UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: ASSIGNMENT OF CIVIL CASES   General Order No. 2020-02

GENERAL ORDER

This general order is being entered pursuant to 28 U.S.C. § 137 and Local Rule 40-1, providing for distribution of the court's business and caseload among the Judges in such manner as may be prescribed by order of the court.

IT IS HEREBY ORDERED that all civil cases filed in the Northern District of Indiana shall be randomly assigned to a United States District Judge then resident in the division in which the case is filed except as hereinafter provided. As there is no resident judge currently in Lafayette, all civil cases filed in the Lafayette courthouse shall be randomly assigned to a district judge located in Hammond.

This Order supersedes General Order 2019-11 entered October 7, 2019 and shall not affect the assignment of criminal cases. The separate assignment wheel for Social Security Appeals created by General Order 2018-14A entered on September 20, 2018 is not affected by this General Order.

1. *Assignment of a Presiding Judge*

Except as hereinafter provided, civil cases filed in Fort Wayne will be assigned to Judge William C. Lee, Judge Holly A. Brady, or Judge Damon R. Leichty with Judge Holly A. Brady taking a full share and Judge Damon R. Leichty taking 10% of a full share. Civil cases filed in Hammond and Lafayette will be assigned to Chief Judge Theresa L. Springmann, Judge Philip P. Simon, Judge James T. Moody or Judge Joseph S. Van Bokkelen with Chief Judge Theresa L. Springmann taking a full share and Judge Philip P. Simon taking a full share. Civil cases filed in

South Bend will be assigned to Judge Jon E. DeGuilio, Judge Damon R. Leichty, or Judge

Robert L. Miller, Jr., with Judge Jon E. DeGuilio taking a full share and Judge Damon R.

Leichty taking 90% of a full share.

Each senior judge shall receive a percentage of the total number of cases assigned to an

active judge. The percentage of any senior judge's caseload is subject to change and shall be

based upon the judge's annual request for certification under the Ethics Reform Act of 1989, 28

U.S.C. § 371, the Judicial Conference rules implementing § 371, *see* Guide to Judiciary Policies

and Procedures, Vol. 12, § 620.45, and the Seventh Circuit Guidelines to Determine the Staffing

Requirements of Senior and Recalled Judges (adopted September 30, 1997).

2. *Assignment of a Magistrate Judge*

Except as hereinafter provided or unless otherwise directed by the presiding judge, every

civil case filed in the Northern District of Indiana shall be assigned to a magistrate judge located

in the division of the court in which the case is filed for the purpose of conducting all non-

dispositive pretrial proceedings, pursuant to 28 U.S.C. § 636(b)(1)(A); FED. R. CIV. P. 72(a) and

General Orders 2003-21, 2004-6, and 2018-2. Cases filed in the Lafayette courthouse shall be

assigned to a magistrate judge located in Hammond.

3. *Exceptions*

The following exceptions shall be made in implementing this order:

(a) All petitions under 28 U.S.C. § 2254 filed by persons under sentence of death shall be

assigned on a rotating basis among the district judges except as noted in 3(c), (d) and (e) below.

(b) All petitions under 28 U.S.C. § 2255 shall be assigned to the presiding judge in the

related criminal case or shall be randomly assigned to another judge in the district, if the

presiding judge is unavailable. However, any 28 U.S.C. § 2255 petitions or revocation

proceedings arising from cases formerly assigned to Judge Allen Sharp will be assigned to Judge DeGuilio.

(c) Judge Moody will share in a combined civil and criminal caseload equal to 40% of the total number of cases assigned to an active judge, but will not be assigned actions of the following types: truth-in-lending (nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); Social Security (nature of suit codes 861-865); environmental (nature of suit code 893); §2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(d) Judge Van Bokkelen will share in a civil caseload equal to 25% of the total number of cases assigned to an active judge, but will not be assigned civil actions of the following types: truth-in-lending (nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); environmental (nature of suit code 893); § 2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(e) Judge Lee will share in a civil caseload equal to 50% of the total number of cases assigned an active judge, but will not be assigned actions of the following types: truth-in-lending

(nature of suit code 371); bankruptcy (nature of suit codes 422-423); Individuals with Disabilities Education Act (whether coded as nature of suit 440 or 448); labor (nature of suit codes 710-791); copyrights, patent and trademark (nature of suit codes 820, 830 and 840); environmental (nature of suit code 893); § 2254 petitions filed by persons under sentence of death (nature of suit code 535); class actions; complaints requesting replevin; or complaints which are titled as requesting a permanent injunction or are filed with an initial request for a temporary restraining order or preliminary injunction.

(f) Judge Miller will share in a civil caseload equal to 50% of the total number of cases assigned an active judge but will not be assigned environmental actions (nature of suit code 893) or complaints which are filed with an initial request for a temporary restraining order or preliminary injunction.

(g) No magistrate judge shall be assigned in cases in which the nature of suit involves a bankruptcy appeal or petition under 28 U.S.C. §§ 2241, 2254 filed by persons under sentence of death, or 2255.

SO ORDERED.

Dated: March 6, 2020

/s/ Theresa L. Springmann
Theresa L. Springmann, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge