

STATE OF INDIANA
VIGO SUPERIOR COURT
DIVISION TWO
2018 TERM

VIGO COUNTY SCHOOL CORPORATION,
Plaintiff,

v.

CAUSE NO. 84D02 1802 CT 1243

M&P PROPERTIES GROUP, LLC,
MICHAEL R. PICK, FRANKLIN V. FENNELL,
FRANK SHAHADEY and PAULA SHAHADEY,
Defendant.

ORDER OF RECUSAL

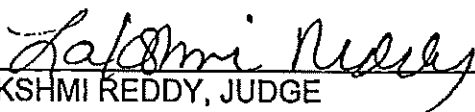
Rule 2.7 of the Indiana Code of Judicial Conduct provides that "A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law." On Friday, April 6, 2018, the Court issued a Notice of Disclosure regarding a social encounter with one of the defendants. At that time, the Court saw no reason for recusal under the ethical rules and provided the parties with an opportunity to seek a change of judge.

The Indiana Code of Judicial Conduct establishes that a judge *shall* recuse himself/herself if there is a perception of bias, prejudice, or impartiality. Rule 2.11 of the Indiana Code of Judicial Conduct provides the following: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned" This Rule applies regardless of whether any of the specific circumstances contained in Rule 2.11 exist or apply. See Comment to Rule 2.11. In addition, "[a] judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed." *Id.*

Since the Court's Notice on April 6, 2018, the disclosure has been the subject of media attention and raised questions about the impartiality of the undersigned Judge. As there is now a public perception of bias and questions of impartiality have been raised, the undersigned Judge believes the Code of Judicial Conduct requires recusal.

For all of the foregoing reason, this undersigned Judge hereby recuses herself from this case pursuant to Rule 2.11 of the Indiana Code of Judicial Conduct. The parties have **ten (10) days from today's date** to agree upon a Special Judge and if this Court does not receive notice of their agreement by **April 20, 2018**, this case will be referred to the District Judge for reassignment.

SO ORDERED ON APRIL 9, 2018


LAKSHMI REDDY, JUDGE

Distribution:
Parties of record