

INDIANA COURT OF APPEALS

Analise Parsley v. Ethan Marasco, Eric Marasco, and Rosiel Marasco

25A-PL-352 (Ind. Ct. App. Dec. 31, 2025) · No. 25A-PL-352 · Decided December 31, 2025

SUMMARY

The Indiana Court of Appeals affirmed summary judgment against Analise Parsley in her tort action against Ethan Marasco and his parents. The court held that Parsley’s federal complaint, which alleged Indiana citizenship for the plaintiff and two defendants, facially lacked complete diversity, and that counsel’s filing of the federal action constituted negligence in the prosecution under Indiana’s Journey’s Account Statute. The court also held that equitable tolling did not apply because the Journey’s Account Statute governed the sequence of filings.

CASE DETAILS

COURT	Indiana Court of Appeals
WRITING FOR THE COURT	Judge Vaidik; Judge Tavitas; Judge Felix
JURISDICTION	Indiana Court of Appeals
DECIDED	December 31, 2025
DOCKET	25A-PL-352
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a grant of summary judgment in favor of defendants in a state-court tort action. Plaintiff argued that Indiana's Journey's Account Statute and equitable tolling saved her state-court complaint, which was filed after the statute of limitations expired.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, applying the same standard as the trial court. Summary judgment is proper when the designated evidence shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Indiana Court of Appeals opinion; precedential under Indiana law.
PARTIES	Analise Parsley v. Ethan Marasco, Eric Marasco, Rosiel Marasco

TOPICS

- statute of limitations
- summary judgment
- civil procedure
- appellate procedure
- statutory interpretation

PRACTICE AREAS

Civil procedure

Appellate procedure

Torts

Statute of limitations

Remedies

QUESTIONS PRESENTED

1. Whether Parsley's late-filed state-court action was saved by Indiana's Journey's Account Statute because her earlier federal action failed for a reason other than negligence in the prosecution.
2. Whether equitable tolling applied to make the state-court action timely notwithstanding the Journey's Account Statute.
3. Whether the trial court properly granted summary judgment to defendants on the statute-of-limitations issue.

HOLDINGS

1. The Journey's Account Statute did not save Parsley's late-filed state complaint because the federal complaint, on its face, demonstrated a lack of complete diversity, and filing that complaint constituted negligence in the prosecution.
2. Equitable tolling under Torres did not save Parsley's state complaint because the Journey's Account Statute governed the sequence of events and required Parsley to satisfy its non-negligence condition, which she did not.
3. Summary judgment for Ethan, Eric, and Rosiel Marasco was proper because Parsley's state complaint was untimely and neither the Journey's Account Statute nor equitable tolling applied.

KEY QUOTATIONS

“Because Parsley’s federal complaint, on its face, showed that there was no diversity jurisdiction, we find that her attorneys were negligent in the prosecution of the case for purposes of the Journey’s Account Statute.” (at 2)

“But again, Ethan’s citizenship was not the jurisdictional flaw in the federal case. There was no diversity jurisdiction because the plaintiff and two of the defendants—Ethan’s parents—are citizens of Indiana.” (at 13)

“As explained above, the JAS replaced any common-law remedies.” (at 15)

FACTUAL BACKGROUND

Parsley alleged that Ethan Marasco operated a Snapchat account impersonating her and used it for approximately five and a half years to solicit sexually explicit photographs by posting images represented to be Parsley. She learned Ethan's identity on June 11, 2021, and filed federal tort claims on May 31, 2023, shortly before the agreed two-year limitations period expired. The federal complaint alleged that Parsley and Ethan's parents were Indiana citizens while Ethan was believed to be a Colorado citizen, thereby failing to establish complete diversity on the face of the complaint. After defendants challenged federal subject-matter jurisdiction, Parsley filed an essentially identical state complaint on August 29, 2023, after the limitations period had expired.

PROCEDURAL HISTORY

Parsley filed a tort complaint in federal district court within the limitations period, alleging diversity jurisdiction even though the complaint identified Parsley and two defendants as Indiana citizens. After defendants moved to dismiss for lack of subject-matter jurisdiction, Parsley filed a nearly identical complaint in Marion Superior Court and voluntarily dismissed the federal action. The trial court granted defendants summary judgment on limitations grounds, and the Indiana Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Lincoln Property Co. v. Roche, 546 U.S. 81, 89 (2005)
- Wisconsin Department of Corrections v. Schacht, 524 U.S. 381, 388 (1998)
- Hughley v. State, 15 N.E.3d 1000, 1003 (Ind. 2014)
- Eads v. Community Hospital, 932 N.E.2d 1239, 1243-47 (Ind. 2010)
- Vesolowski v. Repay, 520 N.E.2d 433, 434 (Ind. 1988), reh'g denied
- Parks v. Madison County, 783 N.E.2d 711, 721 (Ind. Ct. App. 2002)
- Zambrana v. Anderson, 549 N.E.2d 1078, 1079, 1081 (Ind. Ct. App. 1990)
- Dempsey v. Belanger, 959 N.E.2d 861, 866 (Ind. Ct. App. 2011), reh'g denied, trans. denied
- Mayfield v. Continental Rehabilitation Hospital of Terre Haute, 690 N.E.2d 738, 740-41 (Ind. Ct. App. 1998), trans. denied
- Torres v. Parkview Foods, 468 N.E.2d 580, 583 (Ind. Ct. App. 1984)
- Munoz v. Woroszylo, 29 N.E.3d 164, 166, 169 (Ind. Ct. App. 2015)