



# Appellate Bryan H. Babb Experience

Bryan Babb served as a judicial law clerk to Justice Frank Sullivan, Jr. of the Indiana Supreme Court before he came to the firm. During law school, he served as the editor-in-chief of the *Indiana Law Journal*, Volume 74, and was a semifinalist in the Sherman Minton Moot Court Competition.

## Indiana Supreme Court

*Marion County Auditor v. Sawmill Creek, LLC*, \_\_\_ N.E.2d \_\_\_ (Ind. 2012) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "9/19/2011 9:00:00 AM")

*Howard v. United States*, \_\_\_ N.E.2d \_\_\_ (Ind. 2012) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "9/01/2011 9:00:00 AM")

*Ramsey v. Moore*, \_\_\_ N.E.2d \_\_\_ (Ind. 2012) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "6/20/2011 10:30:00 AM")

*Franklin Elec. Co. v. Unemployment Ins. Appeals of the Ind. Dep't of Workforce Dev.*, 953 N.E.2d 1066 (Ind. 2011) (amicus)

*Howard Reg'l Health Sys. v. Gordon*, 952 N.E.2d 182 (Ind. 2011) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "10/28/2010 10:30:00 AM")

*Melanchik v. State of Indiana*, 928 N.E.2d 564 (Ind. 2010) (amicus)

*Wash. Twp. Fire Dep't v. Beltway Surgery Ctr.*, 921 N.E.2d 825 (Ind. 2010)

*In re Adoption of B.W.*, 908 N.E.2d 586 (Ind. 2009), 2009 WL 1818360 (Ind. June 26, 2009)

*Burke v. Bennett*, 907 N.E.2d 529 (Ind. 2009) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "5/28/2009 10:05:00 AM")

*Henri v. Curto*, 908 N.E.2d (Ind. 2009), 2009 WL 1685134 (Ind. June 17, 2009) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "1/29/2009 10:30:00 AM")

*Stanley v. Walker*, 906 N.E.2d 852 (Ind. 2009) (amicus)

*Butler v. Ind. Dept. of Ins.*, 904 N.E.2d 198 (Ind. 2009) (amicus)

*Cooper Industries, LLC v. City of South Bend*, 899 N.E.2d 1274 (Ind. 2009) (amicus)

*Wagler v. West Boggs Sewer Dist., Inc.*, 898 N.E.2d 815 (Ind. 2008)

*Filip v. Block*, 879 N.E.2d 1076 (Ind. 2008) (amicus)

*Elliott v. Allstate Insurance Co.*, 881 N.E.2d 662 (Ind. 2008) (amicus)

*State Farm Mutual Automobile Insurance Co. v. Jakupko*, 881 N.E.2d 654 (Ind. 2008) (amicus)

*City of Carmel v. Certain Southwest Clay Township Annexation Territory Landowners*, 868 N.E.2d 793 (Ind. 2007) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "3/8/2007 9:45:00 AM") (argument timeframe: 01:26 to 17:57 and 40:51 to 45:40)

*Kelley v. Tanoos*, 865 N.E.2d 593 (Ind. 2007) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "9/06/2006 2:15:00 PM")

*Atlantic Coast Airlines v. Cook*, 857 N.E.2d 989 (Ind. 2006) (amicus) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and go to date "9/8/2005 9:00:00 AM") (argument timeframe: 37:51 to 48:55)

*Ind. Ass'n of Bev. Retailers v. Thornton Oil*, 836 N.E.2d 255 (Ind. 2005) (amicus)

*Pabey v. Pastrick*, 816 N.E.2d 1138 (Ind. 2004) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and go to date "04.13.04") ([rtsp://realvideo.ind.net:7070/real/SupremeCourt/04132004\\_0145pm.rm](rtsp://realvideo.ind.net:7070/real/SupremeCourt/04132004_0145pm.rm), 29:27 to 50:47), *reh'g denied*

*Theising v. ISP.com, LLC*, 805 N.E.2d 778 (Ind. 2004), *reh'g denied*

*Black v. A.C. & S., Inc.*, 785 N.E.2d 1084 (Ind. 2003) (amicus)

*AlliedSignal, Inc. v. Ott*, 785 N.E.2d 1068 (Ind. 2003) (amicus)

*Bradley v. City of New Castle*, 764 N.E.2d 212 (Ind. 2002)

*Songer v. Civitas Bank*, 771 N.E.2d 61 (Ind. 2002) (amicus)

*Wal-Mart Stores, Inc. v. Wright*, 774 N.E.2d 891 (Ind. 2002), *reh'g denied*

### **Indiana Court of Appeals**

*Skyline Roofing & Sheet Metal Co. v. Ziolkowski Constr., Inc.*, \_\_\_ N.E.2d \_\_\_ (Ind. Ct. App. Oct. 25, 2011)

*Marion County Auditor v. Sawmill Creek, LLC*, 938 N.E.2d 778 (Ind. Ct. App. 2010), *trans. granted*

*Dept. of Waterworks v. Cmty. Sch. Corp.*, 940 N.E.2d 832 (Ind. Ct. App. 2010), *trans. denied*

*City of Indianapolis v. Duffit*, 929 N.E.2d 231 (Ind. Ct. App. 2010) (amicus)

*Howard Reg'l Health Sys. v. Gordon*, 925 N.E.2d 453 (Ind. Ct. App. 2010) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "3/03/2010 1:30:00 PM"), *trans. granted*

*White Rogers, a Div. of Emerson Elec. v. Kindle*, 925 N.E.2d 406 (Ind. Ct. App. 2010) (oral argument on January 21, 2010, at Carmel High School, Carmel, Indiana; DVD available upon request)

*Greene County v. Weddle Bros. Constr. Co.*, 924 N.E.2d 22 (Ind. Ct. App. 2010) (table) (mem. decision found at 2010 WL 908661)

*Rashin v. Rashin*, 936 N.E.2d 873 (Ind. Ct. App. Nov. 5, 2010) (table) (mem. decision found at 2010 WL 4380244)

*Newland Res., LLC v. Branham Corp.*, 918 N.E.2d 763 (Ind. Ct. App. 2009) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "10/05/2009 2:00:00 PM")

*Farrante v. Geisler*, 915 N.E.2d 568 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 3047428)

*Brown-Day v. Allstate Ins. Co.*, 915 N.E.2d 548 (Ind. Ct. App. 2009), *trans. denied*

*In Annexation of Certain Terr. to City of Muncie*, 914 N.E.2d 796 (Ind. Ct. App. 2009) (amicus), *trans. sought but dismissed*

*Wash. Twp. Fire Dep't v. Beltway Surgery Ctr.*, 911 N.E.2d 590 (Ind. Ct. App. 2009), *trans. granted*

*City of Michigan City v. Mem'l Hosp.*, 908 N.E.2d 1281 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 1789307)

*Onward Fire Dep't v. Clarian Health Partners*, 908 N.E.2d 1282 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 1797000)

*Wayne Twp. Fire Dep't v. Beltway Surgery Ctr.*, 908 N.E.2d 1282 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 1810996)

*Morgan County Comm'rs v. Clarian Health Partners*, 908 N.E.2d 1282 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 1811069)

*Adecco, Inc. v. Clarian Health Partners*, 908 N.E.2d 1283 (Ind. Ct. App. 2009) (table) (mem. decision found at 2009 WL 1810982)

*Benton County Remonstrators v. Bd. of Zoning Appeals*, 905 N.E.2d 1090 (Ind. Ct. App. 2009)

*Wymerley Sanitary Works v. Batliner*, 904 N.E.2d 326 (Ind. Ct. App. 2009) ) (oral argument on March 11, 2009, at 1:30 PM in

the Indiana Supreme Court Courtroom but it was not recorded), *trans. denied*

*Cox v. Matthews*, 901 N.E.2d 14, 2009 WL 367375, (Ind. Ct. App. 2009), *trans. sought but dismissed*

*Lindsey v. DeGroot*, 898 N.E.2d 1251 (Ind. Ct. App. 2009)

*Schilling v. Huntington County Cmty. Sch. Corp.*, 898 N.E.2d 385 (Ind. Ct. App. 2008)

*Save the Valley, Inc. v. Ferguson*, 896 N.E.2d 1205 (Ind. Ct. App. 2008)

*Burke v. Bennett*, 896 N.E.2d 505 (Ind. Ct. App. 2008) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "7/08/2008 1:00:00 PM")

*Gaia Wines, Inc. v. Heartland Community Bank*, 894 N.E.2d 604 (Ind. Ct. App. 2008) (table) (mem. decision found at 2008 WL 4367836)

*Henri v. Curto*, 891 N.E.2d 135 (Ind. Ct. App. 2008) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "5/22/2008 11:30:00 AM"), *trans. granted*

*Garcia v. Bos (In re B.W.)*, 889 N.E.2d 1236 (Ind. Ct. App. 2008), *trans. granted*

*Lauth Ind. Resort & Casino, LLC v. Lost River Dev., LLC*, 889 N.E.2d 915 (Ind. Ct. App. 2008) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "5/28/2008 11:00:00 AM"), *trans. denied*

*In re Membership of Benton County Bd. of Zoning Appeals*, 886 N.E.2d 654 (Ind. Ct. App. 2008) (table) (mem. decision found at 2008 WL 2152348)

*Johnson County REMC v. So. Cent. Ind. REMC*, 883 N.E.2d 141 (Ind. Ct. App. 2008)

*Bigley v. MSD of Wayne Twp. Sch.*, 881 N.E.2d 77 (Ind. Ct. App. 2008)

*Lighty v. Lighty*, 879 N.E.2d 637 (Ind. Ct. App. 2008)

*Keeley v. Keeley*, 808 N.E.2d 338 (Ind. Ct. App. 2008) (table) (mem. decision found at 2008 WL 253034)

*City of Carmel, Indiana v. Certain Home Place Annexation Territory Landowners*, 874 N.E.2d 1045 (Ind. Ct. App. 2007) (oral argument) (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/oao.html>, and click date "9/18/2007 1:00:00 PM"), *trans. denied*

*Keesling v. T.E.K. Partners, LLC*, 861 N.E.2d 1246, 1248 (Ind. Ct. App. 2007)

*Estate of Lee v. Lee & Urbahns Co.*, 876 N.E.2d 361 (Ind. Ct. App. 2007)

*Perry v. Madison Acquisition, LLC*, 872 N.E.2d 700 (Ind. Ct. App. 2007) (table) (mem. decision found at 2007 WL 2363654)

*North Side Service Center, Inc. v. Kulwin*, 873 N.E.2d 1144 (Ind. Ct. App. 2007) (table) (mem. decision found at 2007 WL 2769637), *reh'g denied*

*GPI at Danville Crossing, L.P. v. W. Cent. Conservancy Dist.*, 867 N.E.2d 645 (Ind. Ct. App. 2007), *trans. denied*

*Olson v. Alick's Drugs, Inc.*, 863 N.E.2d 314 (Ind. Ct. App. 2007), *trans. denied*

*Davis v. LeCuyer*, 849 N.E.2d 750 (Ind. Ct. App. 2006), (oral argument on April 11, 2006, at Hamilton Southeastern High School, Fishers, Indiana), *trans. denied*

*IDEM v. Lake County Solid Waste Management District*, 847 N.E.2d 974 (Ind. Ct. App. 2006), (oral argument on April 11, 2006, at Hamilton Southeastern High School, Fishers, Indiana), *trans. denied*

*Clancy v. Goad*, 858 N.E.2d 653 (Ind. Ct. App. 2006), *trans. denied*

*Indiana Bell Telephone, Co., Inc., et al. v. Indiana Utility Regulatory Com'n, et al.*, 855 N.E.2d 357 (Ind. Ct. App. 2006), *trans. denied*

*Clay Township Reg'l Waste Dist. v. Boone County Bd. of Comm'rs*, No. 06A04-0601-CV-40 (Ind. Ct. App. Feb. 6, 2006) (granting emergency motion to stay)

*SCI Ind. Funeral Servs., Inc. v. D.O. McComb & Sons, Inc.*, 820 N.E.2d 700 (Ind. Ct. App. 2005) (oral argument) *trans. denied* (oral argument webcast can be viewed via Real Video® at <http://www.in.gov/judiciary/webcast/ooo.html>, and go to date "12.16.04") ([http://realvideo.ind.net:8080/ramgen/real/SupremeCourt/12162004\\_0230pm.rm](http://realvideo.ind.net:8080/ramgen/real/SupremeCourt/12162004_0230pm.rm), 27:35-30:01; 35:40-43:08)

*Noble Roman's, Inc. v. Pizza Boxes, Inc.*, 835 N.E.2d 1094 (Ind. Ct. App. 2005)

*Kelley v. Tanoos*, 840 N.E.2d 342 (Ind. Ct. App. 2005), *trans. granted*

*Knightstown Banner, LLC v. Town of Knightstown*, 838 N.E.2d 1127 (Ind. Ct. App. 2005) (amicus on transfer), *trans. granted*

*Northrop Corp. v. General Motors Corp.*, 807 N.E.2d 70 (Ind. Ct. App. 2004), *trans. denied*

*Kelley v. Vigo County School Corp.*, 806 N.E.2d 824 (Ind. Ct. App. 2004), *trans. denied*

*Breece v. Lugo*, 800 N.E.2d 224 (Ind. Ct. App. 2003), *trans. denied*

*Lake Central School Corp. v. Hawk Development Corp.*, 793 N.E.2d 1080 (Ind. Ct. App. 2003), *reh'g denied*

*PCL Calumet, A Joint Venture v. EnterCitement, LLC*, 760 N.E.2d 633 (Ind. Ct. App. 2001), *trans. denied*

*Wal-Mart Stores, Inc. v. Wright*, 754 N.E.2d 1013 (Ind. Ct. App. 2001) (oral argument), *trans. granted*

### **U.S. Court of Appeals**

*Shell Oil. Co. v. Wickens*, 620 F.3d 747 (7th Cir. 2010) (audio recording of oral argument available at <http://www.ca7.uscourts.gov/fdocs/docs.fwx?dname=arg>, and enter "09-2737" in the "Case Number" field).

*Sturgis v. Author Solutions, Inc.*, 317 Fed. Appx. 553 (7th Cir. 2009) (unpublished opinion found at 2009 WL 761101)

*Lucero v. Nettle Creek School Corp.*, 566 F.3d 720 (7th Cir. 2009) (oral argument) (audio recording of oral argument available at <http://www.ca7.uscourts.gov/fdocs/docs.fwx?dname=arg>, and enter "08-2943" in the "Case Number" field)

*Am. Bar Ass'n v. Fed. Trade Comm'n*, 430 F.3d 457 (D.C. Cir. 2005) (amicus), *cert. denied*

*Associates Fin. Servs. Co., Inc. v. Bowman, Heintz, Boscia & Vician, P.C.*, (7th Cir. 2004) (settled before decision)

*Prostyakov v. Masco Corp.*, 513 F.3d 716 (7th Cir. 2008)

*Trask-Morton v. Motel 6 Operating, L.P.*, 534 F.3d 672 (7th Cir. 2008)