

IN THE
COURT OF APPEALS OF INDIANA

Jamillah Cherry-Wiggins,

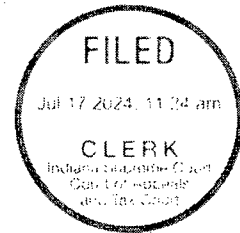
Appellant,

v.

The Methodist Hospital, Inc.,

Appellee.

Court of Appeals Cause No.
24A-CT-38

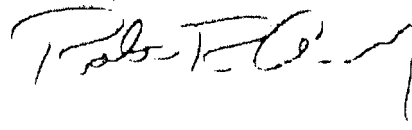


Order

- [1] On March 22, 2024, the Court granted, in part, Appellant's "Motion for Extension of Time to Correct Brief and to Extend Deadline Time to Respond and Complete Brief" and directed Appellant, among other things, to file an Appellant's brief and appendix within thirty days of service of the Notice of Completion of Transcript. The Court's March 22nd order cautioned Appellant that failure to comply with the Court's order may result in dismissal of this appeal.
- [2] Notice of Completion of Transcript was served on May 10, 2024, making the Appellant's brief and appendix due on June 10, 2024. To date, Appellant has failed to file an Appellant's brief and appendix.
- [3] Appellee has now filed a Second Ind. Appellate Rule 36(B) Motion to Dismiss Appeal. No response has been filed.
- [4] Having reviewed the matter, the Court finds and orders as follows:
 1. Appellee's Second Ind. Appellate Rule 36(B) Motion to Dismiss Appeal is granted, and this appeal is dismissed with prejudice. *See App. R. 45(D).*

2. The Clerk of the Court is directed to send this order to the parties, the trial court, and the Lake Circuit and Superior Courts Clerk.
3. The Lake Circuit and Superior Courts Clerk is directed to file this order under Cause Number 45D01-1910-CT-1084, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Ordered: 7/17/2024

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Chief Judge

In the
Indiana Supreme Court

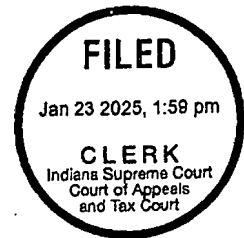
Jamillah Cherry-Wiggins,
Appellant(s),

v.

The Methodist Hospital, Inc.,
Appellee(s).

Court of Appeals Case No.
24A-CT-00038

Trial Court Case No.
45D01-1910-CT-1084



Order

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction, filed pursuant to Indiana Appellate Rules 56(B) and 57, following the issuance of a decision by the Court of Appeals. The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer jurisdiction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition.

Appellant argues that the dismissal of her appeal for failure to timely file her Appellant's Brief was inappropriate because (1) she was given "inconsistent deadline dates"; (2) the Appellate Rules did not "explain the difference in calendar days or business days as it relates to the 30-day timeframe for [a] brief to be submitted"; and (3) the Appellate Rules also did not address whether the deadlines were based on Eastern, Central, or Pacific time. But we note that timeliness was not the issue here. Appellant **did** timely tender her Appellant's Brief. But it was not filed because it was defective, and these defects—first identified in the Clerk's Notice of Defect issued February 9, 2024—were not timely corrected.

Being duly advised, the Court **DENIES** the petition to transfer.

Done at Indianapolis, Indiana, on 1/23/2025.

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Loretta H. Rush

Chief Justice of Indiana

All Justices concur.

IN THE
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Jamillah Cherry-Wiggins,

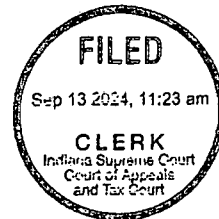
Appellant,

v.

The Methodist Hospital, Inc.,

Appellee.

Court of Appeals Cause No.
24A-CT-38



Order

- [1] On July 17, 2024, this appeal was dismissed with prejudice pursuant to Appellate Rule 45(D). Appellant has now filed a Petition for Rehearing. In addition, Appellee has filed a Response to Petition for Rehearing.
- [2] Having reviewed the matter, the Court finds and orders as follows:
 - 1. Appellant's Petition for Rehearing is denied.
 - 2. This appeal remains dismissed.
- [3] Ordered: 9/13/2024
Crone, Felix, JJ., Baker, Sr. J., concur.

For the Court,

A handwritten signature in black ink, appearing to be "Robt. Crone", written over a horizontal line.

Chief Judge

**Additional material
from this filing is
available in the
Clerk's Office.**