

IN THE INDIANA SUPREME COURT

SMDfund, Inc.,)
 JOSEPH TOCCI and)
 SCOTT W. NOBLE,)
 appellants,)
 v.)
 FORT WAYNE-ALLEN COUNTY)
 AIRPORT AUTHORITY, CITY OF)
 FORT WAYNE and ALLEN COUNTY)

 appellees.

Court of Appeals case no.
 02A05-0407-CV-406
 02500-0409-CV-410



ORDER

Before the Court are "Appellee's Verified Motion to Accept Jurisdiction" and "Appellants' Verified Motion to Accept Jurisdiction" requesting that this Court assume jurisdiction over this appeal on an emergency basis pursuant to Appellate Rule 56(A).

A majority of the Court has concluded that the motion to accept jurisdiction should be and it therefore is GRANTED.

Having accepted jurisdiction over the appeal, we now consider "Appellee's Verified Motion to Shorten Deadlines," and "Appellants' Response to Appellee's Verified Motion to Shorten Deadlines." The Court directs the trial court to take appropriate action to ensure that the work necessary to the filing of the Notice of Completion of Transcript be completed and the Notice be on file no later than thirty days from the date of this order. No extension of time will be permitted absent extraordinary circumstances.

The following deadlines apply to briefing, with no extensions of time absent extraordinary circumstances. Appellants' brief is due no later than twenty days from notice of completion of the transcript. Appellee's brief is due no later than twenty days after service of appellant's brief. A reply brief is due no later than ten days after service of appellee's brief. Appellate Rule 25(C) may apply to extend these deadlines. The Court anticipates hearing oral argument in this case once the case is fully briefed, but any oral argument will be scheduled at a later date by separate order.

The Clerk of the Supreme Court is directed to assign this appeal a Supreme Court case number and to transfer the chronological case summary entries from the current Court of Appeals case number to the new case number.

The Clerk is further directed to send a copy of this order to the Hon. Thomas J. Felts, Judge, Allen Circuit Court; to the Clerk of the Allen Circuit Court; to the Supreme Court Administrator; to the Hon. James S. Kirsch, Chief judge of the Court of Appeals; to the Court of Appeals Administrator, and to all counsel of record.

Done at Indianapolis, Indiana this 13th day of September, 2004.

Randall T. Shepard
 Randall T. Shepard
 Chief Justice of Indiana