

COURT OF APPEALS OF INDIANA

Coby Maxwell v. Cori Sparrow, M & B Maxwell Farm, Inc., and Cori Sparrow, as Personal Representative of the Estate of Marlene Maxwell

25A-CE-2947 · No. 25A-CE-2947 · Decided April 8, 2026

SUMMARY

The Indiana Court of Appeals held that defendants waived their objection to assignment of the case to the Commercial Court Docket by failing to timely file Notices of Refusal under Indiana Commercial Court Rule 4. The court reversed the Morgan Superior Court’s denial of transfer and remanded with instructions to transfer the case to the Commercial Court Docket in Marion County, the closest geographical commercial court. The court also held that the trial court could not extend the refusal deadline after it had expired.

CASE DETAILS

COURT	Court of Appeals of Indiana
WRITING FOR THE COURT	Judge Vaidik; Judge Bailey; Judge Scheele
JURISDICTION	Indiana Court of Appeals
DECIDED	April 8, 2026
DOCKET	25A-CE-2947
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal as of right from the Morgan Superior Court's denial of assignment and transfer to the Commercial Court Docket.
STANDARD OF REVIEW	De novo review applies because whether the defendants waived objection under Commercial Court Rule 4 presents a question of law.
PRECEDENTIAL VALUE	Published and precedential
PARTIES	Coby Maxwell v. Cori Sparrow, M & B Maxwell Farm, Inc., Cori Sparrow, as Personal Representative of the Estate of Marlene Maxwell

TOPICS

- commercial litigation
- commercial
- interlocutory appeal
- appellate procedure
- standard of review

PRACTICE AREAS

civil procedure

commercial litigation

appellate procedure

QUESTIONS PRESENTED

1. Whether defendants who failed to timely file Notices of Refusal waived any right to contest assignment to the Commercial Court Docket.
2. Whether the trial court could extend the Rule 4 deadline after the thirty-day period had expired.
3. Whether an eligible case initiated in a county without a designated commercial court may be transferred to the closest geographical commercial court when the parties have waived objection.
4. Whether the case must be transferred to the Commercial Court Docket in Marion County.

HOLDINGS

1. Defendants waived their objection to assignment to the Commercial Court Docket by failing to file Notices of Refusal by the deadline established by Commercial Court Rule 4(C)(2)(a).
2. The trial court could not extend the Rule 4 deadline after the thirty-day period had passed, absent unanimous consent of the other parties.
3. The Commercial Court Rules permit an eligible case filed in a county without a designated commercial court to be transferred to a designated Commercial Court Docket in another county.
4. The case must be transferred to the Commercial Court Docket in Marion County, the closest geographical commercial court to Morgan County.

KEY QUOTATIONS

“A party that fails to timely file a Refusal Notice waives . . . [a]ny right to contest, at any time during the proceedings or on appeal, the case’s eligibility for assignment to the Commercial Court Docket.” (2)

“That framework (1) fixes a strict deadline for objection under Rule 4(C)(2)(a); (2) provides that the failure to object within that period results in waiver of any right to contest assignment to the Commercial Court Docket at trial and on appeal under Rule 4(C)(2)(d)(ii); and (3) makes that waiver binding and irrevocable absent unanimous consent of the other parties under Rule 4(C)(3)(d).” (6)

“Although the rule doesn’t specify where the case should be transferred, we find that it should be transferred to the closest geographical commercial court.” (8)

FACTUAL BACKGROUND

Coby Maxwell filed a complaint for damages, injunctive relief, and declaratory judgment against his sister, Cori Sparrow, M & B Maxwell Farm, Inc., and Sparrow in her capacity as personal representative of the estate of Marlene Maxwell. At the same time, Maxwell filed a Notice Identifying Commercial Court Docket Case in Morgan County, which does not have a designated commercial court. The defendants appeared between September 16 and September 25, 2025, but none filed a Notice of Refusal by the October 27 deadline. The trial

court later permitted belated Notices of Refusal and denied transfer to the nearest commercial court in Marion County.

PROCEDURAL HISTORY

Maxwell filed a complaint in Morgan Superior Court together with a Notice Identifying Commercial Court Docket Case. The defendants appeared but did not timely file Notices of Refusal within the deadline established by Indiana Commercial Court Rule 4. The trial court incorrectly concluded that no Identifying Notice had been filed, allowed the defendants to file belated Notices of Refusal, and denied transfer; Maxwell appealed under Indiana Appellate Rule 14(A).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Transfer and assign the case to the Commercial Court Docket in Marion County, the closest geographical commercial court.

CASES CITED

- Vickery v. Ardagh Glass Inc., 85 N.E.3d 852, 857 (Ind. Ct. App. 2017), reh'g denied, trans. denied
- Morrison v. Vasquez, 124 N.E.3d 1217, 1219 (Ind. 2019)

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