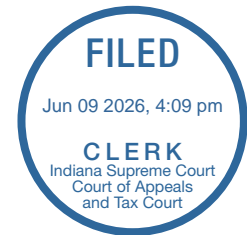


In the Indiana Supreme Court

Cause No. 26S-MS-8



Order Amending Rules of Trial Procedure

The Committee on Rules of Practice and Procedure has proposed amendments to the Rules of Trial Procedure. The proposed amendments clarify the timing of responsive pleadings.

The Court has considered the proposed amendments. Under the Court's authority to establish procedures and supervise the administration of all courts in the state, Trial Rules 6 and 12 are amended as set forth in Exhibit A to this order (deletions shown by ~~strikethrough~~ and new text shown by underlining).

These amendments are effective July 1, 2026.

Done at Indianapolis, Indiana, on 6/9/2026.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush

Chief Justice of Indiana

All Justices concur.

Indiana Rules of Trial Procedure

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Rule 6. Time

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(D) Response and Reply Deadlines.

Except as otherwise provided in these rules or ordered by the court, the following times apply:

(1) Pleadings. A response to a pleading must be filed within twenty days after service of the pleading.

(2) Motions. A response to a motion must be filed within twenty days after service. Any reply must be filed within fourteen days after service of the response.

These deadlines do not apply to motions to continue under Rule 7, summary judgment motions under Rule 56, ~~and~~ motions to correct error under Rule 59, ~~and motions filed under Rule 60(B).~~ Filing a motion under Rule 12 alters the time for filing a responsive pleading as provided in Rule 12(A).

...

(F) Affidavits.

When a motion is supported by affidavit, the affidavit must be served with the motion; and, except as otherwise provided ~~in Rule 59(D) in these rules~~, opposing affidavits may be served not less than one day before the hearing, unless the court permits them to be served at some other time.

(G) Additional time after service by United States mail.

Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper ~~upon him~~ and the notice or paper is served ~~upon him~~ by United States mail, three days must be added to the prescribed period.

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Rule 12. Defenses, ~~and objections, and motions on the pleadings—When and how presented—By pleading or motion—Motion for judgment on the pleadings~~

(A) When presented.

Exhibit A

The time allowed for the presentation of defenses and objections in a motion or responsive pleading ~~is shall be~~ computed ~~as set forth in this rule pursuant to the provisions of Rule 6(C). Filing a motion permitted under this rule alters the time for filing a responsive pleading as follows, unless a different time is fixed by the court:~~

~~(1) if the court does not grant the motion, the responsive pleading must be filed within ten days of the order;~~

~~(2) if the court grants the motion and corrective action is permitted, an amended pleading taking the corrective action must be filed within ten days of the order, and the responsive pleading must be filed within ten days thereafter.~~

(B) How presented.

Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, ~~must shall~~ be asserted in the responsive pleading thereto if one is required; except that at the option of the pleader, the following defenses may be made by motion:

(1) Lack of jurisdiction over the subject matter;~~;~~

(2) Lack of jurisdiction over the person;~~;~~

(3) Incorrect venue under ~~Trial~~ Rule 75, or any statutory provision. The disposition of this motion ~~must shall~~ be consistent with ~~Trial~~ Rule 75;~~;~~

(4) Insufficiency of process;

(5) Insufficiency of service of process;

(6) Failure to state a claim upon which relief can be granted, which ~~must shall~~ include failure to name the real party in interest under Rule 17;

(7) Failure to join a party needed for just adjudication under Rule 19;

(8) The same action pending in another state court of this state.

A motion making any of these defenses ~~must shall~~ be made before pleading if a further pleading is permitted or within twenty ~~[20]~~ days after service of the prior pleading if none is required. If a pleading sets forth a claim for relief to which the adverse party is not required to file a responsive pleading, any of the defenses in ~~section~~ (B)(2), (3), (4), (5) or (8) is waived to the extent constitutionally permissible unless made in a motion within twenty ~~[20]~~ days after service of the prior pleading. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion.

Exhibit A

When a motion to dismiss is sustained for failure to state a claim under ~~subdivision~~ (B)(6). ~~of this rule~~ the pleading may be amended once as of right pursuant to Rule 15(A) within ten ~~[10]~~ days after service of notice of the court's order sustaining the motion and thereafter with permission of the court pursuant to such rule.

If the court does not grant a motion making any of these defenses, the responsive pleading must be filed within ten days of the order under ~~section 12~~(A)(1).

If, on a motion, ~~asserting the defense numbered~~ (6); to dismiss for failure ~~of the pleading~~ to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion ~~must~~shall be treated as one for summary judgment and disposed of as provided in Rule 56. In such case, all parties ~~must~~shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56.

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(E) Motion for more definite statement.

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, ~~he may move for a motion for a~~ more definite statement ~~before interposing his~~ may be filed before the responsive pleading. The motion ~~must~~shall ~~point out the~~ include all defects complained of and the details desired. If the motion is granted, ~~the non-movant must file a corrective pleading within ten days of the order, and the order of the court is not obeyed within twenty [20] days after notice of the order or within~~ such other time as the court may fix, ~~the court may strike the pleading to which the motion was directed or make such order as it deems just. Failure to do so may result in striking of the pleading or such other relief as the court may order. If the motion is denied, the responsive pleading must be filed within ten days of the order under (A)(1).~~

(F) Motion to strike.

Upon motion made by a party before responding to a pleading, or, if no responsive pleading is permitted by these rules, upon motion made by a party within twenty ~~[20]~~ days after the service of the pleading ~~upon him~~ or at any time upon the court's own initiative, the court may order stricken from any pleading any insufficient claim or defense or any redundant, immaterial, impertinent, or scandalous matter.

(G) Consolidation of defenses in motion.

~~A party who makes a~~Any motions or defenses ~~motion~~ under this rule may be consolidated in one motion ~~join with it any other motions herein provided for and then available to him.~~ If

Exhibit A

a party makes a motion under this rule but omits ~~therefrom~~ any available defense or objection ~~then available to him~~ which this rule permits to be raised by motion, ~~he shall not thereafter make a~~ no motion based on the omitted defense or objection ~~is permitted so omitted. He may, however, make such motions as are except as~~ allowed under ~~subdivision (H)(2) of this rule.~~

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