

STATE OF INDIANA)
COUNTY OF MONROE

IN THE MONROE CIRCUIT COURT
CASE NO: 53C06-2407-PL-001733

STATE OF INDIANA ex rel. TODD ROKITA,
PLAINTIFF,

vs.

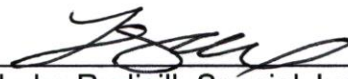
RUBEN MARTE, in his official capacity as
MONROE COUNTY SHERIFF,
MONROE COUNTY SHERIFF'S OFFICE.

ORDER ON DEFENDANTS' MOTION TO DISMISS

1. The Court finds that Plaintiff sufficiently stated a claim upon which relief could be granted insofar as Defendants' alleged violation of Indiana Code 5-2-18.2-4 is concerned.
2. The Court finds that Plaintiff's Complaint, as originally filed, fails to adequately state a claim upon which relief could be granted insofar as Defendants' alleged violation of Indiana Code 5-2-18.2-3 is concerned, given that MCSO-12 essentially incorporates that statute and Plaintiff articulates no theory of how MCSO-12 violates a statute it appears to incorporate.
3. The Court finds that the appropriate remedy for the defect in the Complaint (as relates to Indiana Code 5-2-18.2-3) is to permit Plaintiff an opportunity to amend its Complaint, given the totality of the circumstances.
4. In addition to deciding whether to withdraw or supplement the unarticulated allegations of Defendants' purported violation of Indiana Code 5-2-18.2-3 in its Amended Complaint, the Plaintiff is authorized but not bound to also supplement the Complaint with regard to the allegations of Defendants' purported violation of Indiana Code 5-2-18.2-4, even though the Court is denying dispositive relief on that component of the Complaint.
5. The Court clarifies for the parties that it has not considered extrinsic evidence included within Defendants' Motion to Dismiss as support for its alternative summary judgment relief; and the Court further determines that, in light of the Complaint amendment relief afforded to Plaintiff herein and for reasons sufficiently plead, it is premature to rule on summary judgment motions, and, as such, hereby denies Defendants' alternative request for summary judgment relief without prejudice.

6. Each party shall have the opportunity to file, amend, renew, etc. summary judgment and/or other dispositive pleadings following the earlier of Plaintiff's filing of its Amended Complaint or the expiration of its deadline by which to do so.
7. Court hereby directs Plaintiff to file its Amended Complaint on or before January 9, 2025.

So Ordered this 19th day of December, 2024.



Luke Rudisill, Special Judge
Monroe Circuit Court VI