

SUPREME COURT OF INDIANA

R.L. Turner Corporation v. Town of Brownsburg

963 N.E.2d 453 (Ind. 2012) · No. 32S01-1109-PL-573 · Decided March 9, 2012

SUMMARY

The Indiana Supreme Court held that a trial court retains authority to consider a prevailing governmental defendant’s post-judgment petition for attorneys’ fees. The court concluded that such a petition is collateral to the merits and is not governed by the time limits for motions to correct error or motions for relief from judgment. The court also held that the trial court’s award did not require separately stated special findings and affirmed the award of fees to the Town of Brownsburg.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Shepard, Chief Justice; Dickson, Justice; Rucker, Justice; Sullivan, Justice; David, Justice
JURISDICTION	Indiana
DECIDED	March 9, 2012
DOCKET	32S01-1109-PL-573
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Indiana Supreme Court reviewed the Court of Appeals' affirmance of a trial court order awarding the Town of Brownsburg attorneys' fees after dismissing Turner's claims. The Supreme Court granted transfer and affirmed.
STANDARD OF REVIEW	A trial court's decision to grant attorneys' fees is reviewed for abuse of discretion. Findings of fact are reviewed for clear error, and legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Published and precedential Indiana Supreme Court opinion.
PARTIES	R.L. Turner Corporation v. Town of Brownsburg

TOPICS

- attorney fees
- civil procedure
- appellate procedure
- motions to dismiss
- municipal law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court lacked jurisdiction to award attorneys' fees after entering a final judgment dismissing Turner's claims.
2. Whether the Town's post-judgment petition for attorneys' fees was an untimely motion to correct error or motion for relief from judgment.
3. Whether the trial court was required to enter express special findings that Turner's claims or defenses were frivolous, unreasonable, groundless, or litigated in bad faith before awarding attorneys' fees.
4. Whether the record supported the award of attorneys' fees.

HOLDINGS

1. The trial court did not lose subject-matter or personal jurisdiction merely because it had entered final judgment. The validity of the post-judgment fee proceeding was governed by procedural rules and doctrines protecting finality, not by jurisdictional principles.
2. A petition for attorneys' fees is not subject to the time limits governing motions to correct error under Trial Rule 59(C) or motions for relief from judgment under Trial Rule 60(B), because a fee petition concerns a collateral matter and does not disturb the merits of the judgment.
3. An order awarding 'costs' does not itself grant or deny attorneys' fees because, under Indiana law, costs ordinarily means filing fees and statutory witness fees and excludes attorneys' fees.
4. The fee-shifting statutes did not require the trial court to make detailed express special findings before awarding attorneys' fees. In the absence of a proper request for special findings or an express statutory or rule-based requirement, the trial court's grant of the Town's fee petition was adequate as to form and constituted an implicit legal conclusion that the statutory standard was met.

KEY QUOTATIONS

“As such, jurisdictional concepts are simply the wrong analytical tools for determining whether an Indiana trial court's post-judgment action was a valid exercise of its authority.” (458)

“A petition for fees does not disturb the merits of an earlier judgment or order, so it does not implicate Indiana Trial Rules 59(C) or 60(B).” (460)

“when a trial court grants a petition for attorneys' fees without making special findings of fact, we look to the basis of the prevailing party's petition and view the court's order as an implicit legal conclusion consistent with the main thrust of the petition” (461)

FACTUAL BACKGROUND

The Town of Brownsburg and the Brownsburg Municipal Building Corporation undertook development of a municipal complex, and R.L. Turner Corporation entered a \$12 million general-contractor agreement with BMBC. After a conditional settlement proposal was not approved by the Town Council and was rescinded by the

BMBC board, Turner sued the Town for tortious interference and later added quantum meruit and third-party-beneficiary claims. The Town repeatedly warned Turner that it would seek attorneys' fees under Indiana's fee-shifting statutes, and the trial court ultimately dismissed the claims and awarded the Town fees.

PROCEDURAL HISTORY

Turner sued the Town for tortious interference and later amended its complaint to add quantum meruit and third-party-beneficiary claims. The trial court dismissed the claims, granted partial summary judgment on the tortious-interference claim, assessed costs, and later granted the Town's petition for attorneys' fees. The Court of Appeals affirmed, and the Indiana Supreme Court granted transfer, vacated the Court of Appeals' opinion, and affirmed the trial court.

DISPOSITION

affirmed

CASES CITED

- Emergency Physicians of Indianapolis v. Pettit, 714 N.E.2d 1111 (Ind. Ct. App.), adopted in part, 718 N.E.2d 753 (Ind. 1999)
- Turner v. State, 953 N.E.2d 1039 (Ind. 2011)
- K.S. v. State, 849 N.E.2d 538 (Ind. 2006)
- Perry v. Stitzer Buick GMC, Inc., 637 N.E.2d 1282 (Ind. 1994)
- Blanck v. Indiana Department of Correction, 829 N.E.2d 505 (Ind. 2005)
- LinkAmerica Corp. v. Albert, 857 N.E.2d 961 (Ind. 2006)
- J.I. Case Co. v. Sandefur, 245 Ind. 213, 197 N.E.2d 519 (1964)
- State Board of Tax Commissioners v. Town of St. John, 751 N.E.2d 657 (Ind. 2001)
- Wiley v. McShane, 875 N.E.2d 273 (Ind. Ct. App. 2007)
- Van Winkle v. Nash, 761 N.E.2d 856 (Ind. Ct. App. 2002)
- White v. New Hampshire Department of Employment Security, 455 U.S. 445 (1982)
- Browder v. Director, Illinois Department of Corrections, 434 U.S. 257 (1978)
- Indiana High School Athletic Association v. Schafer, 913 N.E.2d 789 (Ind. Ct. App. 2009)
- Walker v. Pullen, 943 N.E.2d 349 (Ind. 2011)
- St. Mary Medical Center v. Baker, 611 N.E.2d 135 (Ind. Ct. App. 1993)
- Inlow v. Henderson, Daily, Withrow & Devoe, 804 N.E.2d 833 (Ind. Ct. App. 2004)
- Kahn v. Cundiff, 543 N.E.2d 627 (Ind. 1989), aff'g and adopting 533 N.E.2d 164 (Ind. Ct. App. 1989)
- Northern Electric Co. v. Torma, 819 N.E.2d 417 (Ind. Ct. App. 2004)
- R.L. Turner Corp. v. Town of Brownsburg, 949 N.E.2d 372 (Ind. Ct. App. 2011)