

Index

ACCOUNTANTS

Privilege, discovery, **26:3**

ADMINISTRATIVE AGENCIES

Discovery proceedings before, **28:4**

ADMINISTRATIVE REMEDIES, EXHAUSTION OF

Defenses and objections, **12:3**

ADMISSIBILITY OF EVIDENCE

Generally, **Rule 43, 43:1**

Depositions, admissibility objections,
32:2

Rules of evidence

Contents of writings, recordings,
and photographs

Duplicates, **Appx B Rule 1003**

Other evidence of contents,
Appx B Rule 1004

Limited admissibility, **Appx B
Rule 105**

ADMISSIONS AND DECLARATIONS

Admission requests, **Rule 36**

Generally, **36:1**

Enforcement orders, **36:3**

Failure to admit, sanctions, **36:3**

Procedure, **36:1**

Protective orders, **36:3**

Response to request, **36:2**

Duty to supplement, **36:2**

Form, **36:2**

Objections, **36:2**

Timing, **36:2**

Sanctions, failure to admit, **36:3**

Scope, **36:1**

Timing, **36:1**

Use at trial, **36:1**

Withdrawal of admission, **36:1**

Pleadings as judicial admissions, **8:6**

ADMISSIONS AND

DECLARATIONS—Cont'd

Written admissions of party,
testimony or

Rules of evidence, **Appx B Rule
1007**

ADVISEMENT

Time for holding under advisement,
Rule 53.4

AFFIRMATION

See index heading OATH OR AFFIRMA-
TION

AFFIRMATIVE DEFENSES

Pleadings and motions, **8:4**

AFTER-ACQUIRED PROPERTY

Execution sales, **Rule 69, 69:1**

AGENTS AND AGENCY

Governmental agent, service of pro-
cess, **4.10:1, Rule 4.10**

Named by statute or agreement, ser-
vice of process upon, **Rule 4.7,
4.7:1**

AMENDED PLEADINGS

Generally, **Rule 15**

Amendments as a matter of right,
15:1

Amendments to conform to the
evidence, **15:2**

Relation back of amendments,
15:3

ANCILLARY REMEDIES

Enforcement of judgment

Seizure of person or property, **64:1**

ANSWER OR PLEA

Distraint, answer

Pleading and proof of, **Rule 9.1**

Generally, **9.1:1**

ANSWER OR PLEA—Cont'd

- Pleadings and motions, **8:4**
- Special damages where no answer,
Rule 9, 9:1

APPEARANCE

- Attorney. See index heading
ATTORNEY

ASSIGNMENTS

- Cases
 - Trial by jury or by the court, **Rule 40**
 - Generally, **40:1**
- Creditors, assignees for benefit of
 - Claims against, **Rule 66, 66:1**
 - Sales by assignees for the benefit of creditors, execution sales, **69:3**
- Discharges
 - Lis pendens, **Rule 63.1**
 - Generally, **63.1:1**

ASSOCIATIONS AND CLUBS

- Unincorporated associations, class actions by or against, **Rule 23.2, 23.2:1**

ASSUMPTION OF RISK

- Pleading and proof of, **Rule 9.1**
- Generally, **9.1:1**

ATTORNEY GENERAL

- Service of pleadings or summons on, **Rule 4.8, 4.8:1**
- State as a party, **Rule 17.1, 17.1:1**

ATTORNEY-CLIENT PRIVILEGE AND WORK PRODUCT

- Waiver limitations, rules of evidence, **Appx B Rule 502**

ATTORNEYS

- Admissions, pleadings as, **8:6**
- Appearance, **Rule 3.1**
 - Admission pro hac vice, **3.1:3**
 - Confidential information, **3.1:1**
 - Function of, **3.1:1**
 - Limited representation, **3.1:2**
 - Out-of-state counsel, temporary admission, **3.1:3**
 - Requirements, **3.1:1**

ATTORNEYS—Cont'd

- Appearance, **Rule 3.1—Cont'd**
 - Supplemental information, **3.1:1**
 - Temporary appearance of, **3.1:2**
 - Termination of representation, **3.1:4**
 - Withdrawal from action, **3.1:4**
- Fees. See index heading ATTORNEY'S FEES
- Pro hac vice, **3.1:3**

ATTORNEY'S FEES

- Class actions, recovery of fees and expenses, **23:10**
- Injunctions, recovery of fees, **65:4**
- Judgment, **54:5**
- Sanctions, failure to make or cooperate in discovery
 - Award of fees to prevailing party, **37:2**

AUTHENTICATION AND IDENTIFICATION

- Rules of evidence
 - Requirements, **Appx B Rule 901**
 - Self-authentication, **Appx B Rule 902**
 - Subscribing witness' testimony unnecessary, **Appx B Rule 903**

BAD FAITH SANCTIONS

- Judgment, **54:5**

BEST EVIDENCE RULE

- Exception to rule, generally, **34:4**

BIAS OF WITNESS

- Rules of evidence, **Appx B Rule 616**

BONA FIDE PURCHASERS

- Pleading and proof of, **Rule 9.1**
- Generally, **9.1:1**

BOND OR SECURITY

- Injunctions, **65:4**

BURDEN OF PROOF

- Summary judgment, **56:5**
- Written instruments, proof of execution of instruments filed with pleadings, **9.2:2**

INDEX

BUSINESS AND COMMERCE

Organizations, notice of deposition to, **Rule 30, 30:4**
Generally, **30:4**

BUSINESS RECORDS, OPTION TO PRODUCE

Interrogatories to parties, **33:3**

CAPACITY OR INCAPACITY

Parties capacity to sue or to be sued, **Rule 17, 17:3**
Pleadings, special requirements, **Rule 9, 9:1**

CAPTIONS

Form of pleading, **10:2**

CERTIFIED MAIL

Electronic filing and service, **4:2**
Service of process by, **Rule 4.11, 4.11:1**

CHALLENGE FOR CAUSE

Jury rules, **Appx A Rule 17**

CHILDREN AND MINORS

Service of process, **Rule 4.2**
Generally, **4.2:1**

CLAIM FOR RELIEF

Pleadings and motions, **8:1**

CLASS ACTIONS OR PROCEEDINGS

Generally, **Rule 23**
Appeals, **23:4**
Attorney fees, recovery of, **23:10**
Certification of class, **23:4**
Class, defined, **23:3**
Class certification
Notice of dismissal or settlement after certification, **23:11**
Prerequisites to class certification; Trial Rule 23(A), **23:5**
Residual funds after settlement, **23:11**
Settlement of action after class certification, notice of, **23:11**
Class representative, **23:2**
Court's power to manage and control class action litigation, **23:9**

CLASS ACTIONS OR

PROCEEDINGS—Cont'd

Dismissal of action after certification, notice, **23:11**
Hearing requirement, **23:4**
Interest of parties, court's power to manage and control litigation, **23:9**
Maintainable actions under
Trial Rule 23(B)(1), **23:6**
Trial Rule 23(B)(2), **23:7**
Trial Rule 23(B)(3), **23:8**
Mootness of action, **23:2**
Recovery of attorney fees and expenses, **23:10**
Residual funds after settlement, **23:11**
Settlement after certification, **23:11**
Settlement of action after certification, notice, **23:11**
Shareholders' derivative actions, **Rule 23.1, 23.1:1**
Standing to sue, **23:2**
Statute of limitations, tolling, **23:12**
Tolling of statute of limitation, **Rule 23:12**
Unincorporated associations, actions by or against, **Rule 23.2, 23.2:1**

CLERKS OF COURT

Circuit Court records, required administration and management of records by clerk of circuit court, **Rule 77, 77:1**
Commercial Courts, **90:1**
Electronic filing, **Rule 88, 88:1**
Office closure and orders by, **Rule 72**
Generally, **72:1**

COMITY

Forum non conveniens, **4.4:3**

COMMENCEMENT OF ACTION OR PROCEEDING

Requirements, **Rule 3, 3:1**

COMMERCIAL COURTS

Clerks of court, **90:1**
Rules, **Appx C**

COMMON INTEREST

Privilege, discovery, **26:3**

COMMON LAW VOUCHER

Third-party practice, **14:3**

COMPETENCY OF WITNESSES

Incompetent persons. See index heading **INCOMPETENT PERSONS**

Rules of evidence

General rule of competency, **Appx B Rule 601**

Judge as witness, **Appx B Rule 605**

Juror as witness, **Appx B Rule 606**

CONDITION OF MIND

Pleadings and motions, **Rule 9, 9:1**

Generally, **9:1**

CONDITIONS PRECEDENT

Pleadings and motions, **Rule 9**

Generally, **9:1**

CONFIDENTIAL INFORMATION

Privileges. See index heading **PRIVILEGES**

Trade secrets, discovery, **26:14**

CONSIDERATION

Pleading and proof of, **Rule 9.1, 9.1:1**

Reconsideration. See index heading **RECONSIDERATION**

CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Rules of evidence

Admissibility

Duplicates, **Appx B Rule 1003**

Other evidence of contents, **Appx B Rule 1004**

Definitions, **Appx B Rule 1001**

Functions of court and jury, **Appx B Rule 1008**

Public records, **Appx B Rule 1005**

Requirement of original, **Appx B Rule 1002**

Summaries, **Appx B Rule 1006**

Testimony or written admissions of party, **Appx B Rule 1007**

CONTINUANCES

Generally, **Rule 53.5**

CONTRIBUTORY NEGLIGENCE

Pleading and proof of, **Rule 9.1**

Generally, **9.1:1**

CORPORATIONS

Notice of deposition to, **Rule 30, 30:4**

COSTS AND FEES

Attorney fees. See index heading **ATTORNEY'S FEES**

Class actions, recovery of fees and expenses, **23:10**

Expert witnesses, fees and expenses associated with, **26:11**

Judgment costs, **54:5**

Transfer of venue, assessment of costs associated with, **75:3**

Trials, costs of previously dismissed action, **41:4**

COUNSELOR/ CLIENT PRIVILEGE

Discovery, **26:3**

COUNTERCLAIM, RECOUPMENT, AND SETOFF

Pleadings and motions, **Rule 13**

Generally, **13:1**

Compulsory counterclaim, **13:2**

Maturing or acquired after pleading, **13:4**

Omitted counterclaims, **13:5**

Permissive counterclaims, **13:3**

Reply, overview, **13:1**

COURT APPOINTED NEUTRAL

Trials, **53:1**

COURT RECORDS

Venue, required administration and management of records by clerk of circuit court, **77:1, rule 77**

COURT REPORTERS

Transcripts, audio recordings, recording proceedings, **Rule 74**

CRIMINAL CASES

Procedure for juror with personal knowledge in criminal cases

Jury rules, **Appx A Rule 24**

INDEX

CROSS ACTIONS OR CLAIMS

- Pleadings and motions, **Rule 13, 13:6**
- Discharges at law, **13:7**
- Satisfaction of judgment, **13:8**
- Statute of limitations, **13:7**

CUSTODIAL INTERROGATION

- Unrecorded statements during custodian interrogation, **Appx B Rule 617**

DAMAGES

- Injunctions, recovery of damages, **65:4**
- Where no answer, special damages, **Rule 9, 9:1**

DAUBERT, APPLICATION OF

- Admission of expert opinions, **26:10**

DECLARATORY JUDGMENT

- Generally, **Rule 57, 57:1**

DEFAULT JUDGMENTS

- Generally, **Rule 55**
- Entry of default, **55:1**
- Hearing, **55:2**
- Judgment, **55:2**
- Notice, **55:2**

DEFENSES

- Pleadings and motions, **Rule 12**
- Generally, **12:1**
- Administrative remedies, exhaustion of, **12:3**
- Alternatives, **12:1**
- Defensive pleading, **12:1**
- Exhaustion of administrative remedies, **12:3**
- Motion for definite statement, **12:5**
- Motion for judgment on the pleadings, **Rule 12, 12:4**
- Motion to strike, **12:6**
- Motions under Trial Rule 12, **12:2**
- Primary jurisdiction, **12:3**
- When and how presented, **Rule 12, 12:1**

DEFERRAL

- Jury rules, **Appx A Rule 7**

DEFINITIONS

- Civil action, **2:1**
- Class actions, class defined, **23:3**
- Contents of writings, recordings, and photographs, **Appx B Rule 1001**
- Hearsay definitions, **Appx B Rule 801**
- Relevant evidence, **Appx B Rule 401**
- Supreme Court Committee on Rules of Practice and Procedure, **Rule 83**

DELIBERATIONS

- Jury rules
- Assisting jurors at an impasse, **Appx A Rule 28**
- Separation during, **Appx A Rule 29**

DEMAND FOR RELIEF OR JUDGMENT

- Pleadings and motions, **8:3**

DEPOSIT OF PROPERTY OR MONEY IN COURT BEFORE JUDGMENT

- Generally, **Rule 67, 67:1**
- Payment of judgment, **67:2**
- Satisfaction of judgment entered, **67:2**

DEPOSITIONS AND DISCOVERY

- Admissibility objections, **32:2**
- Court proceedings, use in, **Rule 32, 32:1**
- Errors and irregularities, effect of, **32:2**
- Oral examination, **Rule 30**
- Generally, **30:1**
- Business organizations, notice of deposition to, **30:4**
- Certification, **30:8**
- Changes, **30:7**
- Corporations, notice of deposition to, **30:4**
- Cost of deposition, **30:8**
- Examination at deposition, **30:5**
- Failure to attend deposition, **30:9**
- Filing, **30:8**
- Limiting deposition, **30:6**

DEPOSITIONS AND DISCOVERY

—Cont'd

- Oral examination, **Rule 30**—Cont'd
- Maintaining original transcript, **30:8**
- No priority rule, **30:2**
- Notice
 - Corporations or business organizations, notice of depositions to, **30:4**
 - Notice of examination, **30:3**
 - Special notice, **30:3**
- Oaths, **30:5**
- Objections, **30:5**
- Original exhibits, **30:8**
- Place of deposition, **30:3**
- Publication, **30:8**
- Requirements, **30:3**
- Signing, **30:7**
- Special notice, **30:3**
- Submission to deponent, **30:7**
- Subpoena, service upon deponent, **30:9**
- Terminating deposition, **30:6**
- Transcript, maintaining original, **30:8**
- Trial v. discovery depositions, **30:1**
- When taken, **30:2**
- Perpetuation of testimony, **Rule 27**
 - Before action is commenced, **27:1**
 - Pending appeal, **27:2**
- Persons before whom depositions may be taken, **Rule 28**
 - Administrative agencies, discovery proceedings before, **28:4**
 - Foreign country, **28:2**
 - Out of state, assistance to tribunals and litigants, **28:3**
 - Within the United States, **28:1**
- Subpoena, service upon deponent
 - Oral examination, **30:9**
- Taking or using depositions, effect of, **32:3**
- Written questions, **Rule 31, 31:1**

DEPUTY

- Service of process by, **4.12:1**

DERIVATIVE ACTIONS

- Generally, **Rule 23.1, 23.1:1**
- Class actions, shareholders, **Rule 23.1**
 - Generally, **23.1:1**

DISCHARGE

- See index heading **RELEASE OR DISCHARGE**

DISCOVERY

- General provisions, **Rule 26, 26:1**
- Accountants, privilege, **26:3**
- Admission of expert opinions, application of Daubert, **26:10**
- Admission requests. See index heading **ADMISSIONS AND DECLARATIONS**
- Attorneys conference to resolve discovery disputes, **26:16**
- Common interest, privilege, **26:3**
- Conference of attorneys to resolve discovery disputes, **26:16**
- Confidential information, trade secrets and, **26:14**
- Daubert, Indiana's application of, **26:10**
- Discovery disputes, conference of attorneys to resolve, **26:16**
- Expert witnesses
 - Admission of expert opinions, **26:10**
 - Daubert, Indiana's application of, **26:10**
 - Fees and expenses associated with, **26:11**
 - Under Trial Rule 26(B)(4), **26:9**
- Inadvertent disclosure, **26:7**
- Insurance agreements, **26:12**
- Insurance privilege, **26:4**
- Interrogatories to parties. See index heading **INTERROGATORIES**
- Investigator reports, surveillance tapes and, **26:5**
- Journalists, privilege, **26:3**
- Judicial proceeding immunity, **26:2**
- Mental examinations. Physical and mental examinations, subhead below
- Opinion work product, **26:4**
- Parental privilege, **26:3**

INDEX

DISCOVERY—Cont'd

- Physical and mental examinations,
Rule 35
 - Description and purpose, **35:1**
 - Licensed or certified examiner,
report of, **35:2**
 - Order of examination, **35:1**
- Privilege
 - Accountants, **26:3**
 - Attorney-client privilege, **Appx B
Rule 502**
 - Common interest, **26:3**
 - Counselor/ client, **26:3**
 - Documents and information
excluded from public access,
26:6
 - Inadvertent disclosure, **26:7**
 - Insurance privilege, **26:4**
 - Journalists, **26:3**
 - Parental, **26:3**
 - Privilege log, **26:7**
 - Procedure for asserting, **26:7**
 - Qualified privilege, **26:2**
 - Self-incrimination, **26:3**
 - Statutory privilege, **26:2, 26:3**
 - Waiver, **26:7**
 - Work product privilege, **26:4,
Appx B Rule 502**
- Procedural stipulations, **Rule 29,
29:1**
- Proceedings before administrative
agencies, **28:4**
- Production of documents. See index
heading PRODUCTION OF DOCU-
MENTS, ELECTRONICALLY STORED
INFORMATION, AND THINGS, AND
ENTRY UPON LAND FOR INSPECTION
AND OTHER PURPOSES
- Protective orders, **26:13**
- Purpose, scope and methods of
discovery, **26:1**
- Qualified privilege, **26:2**
- Sanctions for failure to make or
cooperate in discovery, **Rule 37**
 - Award of attorney fees and
expenses to prevailing party,
37:2
 - Electronically stored information,
37:3

DISCOVERY—Cont'd

- Sanctions for failure to make or
cooperate in discovery, **Rule 37**
 - Cont'd
 - Motions to enforce discovery, **37:1**
 - Spoilation of evidence, **37:4**
- Statements of party or non-party,
26:8
- Statutory privilege, **26:2, 26:3**
- Stipulations, procedural, **Rule 29,
29:1**
- Supplementation of responses, **26:15**
- Surveillance, tapes and investigator
reports, **26:5**
- Trade secrets and confidential infor-
mation, **26:14**
- Trial preparation materials, **26:4**
- Work product privilege, **26:4, Appx
B Rule 502**

DISMISSAL OF ACTIONS

- Generally, **Rule 41**
- Class actions, dismissal after certifi-
cation; notice, **23:11**
- Costs of previously dismissed action,
41:4
- Involuntary dismissal, **41:3**
 - Failure to prosecute a claim, **41:5**
- Reinstatement of case following dis-
missal, **41:6**
- Voluntary dismissal, **41:1**
 - By notice and stipulation of par-
ties, **41:1**
 - By order of court, **41:2**

DISQUALIFICATION

- Jury rules, **Appx A Rule 5**

DOCUMENT PRODUCTION

- See index heading PRODUCTION OF
DOCUMENTS, ELECTRONICALLY
STORED INFORMATION, AND THINGS,
AND ENTRY UPON LAND FOR
INSPECTION AND OTHER PURPOSES

DOCUMENTATION

- Jury rules, **Appx A Rule 8**

DOMESTIC ORGANIZATIONS

- Service of process, **Rule 4.6**

ELECTION OF REMEDIES

Pleadings and motions, **8:5**

ELECTRONIC FILING AND SERVICE

Generally, **Rule 86, Rule 87, Rule 88, 86:1, 87:1**

Clerk processing of, **88:1**

ELECTRONICALLY STORED INFORMATION

Discovery, sanctions for failure to make or cooperate in, **37:3**

Production of documents. See index heading PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS, AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES

ENLARGEMENTS OF TIME

Time or date, other requests, **6:3**

ERRORS

See index heading MISTAKE OR ERROR

EVIDENCE

Admissibility, **Rule 43**

Generally, **43:1**

Depositions, admissibility objections, **32:2**

Form of, **43:1**

Limited admissibility, **Appx B Rule 105**

Writings, recordings, and photographs. See Contents of Writings, Recordings, and Photographs

Amended pleadings, amendments to conform to the evidence, **15:2**

Authentication and identification, rules of evidence

Requirements, **Appx B Rule 901**

Self-authentication, **Appx B Rule 902**

Subscribing witness' testimony unnecessary, **Appx B Rule 903**

Best evidence rule, exception to, **34:4**

Character and conduct of witness, evidence of

Rules of evidence, **Appx B Rule 608**

EVIDENCE—Cont'd

Civil actions and proceedings, presumptions in

Rules of evidence, **Appx B Rule 301**

Common objections, **43:6**

Hearsay objections, **43:8**

Improper form of questions, **43:7**

Directed verdict, **Rule 50**

Motion for judgment on the evidence, **50:1**

New trial in lieu of judgment on the evidence, **50:2**

Evidence on motions, **43:2**

Hearsay. See index heading HEARSAY

How evidence is presented, **43:4**

Indiana Rules of Evidence, **Appx B**

Interpreters, **43:3**

Judgment on the evidence (directed verdict), **Rule 50**

Motion for judgment on the evidence, **50:1**

New trial in lieu of judgment on the evidence, **50:2**

Judicial notice, rules of evidence, **Appx B Rule 201**

Limited admissibility, rules of evidence, **Appx B Rule 105**

Oath, **43:1**

Order of trial, **43:4**

Photographs, admissibility. See index heading CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Preliminary questions, rules of evidence, **Appx B Rule 104**

Presentation of evidence, jury rules, **Appx A Rule 22**

Privileges, rules of evidence, **Appx B Rule 501, Appx B Rule 502**

Purpose and construction, rules of evidence, **Appx B Rule 102**

Recordings

Contents. See index heading

CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

Transcripts, audio recordings, recording proceedings, **Rule 74**

INDEX

EVIDENCE—Cont'd

- Relevant evidence
 - Rules of evidence, **Appx B Rules 401 to 413**
 - Character evidence not admissible to prove conduct; exceptions; other crimes, **Appx B Rule 404**
 - Compromise and offers to compromise, **Appx B Rule 408**
 - Evidence of past sexual conduct, **Appx B Rule 412**
 - Exclusion on grounds of prejudice, confusion, or undue delay, **Appx B Rule 403**
 - Generally admissible evidence, **Appx B Rule 402**
 - Habit, **Appx B Rule 406**
 - Irrelevant evidence inadmissible, **Appx B Rule 402**
 - Liability insurance, **Appx B Rule 411**
 - Medical expenses, **Appx B Rule 413**
 - Methods of proving character, **Appx B Rule 405**
 - Payment of medical and similar expenses, **Appx B Rule 409**
 - Relevant evidence, defined, **Appx B Rule 401**
 - Routine practice, **Appx B Rule 406**
 - Subsequent remedial measures, **Appx B Rule 407**
 - Withdrawn pleas and offers, **Appx B Rule 410**
- Rules of evidence, generally, **Appx B Rules 101 to 106**
 - Limited admissibility, **Appx B Rule 105**
 - Preliminary questions, **Appx B Rule 104**
 - Purpose and construction, **Appx B Rule 102**
 - Remainder of related writing or recorded statements, **Appx B Rule 106**
 - Rulings on evidence, **Appx B Rule 103**

EVIDENCE—Cont'd

- Rules of evidence, generally, **Appx B Rules 101 to 106—Cont'd**
 - Scope, **Appx B Rule 101**
 - Rulings on evidence
 - Rules of evidence, **Appx B Rule 103**
 - Spoilation of evidence, sanctions for failure to make or cooperate in discovery, **37:4**
 - Summary judgment, evidence designation, **56:4**
 - Witnesses. See index heading WITNESSES
 - Writing or recorded statements, remainder of related, rules of evidence, **Appx B Rule 106**
 - Writings. See index heading CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS
- EVIDENCE OF RULES REVIEW COMMITTEE**
 - Supreme Court Committee on Rules of Practice and Procedure, **Appx B Rule 1101**
- EXAMINATION OF JURY PANEL**
 - Jury rules, **Appx A Rule 15**
- EXCEPTIONS**
 - See index heading OBJECTIONS AND EXCEPTIONS
- EXCLUDING WITNESSES**
 - Rules of evidence, **Appx B Rule 615**
- EXECUTION SALES**
 - Generally, **Rule 69, 69:1**
 - Foreclosure of liens upon real estate, **69:3**
 - Judicial sales of land, title opinion or insurance required, **69:4**
 - Proceedings supplemental to execution, **69:2**
 - Sales by trustees, guardians, receivers, assignees for the benefit of creditors, **69:3**
- EXEMPTED PROCEEDINGS**
 - Service of process, **Rule 4.17**
 - Generally, **4.17:1**

EXEMPTION

Jury rules, **Appx A Rule 6**

EXPERT OPINION AND TESTIMONY

Admission of expert opinions, **26:10**

Bases of opinion testimony by experts, **Appx B Rule 703**

Daubert, Indiana's application of, **26:10**

Disclosure of facts or data underlying expert opinion, **Appx B Rule 705**

Fees and expenses associated with witnesses, **26:11**

Lay witnesses, opinion testimony by, **Appx B Rule 701**

Opinion on ultimate issue, **Appx B Rule 704**

Rules of evidence, **Appx B Rule 701 to 705**

Testimony by experts, **Appx B Rule 702**

Under Trial Rule 26(B)(4), **26:9**

FAMILY AND RELATIVES

Procedures for cases involving, **Rule 81.1**

FILING REQUIREMENTS

Generally, **Rule 5, 5:1**

Clerk processing of, **88:1**

Depositions, oral examination, **30:8**

Electronic filing, **Rule 86, Rule 87, Rule 88, 86:1, 87:1**

Service of process, **Rule 5 et seq.**

Trial courts, closure, **Rule 72, 72:1**

FINAL ARGUMENTS

Jury rules, **Appx A Rule 27**

FINAL INSTRUCTIONS

Jury rules, **Appx A Rule 26**

FINALITY OF JUDGMENT

Generally, **54:4**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Generally, **Rule 52, 52:1**

Adoption of findings, **52:3**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

—Cont'd

Generally, **Rule 52, 52:1**—Cont'd

Amendment of findings and judgment, **52:2**

Appellate review, **52:1**

Findings upon less than all issues, **52:4**

Requirements, **52:1**

Submission of proposed findings by the parties, **52:3**

FORECLOSURE

Liens upon real estate, **Rule 69, 69:3**

FOREIGN COUNTRY

Persons before whom depositions may be taken, **28:2**

FOREIGN LAW

Determination of, **Rule 44.1, 44.1:1**

FOREIGN ORGANIZATIONS

Service of process, **Rule 4.6**

FORM OF PLEADING

Motions, Memoranda and briefs, **10:1**

FORM OR FORMAT

Action

Generally, **Rule 2**

Civil action, defined, **2:1**

Pleading

Generally

Adoption by reference, **10:4**

Captions, **10:2**

Separately numbered paragraphs, **10:3**

FORMS

Supreme Court Committee on Rules of Practice and Procedure, **Rule 82**

FORUM NON CONVENIENS

Generally, **4.4:3**

FORUM-SELECTION CLAUSES

Service on persons in actions for acts done in or having an effect in Indiana, **4.4:2**

INDEX

FRAUD AND DECEIT

Pleadings and motions, **Rule 9, 9:1**

FULL FAITH AND CREDIT

Forum non conveniens and service of process, **4.4:3**

GOVERNMENT AND GOVERNMENTAL BODIES

Agent, service of process, **Rule 4.10, 4.10:1**

Joinder of persons needed for just adjudication, **19:3**

GRAND JURY, ASSEMBLY AND SELECTION

Jury Rules, **Appx A Rule 2 to 10**

Deferral, **Appx A Rule 7**

Disqualification, **Appx A Rule 5**

Documentation, **Appx A Rule 8**

Exemption, **Appx A Rule 6**

Juror safety and privacy, **Appx A Rule 10**

Jury pool, **Appx A Rule 2**

Notice of selection for jury pool, summons for jury service, **Appx A Rule 4**

Random draw, **Appx A Rule 3**

Notice of selection for jury pool, summons for jury service, **Appx A Rule 4**

Random draw, **Appx A Rule 3**

Safety and privacy of juror, **Appx A Rule 10**

Summons for jury service, **Appx A Rule 4**

Term of jury service, **Appx A Rule 9**

GUARANTY AND SURETYSHIP

Security, proceedings against sureties, **Rule 65.1, 65.1:1**

GUARDIANS

Sales by guardians for the benefit of creditors

Execution sales, **69:3**

HEARSAY

Evidence, common objections, **43:8**

HEARSAY—Cont'd

Rules of evidence, **Appx B Rules 801 to 806**

Attacking and supporting credibility of declarant, **Appx B Rule 806**

Definitions, **Appx B Rule 801**

Exceptions

Availability of declarant immaterial, **Appx B Rule 803**

Declarant unavailable, **Appx B Rule 804**

Hearsay rule, **Appx B Rule 802**

Hearsay within hearsay, **Appx B Rule 805**

IDENTIFICATION

See index heading AUTHENTICATION AND IDENTIFICATION

IMPEACHMENT OF WITNESSES

Rules of evidence

Evidence of character and conduct, **Appx B Rule 608**

Impeachment by evidence of conviction of crime, **Appx B Rule 609**

Who may impeach, **Appx B Rule 607**

IMPRISONED PERSONS

Service of process, **Rule 4.3**

Generally, **4.3:1**

IN REM ACTIONS

Summons, **Rule 4.9**

Generally, **4.9:1**

INCOMPETENT OR INSANE PERSONS

Service of process, **Rule 4.2**

Generally, **4.2:2**

INDEPENDENT PROCESS SERVER

Service of process by, **4.12:1**

INDIVIDUALS

Service of process, **Rule 4.1**

Generally, **4.1:1**

INFANTS AND MINORS

See index heading CHILDREN AND MINORS

INJUNCTIONS

Generally, **Rule 65**
Appeal, **65:5**
Application procedure, **65:2**
Elements of proof, **65:2**
Modification, **65:5**
Permanent injunction, **65:1**
Preliminary injunction, **65:1**
Preliminary injunction hearing, consolidation with trial on merits, **65:3**
Recovery of
Attorney fees, **65:4**
Damages, **65:4**
Requirements for order, **65:2**
Security or bond, **65:4**
Special findings, **65:2**
Temporary restraining order, **65:1**

INSTITUTIONALIZED PERSONS

Service of process, **Rule 4.3**
Generally, **4.3:1**

INSTRUCTIONS TO JURY

Generally, **Rule 51, 51:1**
Appellate review, **51:1**
Jury rules
Final instructions, **Appx A Rule 26**
Preliminary instructions, **Appx A Rule 20**
Limiting instructions, **51:3**
Mandatory instructions, **51:2**
Objections, **Rule 51**
Overview of principles, **51:1**
Requests, **Rule 51**
Submission in stages, **Rule 51**

INSURANCE

Privilege, discovery, **26:4**

INSURANCE AGREEMENTS

Discovery, **26:12**

INTERPLEADER

Generally, **Rule 22, 22:1**

INTERPRETERS

Evidence, **43:3**
Witnesses, rules of evidence, **Appx B Rule 604**

INTERROGATION, CUSTODIAL

Unrecorded statements, **Appx B Rule 617**

INTERROGATORIES

Generally, **Rule 33, 33:1**
Answers, **33:2**
Business records, option to produce, **33:3**
Duty to supplement, **33:2**
Form, **33:2**
General verdict with interrogatories, **49:1**
Objections, **33:2**
Procedure, **33:1**
Rules of evidence, **Appx B Rule 611**
Scope, **33:1**
Special verdicts and interrogatories, **Rule 49**
Time for responding, **33:2**
Timing, **33:1**
Use at trial, **33:1**

INTERVENTION BY NON-PARTY PERSON OR ENTITY

Parties, **Rule 24**
Generally, **24:1**

INTRODUCTION TO CASE

Jury rules, **Appx A Rule 14**

INVESTIGATOR REPORTS

Discovery, privilege, **26:5**

JOINDER OF PARTIES

Generally, **Rules 19 to 21**
Indispensable parties, parties not indispensable, **19:2**
Joinder of persons needed for just adjudication, **Rule 19**
Generally, **19:1**
Governmental organizations and representatives, **19:3**
Parties not indispensable, **19:2**

INDEX

JOINDER OF PARTIES—Cont'd

- Misjoinder and nonjoinder of parties, **Rule 21**
 - Generally, **21:1**
 - Venue and jurisdiction over the subject-matter, **Rule 21, 21:2**
- Permissive joinder of parties, **Rule 20, 20:1**

JOURNALISTS

- Privilege, discovery, **26:3**

JUDGE PRO TEMPORE

- Disability and unavailability of judge, **63:2**

JUDGES AND JUSTICES

- Competence as witness
 - Rules of evidence, **Appx B Rule 605**
- Judgment
 - Disability and unavailability of judge, **Rule 63**
 - After trial, **63:1**
 - Judge Pro Tempore, **63:1**
- Recording of all evidence and testimony
 - Transcripts, audio recordings, recording proceedings, **Rule 74**
- Venue
 - Change of judge, **76:2**
 - Special judge selection, **Rule 79, Rule 79.1**
 - City and town courts, **Rule 79.1**
 - Disqualification of judge, **79:2**
 - Marion County Small Claims Courts, **Rule 79.1, 79.1:1**
 - Procedure for selection of new judge, **79:1**
 - Recusal of judge, **79:2**
 - Verdict, judge to read, jury rules, **Appx A Rule 30**

JUDGMENT AND DECREES

- Generally, **Rule 54 to 63.1**
- Assignments, lis pendens, **Rule 63.1, 63.1:1**
- Attorney fees, **54:5**

JUDGMENT AND DECREES

—Cont'd

- Avoiding judgments, notice of proceedings, lis pendens, **Rule 63.1, 63.1:1**
- Bad faith sanctions, **54:5**
- Content of judgment, entry and, **Rule 58, 58:1**
- Costs, **54:5**
- Declaratory judgments, **Rule 57, 57:1**
- Default, **Rule 55, 55:2**
 - Entry of default, **55:1**
 - Hearing, **55:2**
 - Notice, **55:2**
- Demand for judgment, **54:3**
- Deposit of property or money in court before judgment, **Rule 67, 67:1**
 - Payment of judgment, **67:2**
 - Satisfaction of judgment entered, **67:2**
- Discharges, lis pendens, **Rule 63.1, 63.1:1**
- Entry and content of judgment, **Rule 58, 58:1**
- Errors
 - Harmless errors, **Rule 61, 61:1**
 - Motion to correct, **Rule 59**
 - Generally, **59:1**
 - Content requirements, **59:3**
 - Court's power to modify judgment, **59:2**
 - Cross errors, **59:2**
 - Failure by court to rule on motion, **59:2**
 - Filing requirements, **59:3**
 - Overview, **59:1**
 - Remedies to correct error (Trial R. 59(J)), **59:5**
 - Requirements to correct error (Trial R. 59(J)), **59:5**
 - Service on judge, **59:2**
 - Time requirements for filing, **59:4**
- Finality of judgment, **54:4**
- Judge, disability and unavailability of, **Rule 63**
 - After trial, **63:1**

JUDGMENT AND DECREES

—Cont'd

- Judge, disability and unavailability of, **Rule 63**—Cont'd
 - Judge Pro Tempore, **63:2**
- Judgment docket, lis pendens, **Rule 63.1, 63.1:1**
- Judgment on the evidence. See index heading EVIDENCE
- Judgments as a lien; renewal, **54:7**
- Lien, **Rule 54:7**
 - As a lien; renewal, **54:7**
- Lis pendens, **Rule 63.1, 63.1:1**
- Mandate of funds, **Rule 60.5**
 - Generally, **60.5:1**
 - Indigent party, right to appointment of counsel, **60.5:2**
- Motion to correct error, **Rule 59, 59:1**
- Multiple parties and claims, **54:2**
 - Stay of proceedings to enforce a judgment, **Rule 62, 62:3**
- Notice of proceedings avoiding judgments and circumstances tolling and extending statutes of limitations
 - Lis pendens, **Rule 63.1, 63.1:1**
- Offer of judgment, **Rule 68, 68:1**
- Personal property, cases involving interest in, lis pendens notice, **Rule 63.1, 63.1:1**
- Pleadings and motions, **Rule 9**
 - Generally, **9:1**
- Reasonableness of fees, **54:5**
- Release of judgment, **58:2**
- Relief from judgment or order, **Rule 60**
 - Generally, **60:1**
 - Appeal, change of venue on Trial Rule 60(B) motion, **60:5**
 - Asserting Trial Rule 60(B) motion pending appeal, **60:4**
 - Nunc pro tunc entry, **60:1**
 - Time requirements for filing Trial Rule 60(B) motion, **60:3**
 - Trial Rule 60(A), **60:1**
 - Trial Rule 60(B), **60:2**
 - Res judicata, **54:4**
 - Satisfaction, **58:2**

JUDGMENT AND DECREES

—Cont'd

- Severable judgments, **54:6**
- Statute of limitations, notice of proceedings avoiding judgments and circumstances tolling and extending
 - Lis pendens, **Rule 63.1, 63.1:1**
- Stay of proceedings to enforce a judgment, **Rule 62**
 - Effect of stay when new trial is granted, **62:2**
 - Multiple parties and claims, **62:3**
 - Stay of execution, circumstances permitting, **62:1**
- Summary judgment, **Rule 56**
 - Generally, **56:1**
 - Affidavit requirements, **56:6**
 - Appellate review, **56:7**
 - Burden of proof, **56:5**
 - Deciding motion, manner of, **56:5**
 - Evidence designation, **56:4**
 - Hearing, **56:3**
 - Motion, **56:1**
 - Response, extensions for, **56:2**
 - Time requirements, **56:2**

JUDGMENT ON THE EVIDENCE

See index heading EVIDENCE

JUDICIAL ADMISSIONS, PLEADINGS AS

Pleadings and motions, **8:6**

JUDICIAL ESTOPPEL

Pleadings and motions, **8:7**

JUDICIAL NOTICE

Pleading and proof of, **Rule 9.1, 9.1:1**

Rules of evidence, **Appx B Rule 201**

JUDICIAL SALES OF LAND

Recordation of judgment and deeds, **70:3**

Title opinion or insurance required, execution sales, **69:4**

JURISDICTION

Personal jurisdiction, constitutional basis for

Service on persons in actions for acts done in or having an

INDEX

JURISDICTION—Cont'd

- Personal jurisdiction, constitutional basis for—Cont'd
 - effect in Indiana, **4.4:1**
- Pleadings and motions
 - No allegation of jurisdiction required, **8:2**
 - Presumed jurisdiction, **8:2**
 - Primary jurisdiction, **12:3**
- Subject-matter, venue and jurisdiction over
 - Misjoinder and nonjoinder of parties, **Rule 21, 21:2**
- Venue
 - Jurisdiction of trial court pending change of venue from county, **Rule 78, 78:1**

JURY AND JURY TRIALS

- Juries of less than six-majority verdict, **Rule 48**
 - Generally, **48:1**
- Orientation
 - Jury rules, **Appx A Rule 11**
- Panel, jury rules
 - Examination of jury panel, **Appx A Rule 15**
 - Introduction to case, **Appx A Rule 14**
 - Oath or affirmation by prospective jurors, **Appx A Rule 13**
- Peremptory challenges
 - Generally, **Rule 47, 47:4**
 - Alternate jurors, **47:1**
 - Challenge for cause, **47:5**
 - Exhaustion rule, **47:6**
 - Waiver of right to challenge, **47:6**
 - Challenge to the array, **47:7**
 - Challenging jury selection process, **47:2**
 - Examination of prospective jurors, **47:3**
 - Exhaustion rule, **47:6**
 - Jury pool, assembly and selection, **47:2**
 - Number of challenges
 - Jury rules, **Appx A Rule 18**
 - Number of jurors, **47:1**

JURY AND JURY TRIALS—Cont'd

- Peremptory challenges—Cont'd
 - Polling the jury, **47:8**
 - Removal of sitting juror, **47:1**
 - Selection process, challenging jury, **47:2**
 - Voir dire, **47:3**
 - Waiver of right to challenge for cause, **47:6**
- Pool, jury rules, **Appx A Rule 2**
 - Notice of selection for jury pool, summons for jury service, **Appx A Rule 4**
 - Random draw, **Appx A Rule 3**
- Rules
 - Generally, **Appx A Rules 1 to 30**
 - Indiana Jury Rule, **Appx A**
- Safety and privacy of jurors, jury rules, **Appx A Rule 10**
- Trial books
 - Jury rules, **Appx A Rule 23**
- Trial of right
 - Generally, **Rule 38**
 - Arbitration, **38:2**
 - Right to trial by jury in civil cases, **38:1**
 - Specification of issues, **38:2**
 - Waiver of jury, **38:3**
 - Withdrawal of jury demand, **38:3**
 - View, jury rules, **Appx A Rule 25**

LACK OF PERSONAL KNOWLEDGE

- Witnesses, rules of evidence, **Appx B Rule 602**

LAND

- Execution sales. See index heading
EXECUTION SALES

LAY WITNESSES

- Opinion testimony, rules of evidence, **Appx B Rule 701**

LIABILITY INSURANCE

- Relevance, rules of evidence, **Appx B Rule 411**

LIEN

- Judgment and decrees, **Rule 54:7**

LIEN—Cont’d

Judgment and decrees; renewal, **54:7**

LIS PENDENS

Judgments, **Rule 63.1**

Generally, **63.1:1**

LOCAL COURT RULES

Local courts and local rules, **Rule 81:1**

Supreme Court Committee on Rules of Practice and Procedure, **Rule 81**

MAIL OR MAILING

Service of summons by registered or certified mail, **Rule 4.11, 4.11:1**

MARION COUNTY

Small claims courts, venue, special judge selection, **Rule 79.1, 79.1:1**

MASTERS

Appointment and powers of special master, **Rule 53**

MEDICAL EXPENSES

Relevance, payment of medical and similar expenses, **Appx B Rule 409**

Rules of evidence, **Appx B Rule 413**

MEMORANDA AND BRIEFS

Form of pleading, **10:1**

MENTAL EXAMINATIONS

Discovery. See index heading **PHYSICAL AND MENTAL EXAMINATIONS**

MINORS

See index heading **CHILDREN AND MINORS**

MISJOINDER OF PARTIES

See index heading **JOINT AND SEVERAL PARTIES**

MISTAKE OR ERROR

Depositions, effect of errors and irregularities, **32:2**

Judgment

Harmless errors, **Rule 61, 61:1**

MISTAKE OR ERROR—Cont’d

Judgment—Cont’d

Motion to correct

Generally, **59:1**

Content requirements, **59:3**

Court’s power to modify judgment, **59:2**

Cross errors, **59:2**

Failure by court to rule on motion, **59:2**

Filing requirements, **59:3**

Overview, **59:1**

Remedies to correct error (Trial R. 59(J)), **59:5**

Requirements to correct error (Trial R. 59(J)), **59:5**

Service on judge, **59:2**

Time requirements for filing, **59:4**

Motion to correct error, **Rule 59, 59:1**

Mistakes. See index heading

MISTAKES

Pleadings and motions, **Rule 9, 9:1**

Trial errors, motion to correct, time limitation for ruling, **Rule 53.3, 53.3:1**

MISTRIAL

Exceptions unnecessary, **46:4**

MOTION TO CORRECT ERRORS

See index heading **MISTAKE OR ERROR**

MOTIONS

See index heading **PLEADINGS AND MOTIONS**

Pleading forms, **10:1**

MOTIONS FOR CONTINUANCE

Pleadings and motions, **7:4**

MULTIPLE PARTIES AND CLAIMS

Generally, **54:2**

Stay of proceedings to enforce a judgment, **Rule 62, 62:3**

NEGLIGENCE

Pleading and proof of

Contributory negligence, **Rule 9.1, 9.1:1**

INDEX

NEWSPAPERS

Service of process by. See index heading PUBLICATIONS, SERVICE OF PROCESS BY

NONJOINER OF PARTIES

Joint and Several Parties

NONPARTIES

Discovery, statements of party or non-party, **26:8**
Enforcement of orders against or for non-parties, **Rule 71, 71:1**
Intervention by non-party person or entity, **Rule 24, 24:1**
Production of documents, electronically stored information, and things and entry upon land for inspection and other purposes
Discovery, non-party request, **34:3**

NOTICE OF SELECTION FOR JURY POOL, SUMMONS FOR JURY SERVICE

Jury rules, **Appx A Rule 4**

NOTICE PLEADING

Pleadings and motions, **8:1**

NUMBER OF JURORS

Jury rules, **Appx A Rule 16**

NUMBERED PARAGRAPHS

Pleadings and motions, form of, **10:3**

NUNC PRO TUNC ENTRY

Relief from judgment or order, **60:1**

OATH OR AFFIRMATION

Evidence, **43:1**
Of the jury, jury rules, **Appx A Rule 19**
Oral examination, **30:5**
Prospective jurors, jury rules, **Appx A Rule 13**
Witnesses, rules of evidence, **Appx B Rule 603**

OBJECTIONS AND EXCEPTIONS

Admissibility objections, depositions, **32:2**
Admission requests, response to request, **36:2**

OBJECTIONS AND EXCEPTIONS

—Cont'd

Common objections, **43:6 to 43:8**
Evidence, common objections, **43:6**
Hearsay objections, **43:8**
Improper form of questions, **43:7**
Exceptions unnecessary, **Rule 46**
Formal exceptions, **46:1**
Motions in limine, **46:3**
Objections at trial, **46:2**
Offer of proof, **46:2**
Instructions to jury, **Rule 51**
Interrogatories, **33:2**
Oral examination, **30:5**
Production of documents, electronically stored information, and things and entry upon land for inspection and other purposes
Response to request for production, **34:2**
Trial by jury or by the court, **39:3**

OFFER OF JUDGMENT

Generally, **Rule 68, 68:1**

OFFICIAL DOCUMENTS AND OFFICIAL ACTS

Pleadings and motions, **Rule 9, 9:1**

OFFICIAL RECORDS

Proof of, **Rule 44**
Generally, **44:1**

OPENING STATEMENT

Jury rules, **Appx A Rule 21**

OPINION WORK PRODUCT

Discovery, **26:4**

ORAL EXAMINATION, DEPOSITIONS UPON

See index heading DEPOSITIONS

ORGANIZATIONS

Service of process upon, **Rule 4.6**
Manner of service, **4.6:2**
Person to be served, **4.6:1**

OUT OF COUNTY SERVICE

Service of process by sheriff or other officer, **4.12:3**

OUT OF STATE SERVICE

Service of process by sheriff or other officer, **4.12:4**

PAPERS

Service of process, filing of pleadings and papers, **Rule 5**

Generally, **5:1**

Certificate of service, **5:3**

Numerous defendants, requirements, **5:4**

Service of subsequently pleadings, papers, and orders, **5:2**

PARENTS

Privilege, discovery, **26:3**

PARTIES

Generally, **Rule 17 et seq.**

Attorney general, **Rule 17.1, 17.1:1**

Capacity to sue or to be sued, **Rule 17, 17:3**

Claims and remedies, joinder of, **Rule 18, 18:1**

Class actions. See index heading CLASS ACTIONS

Interpleader, **Rule 22, 22:1**

Intervention by non-party person or entity, **Rule 24**

Generally, **24:1**

Joinder of claims and remedies, **Rule 18, 18:1**

Joint parties. See index heading JOINT AND SEVERAL PARTIES

Non-party actions. See index heading NON-PARTIES

Plaintiff and defendant, **Rule 17**

Real party in interest, **Rule 17, 17:1**

Shareholders' derivative actions, **Rule 23.1, 23.1:1**

Standing to assert claim, **Rule 17, 17:2**

State as a party, **Rule 17.1, 17.1:1**

Substitution of parties, **Rule 25**

Death, **25:1**

Public officers, **25:4**

Incompetency, **25:2**

Public officers, death or separation from office, **25:4**

Transfer of interest, **25:3**

PARTIES—Cont'd

Unincorporated associations, actions by or against, **Rule 23.2, 23.2:1**

PEREMPTORY CHALLENGES

See index heading JURORS AND PEREMPTORY CHALLENGES

PERPETUATION OF TESTIMONY

Depositions, **Rule 27**

Before action is commenced, **27:1**

Pending appeal, **27:2**

PERSONAL JURISDICTION

Service on persons in actions for acts done in or having an effect in Indiana, constitutional basis for, **4.4:1**

PERSONAL PROPERTY

Cases involving interest in, lis pendens notice, **Rule 63.1, 63.1:1**

PERSONS NOT OTHERWISE AUTHORIZED TO MAKE SERVICE

Service of process by, **4.12:1**

PHOTOGRAPHS

Admissibility of. See index heading CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS

PHYSICAL AND MENTAL EXAMINATIONS

Discovery, **Rule 35**

Description and purpose, **35:1**

Licensed or certified examiner, report of, **35:2**

Order of examination, **35:1**

PLEADINGS AND MOTIONS

Generally, **Rule 7 et seq.**

Admissions

Counsel admissions as pleadings, **8:6**

Judicial admissions as pleadings, **8:6**

Affirmative defenses, **8:4**

INDEX

PLEADINGS AND MOTIONS

—Cont'd

- Allowable pleadings, form of motion, **Rule 7**
 - Modern practice, pleadings allowed under, **7:1**
 - Motions, **7:2**
 - Request for hearings, **7:3**
- Amended pleadings, **Rule 15**
 - Amendments to conform to the evidence, **15:2**
 - Amendments to pleadings; as a matter of right, **15:1**
 - Relation back of amendments, **15:3**
- Answer, **8:4**
- Answer of distraint, **Rule 9.1, 9.1:1**
- Assumed risk, pleading and proof of, **Rule 9.1, 9.1:1**
- Attorney General
 - Service of constitutional challenge, **Rule 5.1**
- Bona fide purchaser, pleading and proof of, **Rule 9.1, 9.1:1**
- Capacity, **Rule 9, 9:1**
- Captions, form of pleading, **10:2**
- Claim for relief, **8:1**
- Concise and direct, pleadings to be, **8:5**
- Condition of mind, **Rule 9, 9:1**
- Conditions precedent, **Rule 9, 9:1**
- Conference of attorneys, pre-trial procedure, **16:2**
- Consideration, pleading and proof of, **Rule 9.1, 9.1:1**
- Contributory negligence, pleading and proof of, **Rule 9.1, 9.1:1**
- Counsel admissions as pleadings, **8:6**
- Counterclaims. See index heading COUNTERCLAIMS
- Cross-claims. See index heading CROSS-CLAIMS
- Damages where no answer; special damages, **Rule 9, 9:1**
- Decision or judgment, **Rule 9, 9:1**
- Defenses and objections. See index heading DEFENSES AND OBJECTIONS
- Demand for relief or judgment, **8:3**
- Election of remedies, **8:5**

PLEADINGS AND MOTIONS

—Cont'd

- Form of pleading
 - Adoption by reference, **10:4**
 - Motions, memoranda and briefs, **Rule 10**
 - Separately numbered paragraphs, **10:3**
- Fraud, **Rule 9, 9:1**
- General rules of pleadings, **Rule 8**
- Judgment or decision, **Rule 9, 9:1**
- Judicial admissions as pleadings, **8:6**
- Judicial estoppel, **8:7**
- Judicial notice matters, pleading and proof of, **Rule 9.1, 9.1:1**
- Jurisdiction
 - No allegation of jurisdiction required, **8:2**
 - Presumed, **8:2**
- Mistake, **Rule 9, 9:1**
- Motions for continuance, **7:4**
- Negligence, plead and proof of contributory negligence, **Rule 9.1, 9.1:1**
- Notice pleading, **8:1**
- Numbered paragraphs, separately, form of pleading, **10:3**
- Objections. See index heading DEFENSES AND OBJECTIONS
- Official document or act, **Rule 9, 9:1**
- Pre-trial procedure, formulation of issues, **Rule 16**
 - Conference of attorneys, **16:2**
 - Failure to attend pretrial conference; sanctions, **16:3**
 - Pretrial conference
 - Failure to attend; sanctions, **16:3**
 - Pretrial order, **16:1**
 - Purpose and procedure, **16:1**
- Relief
 - Claim for relief, **8:1**
 - Demand for relief or judgment, **8:3**
- Request for hearings
 - Allowable pleadings, form of motion, **7:3**
- Res ipsa loquitur, pleading and proof of, **Rule 9.1, 9.1:1**
- Separate or alternative claims and defenses, pleading, **8:5**

PLEADINGS AND MOTIONS

—Cont’d

- Signature requirements, **Rule 11**
- Affidavits, **11:2**
- Individual party/individual represented by counsel, **11:1**
- Sanctions, **11:1**
- Verification of pleadings and papers, **11:2**
- Special matters, requirements for pleading, **Rule 9, 9:1**
- Supplemental pleadings, **15:4**
- Third-parties. See index heading THIRD-PARTY PRACTICE
- Time and place, **Rule 9, 9:1**
- Verification of pleadings and papers, **Rule 11, 11:2**
- Affidavits, **11:2**
- Verification of pleadings and papers. Signature requirements, above
- Witnesses, motion to separate, **43:5**
- Written instruments, pleading and proof of, **Rule 9.2**
- Proof of execution of instruments filed with pleadings
- Burden of proof, **9.2:2**
- Exceptions, **9.2:2**
- When written instrument must be filed with pleading
- Inspection, **9.2:1**
- Non-compliance, **9.2:1**

POLICE OFFICER

- Service of process, special service by, **4.12:2**

PRACTICE AND PROCEDURE

- Supreme Court Committee. See index heading SUPREME COURT COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

PRAECIPE FOR SUMMONS

- Designation and manner of service, **4:4**
- Preparation of, **4:4**
- Service by publication, procedure, **4.13:2**

PRELIMINARY INSTRUCTIONS

- Jury rules, **Appx A Rule 20**

PRELIMINARY QUESTIONS

- Rules of evidence, **Appx B Rule 104**

PRETRIAL CONFERENCE AND PROCEDURE

- Pleadings and motions, formulation of issues, **Rule 16**
- Conference of attorneys, **16:2**
- Failure to attend pretrial conference; sanctions, **16:3**
- Pretrial conference
- Failure to attend; sanctions, **16:3**
- Pretrial order, **16:1**
- Purpose and procedure, **16:1**

PRIOR STATEMENTS OF WITNESSES

- Rules of evidence, **Appx B Rule 613**

PRIVILEGES

- Discovery
- Accountants, **26:3**
- Attorney-client privilege, **Appx B Rule 502**
- Common interests, **26:3**
- Counselor/ client, **26:3**
- Documents and information excluded from public access, **26:6**
- Inadvertent disclosure, **26:7**
- Insurance privilege, **26:4**
- Journalists, **26:3**
- Parents, **26:3**
- Privilege log, **26:7**
- Procedure for asserting, **26:7**
- Qualified privilege, **26:2**
- Self-incrimination, **26:3**
- Statutory privilege, **26:2, 26:3**
- Surveillance tapes and surveillance investigator reports, **26:5**
- Waiver, **26:7**
- Work product privilege, **26:4, Appx B Rule 502**
- Evidence, rules of evidence, **Appx B Rule 501, Appx B Rule 502**
- Rules of evidence, **Appx B Rule 501, Appx B Rule 502**

PRO HAC VICE

- Admission, **3.1:3**

INDEX

PROCEDURE FOR AMENDING RULES

General provisions, **Rule 80**

PROCESS AND SERVICE OF PROCESS AND PAPERS

Generally, **Rule 4 et seq.**

Constitutional basis, **4:1**

Due process, requirements, **4:1**

Electronic filing and service, **4:2**

Indiana service of process rules, **4:1**

Manner of service, designation, **4:4**

Methods of service on individuals, **4.1:1**

Requirements, **4:1**

Summons, **4:3**

Summons and complaint to be served together, **4:5**

Summons and praecipe preparation, **4:4**

Abrogated, local rules, **6:4**

Acts done in or having an effect in Indiana, service on persons in actions for, **Rule 4.4**

Analytical framework, **4.4:1**

Comity, application of, **4.4:3**

Forum non conveniens doctrine, **4.4:3**

Forum-selection clauses, **4.4:2**

Full faith and credit, **4.4:2**

Personal jurisdiction, constitutional basis for, **4.4:1**

Agent named by statute or agreement, service upon, **Rule 4.7, 4.7:1**

Amendments, proof of service, **Rule 4.15**

Attorney General, service of pleadings or summons on, **Rule 4.8, 4.8:1**

Automatic enlargement of time, **6:2**

Certified or registered mail, service by, **Rule 4.11, 4.11:1**

Comity, full faith and credit, **4.4:3**

Computation of time, **Rule 6, 6:1**

Defects in summons, proof of service, **4.15:2**

PROCESS AND SERVICE OF PROCESS AND PAPERS

—Cont'd

Deputy, service by, **4.12:1**

Domestic organizations, **Rule 4.6**

Duties of persons being served to aid in service, **Rule 4.16, 4.16:1**

Electronic service, **Rule 86, 4:2, 86:1**

Exempted proceedings, **Rule 4.17, 4.17:1**

Filing of pleadings and papers, service and, **Rule 5 et seq.**

Foreign organizations, **Rule 4.6**

Forum

Non conveniens, **4.4:3**

Selection clauses, service on persons in actions for acts done in or having an effect in Indiana, **4.4:2**

Full faith and credit, forum non conveniens, **4.4:3**

Governmental Agent, service upon, **Rule 4.10, 4.10:1**

Imprisoned persons, **Rule 4.3, 4.3:1**

Incompetent persons, **Rule 4.2, 4.2:2**

Independent process server, **4.12:1**

Individuals, **Rule 4.1**

Generally, **4.1:1**

Infants and minors, **Rule 4.2, 4.2:1**

Institutionalized persons, **Rule 4.3, 4.3:1**

Mail, service by registered or certified mail, **Rule 4.11, 4.11:1**

Minors and infants, **Rule 4.2, 4.2:1**

Newspapers. Publications, service by, below

Organizations, **Rule 4.6**

Manner of service, **4.6:2**

Person to be served, **4.6:1**

Out of county service, **4.12:3**

Out of state service by sheriff or other officer, **4.12:4**

Papers, service and filing of pleadings and papers, **Rule 5 et seq.**

Personal jurisdiction, constitutional basis for

Service on persons in actions for acts done in or having an effect in Indiana, **4.4:1**

**PROCESS AND SERVICE OF
PROCESS AND PAPERS**

—Cont'd

- Persons being served, duties to aid in service, **Rule 4.16**
- Persons not otherwise authorized to make service, **4.12:1**
- Pleadings
 - Attorney General, service of constitutional challenge, **Rule 5.1**
 - Attorney General, service of pleadings or summons on, **Rule 4.8, 4.8:1**
 - Filing of pleadings and papers, **Rule 5, 5:1**
 - Generally, **5:1**
 - Certificate of service, **5:3**
 - Numerous defendants, requirements, **5:4**
 - Service of subsequently pleadings, papers, and orders, **5:2**
 - Time, **Rule 6**
 - Automatic enlargement of, **6:2**
 - Computation of, **6:1**
 - Police officer, special service by, **4.12:2**
- Praecepte
 - Preparation of, **4:4**
 - Served together, summons and complaint, **4:5**
- Proceeding exemptions, **Rule 4.17, 4.17:1**
- Professional process server, **4.12:1**
- Proof of service, **Rule 4.15**
 - Amendments of process papers, **4.15:1**
 - Defects in summons, **4.15:2**
 - Process papers, amendments, **4.15:1**
 - Return, **4.15:1**
- Publication, service by, **Rule 4.13**
 - Constitutional basis, **4.13:1**
 - Procedure, **4.13:2**
 - When method may be used, **4.13:1**
- Registered or certified mail, service by, **Rule 4.11, 4.11:1**

**PROCESS AND SERVICE OF
PROCESS AND PAPERS**

—Cont'd

- Resident who cannot be found or served in Indiana, **Rule 4.5, 4.5:1**
- Returns, proof of service, **4.15:1**
- Secretary of State, service upon, **Rule 4.10, 4.10:1**
- Service under special order of the court, **Rule 4.14, 4.14:1**
- Sheriff or other officer, **Rule 4.12, 4.12:1**
 - Deputy, **4.12:1**
 - Out of county service, **4.12:3**
 - Out of state service, **4.12:4**
 - Police officer, special service by, **4.12:2**
 - Service in other counties, **4.12:3**
- Summons, **4:2, 4:3**
- Time, **Rule 6**
 - Automatic enlargement of, **6:2**
 - Computation of, **6:1**

**PRODUCTION OF DOCUMENTS,
ELECTRONICALLY STORED
INFORMATION, AND THINGS
AND ENTRY UPON LAND
FOR INSPECTION AND
OTHER PURPOSES**

- Generally, **Rule 34**
- Best evidence rule, exception to and use of request at trial, **34:4**
- Computer generated documents, request for, **34:5**
- Discovery, **Rule 34**
 - Best evidence rule, exception to and use of request at trial, **34:4**
 - Computer generated documents, request for, **34:5**
 - Non-party request, **34:3**
 - Request for production of documents, **34:1**
 - Computer generated documents, **34:5**
 - Response to request for production, **34:2**
 - Non-party request, **34:3**

INDEX

PRODUCTION OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES—Cont'd

- Request for production of documents
 - Computer generated documents,
34:5
 - Procedure, **34:1**
 - Scope, **34:1**
 - Timing, **34:1**
 - Use at trial, **34:1**
- Response to request for production
 - Duty to supplement, **34:2**
 - Form, **34:2**
 - Objections, **34:2**
 - Time for responding, **34:2**

PROFESSIONAL PROCESS SERVER

- Service of process by, **4.12:1**

PROOF OF SERVICE

- See index heading *SERVICE OF PROCESS*

PROTECTIVE ORDERS

- Admission requests, **36:3**
- Discovery, **26:13**

PUBLIC OFFICERS

- Death or separation from office,
substitution of parties, **25:4**

PUBLIC RECORDS

- Rules of evidence, **Appx B Rule
1005**

PUBLICATION

- Depositions, oral examination, **30:8**
- Service of process by
 - Generally, **Rule 4.13**
 - Constitutional basis, **4.13:1**
 - Procedure, **4.13:2**
 - When method may be used,
4.13:1

RANDOM DRAW

- Jury rules, **Appx A Rule 3**

REAL ESTATE

- Execution sales, **Rule 69**
 - Generally, **69:1**
 - Foreclosure of liens upon real
estate, **69:3**
 - Judicial sales of land, title opinion
or insurance required, **69:4**
 - Proceedings supplemental to exe-
cution, **69:2**
 - Sales by trustees, guardians,
receivers, assignees for the
benefit of creditors, **69:3**

REAL PARTY IN INTEREST

- Generally, **Rule 17, 17:1**

RECEIVERS, ASSIGNEES FOR THE BENEFIT OF CREDITORS AND STATUTORY AND OTHER LIQUIDATORS

- Generally, **Rule 66**
- Appointment of, **66:1**
- Claims against, **66:1**
- Powers and duties, **66:1**

RECONSIDERATION

- Consideration. See index heading
CONSIDERATION
- Motions to reconsider, **Rule 53.4**
 - Generally, **53.4:1**

RECORD SHALL BE MADE

- Jury rules, **Appx A Rule 12**

RECORDINGS

- Admissibility of. See index heading
*CONTENTS OF WRITINGS, RECORD-
INGS, AND PHOTOGRAPHS*

RECORDS AND RECORDING

- Court records. See index heading
COURT RECORDS
- Machines
 - Recording of all evidence and
testimony
 - Transcripts, audio recordings,
recording proceedings,
Rule 74
- Recording proceedings, audio record-
ings, transcripts, **Rule 74**

RECORDS AND RECORDING

—Cont’d

Remedies, recordation of judgment and deeds, **Rule 70, 70:3**

REGISTERED MAIL

Electronic filing and service, **4:2**
Service of process by, **Rule 4.11, 4.11:1**

RELEASE OF JUDGMENT

Judgment and decrees, **58:2**

RELEASE OR DISCHARGE

Lis pendens, **Rule 63.1**
Generally, **63.1:1**

RELEVANT EVIDENCE

See index heading EVIDENCE

RELIEF

Pleadings and motions
Claim for relief, **8:1**
Demand for relief or judgment, **8:3**

RELIEF FROM JUDGMENT OR ORDER

Judgment, **Rule 60**
Generally, **60:1**
Appeal, change of venue on Trial Rule 60(B) motion, **60:5**
Asserting Trial Rule 60(B) motion pending appeal, **60:4**
Nunc pro tunc entry, **60:1**
Time requirements for filing Trial Rule 60(B) motion, **60:3**
Trial Rule 60(A), **60:1**
Trial Rule 60(B), **60:2**

RELIGIOUS BELIEFS OR OPINIONS

Witnesses
Rules of evidence, **Appx B Rule 610**

REMEDIES, GENERALLY

Administrative remedies, exhaustion of, defenses and objections, **12:3**
Election of remedies, pleadings and motions, **8:5**
Parties, joinder of claims and, **Rule 18, 18:1**

REMEDIES, PROVISIONAL AND FINAL

Generally, **Rule 64 et seq.**
Court clerk, office closure and orders by, **Rule 72, 72:1**
Deposit of property or money in court before judgment, **Rule 67, 67:1**
Payment of judgment, **67:2**
Satisfaction of judgment entered, **67:2**
Execution sales, **Rule 69**
Generally, **69:1**
Foreclosure of liens upon real estate, **69:3**
Proceedings supplemental to execution, **69:2**
Sales by trustees, guardians, receivers, assignees for the benefit of creditors, **69:3**
Title opinion or insurance required in all judicial sales of land, **69:4**
Filing pleadings or papers, trial courts, **Rule 72, 72.1**
Hearing of motions, **Rule 73, 73:1**
Injunctions, **Rule 65**
Judgment for specific acts, **Rule 70**
Contempt, **70:2**
Non-compliant party, court power to compel performance of judgment, **70:1**
Recordation of judgment and deeds, **70:3**
Nonparties, enforcement of orders against or for non-parties, **Rule 71, 71:1**
Offer of judgment, **Rule 68, 68:1**
Process in behalf of and against persons not parties, **Rule 71, 71:1**
Receivers, assignees for the benefit of creditors and statutory and other liquidators, **Rule 66**
Appointment of, **66:1**
Claims against, **66:1**
Powers and duties, **66:1**
Recordation of judgment and deeds, **Rule 70, 70:3**

INDEX

REMEDIES, PROVISIONAL AND FINAL—Cont'd

Generally, **Rule 64 et seq.**—Cont'd

Recording of all evidence and testimony

Audio recording, transcript, recording proceedings,

Rule 74

Remote proceedings, **73:1**

Security, proceedings against sureties, **Rule 65.1, 65.1:1**

Seizure of person or property, **Rule 64**

Ancillary remedies to assist in enforcement of judgment, **64:1**

Attachment, **64:2**

Defendant's title raised by denial, **64:3**

Garnishment, **64:4**

Trial courts, closure, **Rule 72, 72:1**

Trials and hearings

Recording proceedings, audio recording, transcript, **Rule 74**

Vesting title, **Rule 70, 70:3**

REMOTE PROCEEDINGS

Remedies, provisional and final, **73:1**

Trials, **43:9**

RENEWAL

As a lien; judgment and decrees, **54:7**

RES IPSA LOQUITUR

Pleading and proof of, **Rule 9.1**

Generally, **9.1:1**

RES JUDICATA

Judgment, **54:4**

RULES, SCOPE OF

Generally, **Rule 1**

Civil action, defined, **2:1**

Form of action, generally, **Rule 2**

RULES OF EVIDENCE

Generally, **Appx B**

RULES OF PRACTICE

Supreme Court Committee. See index heading SUPREME COURT COMMIT-

RULES OF PRACTICE—Cont'd

TEE ON RULES OF PRACTICE AND PROCEDURE

SAFETY AND PRIVACY OF JUROR

Jury rules, **Appx A Rule 10**

SANCTIONS

Admission requests, failure to admit, **36:3**

Discovery, failure to make or cooperate in, **Rule 37**

Award of attorney fees and expenses to prevailing party, **37:2**

Electronically stored information, **37:3**

Motions to enforce discovery, **37:1**

Spoliation of evidence, **37:4**

Judgment, sanctions for bad faith, **54:5**

Pleadings and motions

Failure to attend pretrial conference; sanctions, **16:3**

Signature requirements, **11:1**

SATISFACTION

Judgment and decrees, **58:2**

SECRETARY OF STATE

Service of process, **Rule 4.10**

Generally, **4.10:1**

SECURITY

Proceedings against sureties, **Rule 65.1**

Generally, **65.1:1**

SEIZURE OF PERSON OR PROPERTY

Generally, **Rule 64**

Ancillary remedies, enforcement of judgment, **64:1**

Attachment, **64:2**

Defendant's title raised by denial, **64:3**

Garnishment, **64:4**

SELF-INCRIMINATION

Discovery, privilege, **26:3**

SEPARATE OR ALTERNATIVE CLAIMS AND DEFENSES, PLEADINGS

Pleadings and motions, **8:5**

SEPARATION OF WITNESSES

Rules of evidence, **Appx B Rule 615**

SERVICE OF PROCESS AND PAPERS

See index heading **PROCESS AND SERVICE OF PROCESS AND PAPERS**

SERVICE UNDER SPECIAL ORDER OF THE COURT

Service of process, **Rule 4.14, 4.14:1**

SEVERANCE OF CLAIMS

Third-party practice, pleadings and motions, **14:2**

SEXUAL CONDUCT, EVIDENCE OF PAST

Relevant evidence
Rules of evidence, **Appx B Rule 412**

SHAREHOLDERS' DERIVATIVE ACTIONS

Generally, **Rule 23.1, 23.1:1**

SHERIFF AND POLICE

Service of process by, **Rule 4.12**
Generally, **4.12:1**
Deputy, **4.12:1**
Out of county service, **4.12:3**
Out of state service, **4.12:4**
Police officer, special service by, **4.12:2**
Service in other counties, **4.12:3**

SIGNATURE

Pleadings and motions, **Rule 11**
Affidavits, **11:2**
Individual party/individual represented by counsel, **11:1**
Sanctions, **11:1**
Verification of pleadings and papers, **11:2**

SPECIAL DAMAGES

Damages where no answer
Pleadings and motions, **Rule 9**
Generally, **9:1**

SPECIAL MASTER

Appointment and powers of, **Rule 53**

STANDING

Generally, **Rule 17, 17:2**

STATE AS A PARTY

Attorneys General, **Rule 17.1**
Generally, **17.1:1**

STATUTE OF LIMITATION

Class action, **Rule 23:12**
Tolling, **Rule 23:12**

STAY

Enforcement of judgment
Generally, **Rule 62**
Circumstances permitting Stay of Execution, **62:1**
Effect of Stay when new trial is granted, **62:2**
Multiple parties and claims, **62:3**

STENOGRAPHIC REPORT OR TRANSCRIPT

Recording of all evidence and testimony
Recording proceedings, audio recording, **Rule 74**

STOCKHOLDERS

Shareholders' derivative actions, **Rule 23.1**
Generally, **23.1:1**

SUBPOENA

Oral examination, depositions upon
Service upon deponent, **30:9**
Trials, **Rule 45, 45:1**

SUBSTITUTION OF PARTIES

Generally, **Rule 25**
Death, **25:1**
Incompetency, **25:2**
Public officers, death or separation from office, **25:4**
Transfer of interest, **25:3**

INDEX

SUMMARY JUDGMENT

- Generally, **Rule 56, 56:1**
- Affidavit requirements, **56:6**
- Appellate review, **56:7**
- Burden of proof, **56:5**
- Deciding motion, manner of, **56:5**
- Evidence designation, **56:4**
- Hearing, **56:3**
- Motion, **56:1**
- Response, extensions for, **56:2**
- Time requirements, **56:2**

SUMMONS FOR JURY SERVICE

- Jury rules, **Appx A Rule 4**

SUPPLEMENTAL PLEADINGS

- Generally, **Rule 15, 15:4**

SUPREME COURT COMMITTEE ON RULES OF PRACTICE AND PROCEDURE

- Definitions, **Rule 83**
- Effective date, **Rule 84**
- Evidence of Rules Review Committee, **Appx B Rule 1101**
- Family or household matters, procedures for cases involving, **Rule 81.1**
- Forms, **Rule 82**
- Local court rules, **Rule 81, Rule 81:1**
- Vacated rule, effective date, **Rule 85**

SURETIES

- Security, proceedings against sureties, **Rule 65.1, 65.1:1**

SURETY BONDS

- See index heading SURETIES

SURVEILLANCE TAPES

- Discovery, privilege, **26:5**

TERM OF JURY SERVICE

- Jury rules, **Appx A Rule 9**

THIRD PARTY PRACTICE

- Pleadings and motions, **Rule 14**
- Common law voucher, **14:3**
- Relationship to Trial Rules 20 and 42(B), **14:2**
- Severance of claims, **14:2**
- Third-party actions, **14:1**

TIME OR DATE

- Change of venue, time requirements for filing motion, **76:3**
- Enlargements of time
- Other requests, **6:3**
- Interrogatories, time for responding, **33:2**
- Local Rules Abrogated, **6:4**
- Pleadings and motions, time and place, **Rule 9, 9:1**
- Production of documents, electronically stored information, and things and entry upon land for inspection and other purposes
- Response to request for production, time for responding, **34:2**
- Service of process
- Automatic enlargement of time, **6:2**
- Computation of time, **Rule 6, 6:1**
- Service of process and pleadings, **Rule 6**
- Automatic enlargement of, **6:2**
- Computation of, **6:1**
- Summary judgment, time requirements, **56:2**
- Trials
- Delay of entering a judgment, time for holding issue under advisement, **Rule 53.2, 53.2:1**
- Motion to correct error, time limitation for ruling, **Rule 53.3, 53.3:1**
- Venue, change of, time requirements for filing motion, **76:3**

TRADE SECRETS

- Discovery, **26:14**

TRANSCRIPT

- Evidence
- Recording proceedings, audio recording, **Rule 74**

TRIAL BY JURY OR BY THE COURT

- Generally, **Rule 39, 39:1**
- Advisory jury, **39:2**
- Assignment of cases for trial, **Rule 40, 40:1**

TRIAL BY JURY OR BY THE COURT—Cont'd

Objection, **39:3**
Rulings of the Court, **39:3**

TRIALS

Generally, **Rule 38 to 53.5**
Advisement, holding under, **Rule 53.4**
Assignment of cases for trial, **Rule 40, 40:1**
Automatic denial, motions, **Rule 53.4**
Consolidation of actions, **Rule 42**
Cases from same court, **42:1**
Consolidation of trials, **Rule 42**
Cases from different counties, **42:2**
Continuances, **Rule 53.5**
Court appointed neutral, **53:1**
Delay of entering a judgment, time for holding issue under advisement, **Rule 53.2, 53.2:1**
Directed verdict, **Rule 50**
Dismissal of actions, **Rule 41**
Costs of previously dismissed action, **41:4**
Involuntary dismissal, **41:3**
Failure to prosecute a claim, **41:5**
Reinstatement of case following dismissal, **41:6**
Voluntary dismissal, **41:1**
By notice and stipulation of parties, **41:1**
By order of court, **41:2**
Errors, motion to correct, time limitation for ruling, **Rule 53.3**
Evidence. See index heading EVIDENCE
Exceptions unnecessary, **Rule 46**
Formal exceptions, **46:1**
Mistrial, **46:4**
Motions in limine, **46:3**
Objections at trial, **46:2**
Offer of proof, **46:2**
Failure to rule on motion, **Rule 53.1, 53.1:1**
Findings by the court, **Rule 52, 52:1**
Adoption of findings, **52:3**

TRIALS—Cont'd

Findings by the court, **Rule 52, 52:1**
—Cont'd
Amendment of findings and judgment, **52:2**
Appellate review, **52:1**
Findings upon less than all issues, **52:4**
Requirements, **52:1**
Submission of proposed findings by the parties, **52:3**
Foreign law, determination of, **Rule 44.1, 44.1:1**
General verdict with interrogatories, **49:1**
Instructions, jury. See index heading INSTRUCTIONS TO JURY
Juries of less than six-majority verdict, **Rule 48, 48:1**
Jury trial of right, **Rule 38**
Arbitration, **38:2**
Right to trial by jury in civil cases, **38:1**
Specification of issues, **38:2**
Waiver of jury, **38:3**
Withdrawal of jury demand, **38:3**
Masters, appointment and powers of, **Rule 53**
Mistrial, exceptions unnecessary, **46:4**
Motions
Automatic denial, **Rule 53.4, 53.4:1**
Delay of entering a judgment
Time for holding issue under advisement, **Rule 53.2, 53.2:1**
Failure to rule on motion, **Rule 53.1, 53.1:1**
Motion to correct error, time limitation for ruling, **Rule 53.3, 53.3:1**
Motions to reconsider, **Rule 53.4, 53.4:1**
Repetitive motions, **Rule 53.4, 53.4:1**
Official record, proof of, **Rule 44, 44:1**

INDEX

TRIALS—Cont'd

- Peremptory challenges. See index heading JURORS AND PEREMPTORY CHALLENGES
- Reconsideration, motions to reconsider, **Rule 53.4, 53.4:1**
- Remote proceedings, **43:9**
- Repetitive motions, **Rule 53.4, 53.4:1**
- Separation of trials, **Rule 42**
 - Submission of case to jury in stages, **42:3**
- Special master, appointment and powers of, **Rule 53**
- Special verdict, written findings for each issue, **49:1**
- Special verdicts and interrogatories, **Rule 49**
- Subpoena, **Rule 45, 45:1**
- Trial by jury or by the court, **Rule 39**
 - Generally, **39:1**
 - Advisory jury, **39:2**
 - Assignment of cases for trial, **Rule 40, 40:1**
 - Objection, **39:3**
 - Rulings of the Court, **39:3**
- Verdicts
 - General verdict with interrogatories, **49:1**
 - Special verdict, written findings for each issue, **49:1**
 - Special verdicts and interrogatories, **Rule 49**

TRUSTEES

- Sales by trustees for the benefit of creditors, execution sales, **69:3**

UNINCORPORATED ASSOCIATIONS

- Class actions by or against, **Rule 23.2, 23.2:1**

VENUE

- Generally, **Rule 75**
 - Superseding effect of Trial R. 75, **75:4**
- Appeal from order denying transfer of action, **75:5**
- Change of venue
 - Generally, **Rule 76**

VENUE—Cont'd

- Change of venue—Cont'd
 - Change of judge, **76:2**
 - Change of venue from county, **76:1**
 - Jurisdiction of trial court pending change from county, **Rule 78, 78:1**
 - Transfer of action, procedure for transfer to preferred county, **75:2**
 - Filing motion under Trial Rule 76, **76:3**
 - Time requirements, filing motion, **76:3**
- Court records, required administration and management of records by clerk of circuit court, **Rule 77, 77:1**
- Judges, special selection of, **Rule 79, Rule 79.1**
 - City and town courts, **Rule 79.1**
 - Disqualification of judge, **79:2**
 - Marion County Small Claims Courts, **Rule 79.1, 79.1:1**
 - Procedure for selection of new judge, **79:1**
 - Recusal of judge, **79:2**
- Jurisdiction of trial court pending change from county, **Rule 78, 78:1**
- Order denying transfer of action, appeal from, **75:5**
- Preferred venue, **75:1**
- Superseding effect of Trial R. 75, **75:4**
- Transfer of action
 - Appeal from order denying, **75:5**
 - Order denying transfer, appeal from, **75:5**
 - Procedure for transfer to preferred county, **75:2**
- Transfer of venue, assessment of costs associated with, **75:3**

VERDICTS

- General verdict with interrogatories, **49:1**
- Judge to read the verdict, jury rules, **Appx A Rule 30**

VERDICTS—Cont'd

- Judgment on the evidence (directed verdict), **Rule 50**
- Motion for judgment on the evidence, **50:1**
- New trial in lieu of judgment on the evidence, **50:2**
- Juries of less than six-majority verdict, **Rule 48, 48:1**
- Special verdict, written findings for each issue, **49:1**
- Special verdicts and interrogatories, **Rule 49**

VERIFICATION OF PLEADINGS AND PAPERS

- Pleadings and motions, **Rule 11, 11:2**
- Affidavits, **11:2**
- Signatures. See index heading
SIGNATURE REQUIREMENTS

WITHDRAWAL FROM ACTION

- Attorney, **3.1:4**

WITHDRAWN PLEAS AND OFFERS

- Relevant evidence, rules of evidence, **Appx B Rule 410**

WITNESSES

- Authentication and identification
 - Rules of evidence, subscribing witness' testimony unnecessary, **Appx B Rule 903**
- Expert witnesses. See index heading
EXPERT OPINION AND TESTIMONY
- Impeachment of witnesses
 - Rules of evidence
 - Evidence of character and conduct, **Appx B Rule 608**
 - Impeachment by evidence of conviction of crime, **Appx B Rule 609**
 - Who may impeach, **Appx B Rule 607**
- Lay witnesses, opinion testimony by, rules of evidence, **Appx B Rule 701**
- Motion to separate, **43:4, 43:5**
- Rules of evidence
 - Bias of witness, **Appx B Rule 616**

WITNESSES—Cont'd

- Rules of evidence—Cont'd
 - Calling and interrogation of witnesses by court and jury, **Appx B Rule 614**
 - Competency. See index heading
COMPETENCY OF WITNESSES
 - Evidence of character, **Appx B Rule 608**
 - Evidence of character and conduct, **Appx B Rule 608**
 - Excluding witnesses, **Appx B Rule 615**
 - Impeachment by evidence of conviction of crime, **Appx B Rule 609**
 - Interpreters, **Appx B Rule 604**
 - Interrogatories and presentations, mode and order of, **Appx B Rule 611**
 - Lack of personal knowledge, **Appx B Rule 602**
 - Oath or affirmation, **Appx B Rule 603**
 - Prior statements of witnesses, **Appx B Rule 613**
 - Religious beliefs or opinions, **Appx B Rule 610**
 - Separation of witnesses, **Appx B Rule 615**
 - Who may impeach, **Appx B Rule 607**
 - Writing or object used to refresh memory, **Appx B Rule 612**
- WORK PRODUCT PRIVILEGE**
 - Discovery, **26:4, Appx B Rule 502**
- WRITING OR OBJECT USED TO REFRESH MEMORY**
 - Witnesses, rules of evidence, **Appx B Rule 612**
- WRITINGS OR WRITTEN INSTRUMENTS**
 - Admissibility of. See index heading
CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS
 - Pleading and proof of, **Rule 9.2**
 - Proof of execution of instruments filed with pleadings
 - Burden of proof, **9.2:2**

INDEX

**WRITINGS OR WRITTEN
INSTRUMENTS—Cont'd**
Pleading and proof of, **Rule 9.2**
—Cont'd
Proof of execution of instruments
filed with pleadings—Cont'd
Exceptions, **9.2:2**
When written instrument must be
filed with pleading
Inspection, **9.2:1**
Non-compliance, **9.2:1**

**WRITINGS OR WRITTEN
INSTRUMENTS—Cont'd**
Questions
Depositions, **Rule 31, 31:1**
Written admissions of party,
testimony or, rules of evidence,
Appx B Rule 1007