



**In the
Indiana Supreme Court**

In the Matter of)
) Supreme Court Case No.
Jefferson County Petition) 39S00-0905-MS-248
) Lower Court Case Number:
For Emergency Relief.) 39CO1-0905-MI-2009
)
)

PETITION OF THE TRIAL COURTS AND CLERK OF JEFFERSON COUNTY UNDER
ADMINISTRATIVE RULE 17 FOR RELIEF DUE TO EMERGENCY CAUSED BY FIRE

Come now the judges of the Jefferson Circuit and Superior Courts, file this petition on behalf of the courts and the Clerk of Jefferson Circuit Court, and state as follows:

On May 20-21, 2009, a fire caused extensive physical damage to the Jefferson County Courthouse, which houses the offices of the Jefferson Circuit and Superior Courts and the Clerk of the Jefferson Circuit Court. As a result, the judges, clerk and their respective staffs are unable to perform the duties of their offices in the assigned locations and will not be able to do so until alternate housing is secured and/or repairs are made to the existing facilities. In addition to the duties of the courts and clerk, the circumstance will also adversely affect litigants, the bar and public who are facing deadlines pursuant to statutes, rules and court orders, and judgments.

The judges of the Jefferson Circuit and Superior Courts have convened en banc and have determined that, in accord with Administrative Rule 17, they should seek emergency relief. Accordingly, petitioners respectfully request that the Supreme Court enter an order of emergency relief which relief will be in place until no later than June 5, 2009. Thereafter, petitioners will review the status of court and clerk operations and may seek additional time if circumstances so warrant.

More specifically, petitioners respectfully request:

1. That the Supreme Court authorize the tolling, from 12 a.m. May 21, 2009 until 12 noon June 5, 2009, of all laws, rules and procedures setting time

limits for speedy trials in criminal and juvenile proceedings, public health, mental health, and appellate matters; all judgments, support and other orders; and in all other civil and criminal matters before the Jefferson Circuit and Superior Courts. In addition, we request that the order tolling such time limits provide that no interest may be charged for delay in payment due to this tolled period of time.

- 2. That the Supreme Court authorize petitioners to move the courts' and clerk's location to another appropriate facility in order to continue the orderly administration of justice. The petitioners shall provide to the Supreme Court the address and location of such facility by no later than June 5, 2009. In accord with I.C. 33-33-39-3, the Jefferson Superior Court shall conduct its sessions in Madison, Indiana.
- 3. That the Supreme Court authorize each of the judges of the Jefferson Circuit and Superior Courts to exercise general jurisdiction over any and all cases in each other's courts in order to assure the continued orderly administration of justice.
- 4. That the Supreme Court authorize the closing of the Clerk's office and the courts, starting today, May 21, 2009, and until 12 noon June 5, 2009. To the extent possible, if appropriate space becomes available to open a court earlier than June 5, 2009, the petitioners will open a court to process emergency matters only.

Petitioners further state that they will communicate with the Jefferson County Bar and are and will be available to deal with emergency and other pressing matters.

Accordingly, petitioners respectfully request that the Indiana Supreme Court find that an emergency exists which impeded the orderly operation of the courts and the Clerk's office in Jefferson County and grant the requested relief under the authority of Ind. Admin.R. 17.

Signed this twenty-first (21st) day of May 2009.

and

For the Jefferson Circuit and Superior courts

For the Clerk of Jefferson Circuit Court



The Honorable Ted R. Todd