and change local and administrative district rules as required by changes in statutes, case law, or these Rules of Trial Procedure or other Rules of the Indiana Supreme Court. ~~Each county must certify that the judges have made the~~

Exhibit A

required review when submitting the county caseload allocation plan required by Administrative Rule 1(E)(1).

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Rule 86. General electronic filing and electronic service

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(B) Service of Pleadings, Documents, and Other Papers.

...

(3) Service of ~~Pleadings~~Subsequent Documents and Other Papers following the Complaint.

(a) Service on Users. All documents required to be served under Rule 5(A) must be served upon users ~~Except for service required by Trial Rule 4 and except as provided for in this rule, Users~~ users must serve all documents pleadings and papers in a case upon every other party who is a User through E-Service using the IEFS. E-Service has the same legal effect as service of an original paper document. E-Service of a document through the IEFS is deemed complete upon transmission to the email address for the User shown on the appearance filed in the case or the Public Service List, as confirmed by the NEF associated with the document. Exempt parties must serve all documents in a case as provided by ~~Trial~~ Rules 4 or 5.

(b) Service on Others. ~~Trial~~ Rules 4 and 5 ~~shall~~ govern service of documents on attorneys of record and on unrepresented parties who are not Users.

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