

Done at Indianapolis, Indiana, this 27th day of January, 2012.

Randall T. Shepard
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Chief Justice of Indiana

DICKSON, RUCKER, and DAVID, JJ., concur.

SULLIVAN, J., dissents from the Court's decision granting Appellants' motion to transfer, believing that the requirement of Rule 56(A) "that an emergency exists requiring speedy determination" is not met in this case. The Court having granted Appellants' motion to transfer, SULLIVAN, J., also dissents from the Court's decision granting Appellants' motion to accept jurisdiction over this interlocutory appeal, believing both that the Appellants will not suffer any substantial expense, damage, or injury if the interlocutory order is erroneous and the determination of the error is withheld until after judgment and that the remedy of appeal is otherwise adequate. *See* Rule 14(B)(1)(c)(i) and (iii). *See also* State ex rel. Masariu v. Marion Superior Ct., No. 1, 621 N.E.2d 1097, 1099 (1993) (Shepard, C.J., dissenting) (in a writ proceeding challenging a trial court's jurisdiction to hear a claim against the Clerk of the Indiana House of Representatives, "I would permit the trial court to complete the litigation so that we could hear the matter through the regular appellate process") (emphasis supplied); Powell v. McCormack, 395 U.S. 486 (1969) (where *inter alia* Adam Clayton Powell challenged the refusal of the Sergeant at Arms of the U.S. House of Representatives to pay his Congressional salary, the case was litigated first in the District Court and then the Circuit Court of Appeals before being decided by the Supreme Court).