

Brief of Appellants, Gail Lewis Hicks and The Estate of Larry Hicks

**IN THE INDIANA COURT OF APPEALS
CAUSE NO. 25A-CT-00881**

GAIL LEWIS HICKS and	)	
The Estate of LARRY HICKS,	)	
	)	
Appellants (Plaintiffs below),	)	
	)	
v.	)	Appeal from Lake County
	)	Superior Court No. 2
	)	
	)	Trial Court Case No.:
AMERICAN FAMILY MUTUAL	)	45D02 – 2007 – CT – 000727
INSURANCE COMPANY, S.I.,	)	
	)	
Appellee (Defendant below).	)	The Honorable Calvin D. Hawkins,
	)	Judge
AND	)	
	)	
KEITH L. HEAD	)	

BRIEF OF APPELLANTS, GAIL LEWIS HICKS AND THE ESTATE OF LARRY HICKS

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STATEMENT OF THE ISSUE

Appellants contend that the issue(s) on appeal are as follows:

1. Whether or not the trial court erred in granting Sanctions against Appellants and Appellants' attorney.
2. Whether or not the trial court's actions in handling the instant case represent bias toward Appellants and Appellants' attorney.
3. Whether or not the trial court's action indicate error and/or fundamental error.
4. Whether the trial court judge's rulings against Appellants and Appellants' attorney were arbitrary and capricious.

STATEMENT OF THE CASE

Appellants Gail Lewis Hicks and the Estate of Larry Hicks filed a *Verified Notice of Fraud Upon The Court Committed By Defendant Keith L. Head* on or about December 30, 2024.

At a Hearing held on or about January 2, 2025, Attorney Bridgett Nelson referred to said Notice as a Motion and Judge Calvin D. Hawkins agreed.

The Notice indicated that fraud may have been committed by the Defendant Keith L. Head.

Appellants' Appx. Vol II, p.33 On or about March 12, 2025, the trial court granted Sanctions for Appellees. **Appellants' Appx. Vol II, p.31.**

STATEMENT OF THE FACTS

Appellants Gail Lewis Hicks and the Estate of Larry Hicks filed a *Verified Notice of Fraud Upon The Court Committed By Defendant Keith L. Head* on or about December 30, 2024. At a Hearing held on January 2, 2025, Attorney Bridgett Nelson referred to said Notice as a Motion and Judge Calvin D. Hawkins agreed. The Notice indicated that fraud may have been committed by the Defendant Keith L. Head. On or about March 12, 2025, the trial court granted Sanctions for Appellees.

SUMMARY OF THE ARGUMENT

The Appellees accused Appellants of defamation in that Appellees stated that Appellants accused Appellees of committing fraud. The facts are that Appellants set forth in a Notice of fraud that Appellees may have committed fraud. Appellees in their accusations did *then* commit fraud. See Appellants motion to correct errors filed on November 20, 2025. See Plaintiffs' Verified Statement of Issues Pending Before This Court filed on or about February 26, 2025 at 11:14PM. **Appellants' Appx. Vol II, p.56.** Appellants will request that this Appellate Court transfer the instant case to the Court of Judge John Sedia for resolution, merging this case with the companion case of Plaintiffs—MARY HAMILTON and DYMOND LEWIS in Lake Superior Court, Civil Division 1—Case Number 45D01-2007-CT-000726.

Based upon Appellees' accusation to obtain Sanctions, Appellants were required to expend over forty (40) hours to respond to said accusation. This will be itemized in a Supplemental Appendix. Judge John Sedia's Court, as mentioned above, is familiar with the facts and the transfer will ensure that the instant case is taken out of the Court of Judge Calvin Hawkins to ensure no further delay and inappropriate handling of this case by Judge Calvin Hawkins.

THE ARGUMENT

A. STANDARD OF REVIEW

This Court's standard of review of a trial court's granting a motion for sanctions in the form of attorney's fees for Attorney Bridgett Nelson and Attorney Robert O'Dell is whether or not the trial court abused its discretion—by Ruling, without any evidence, that Appellants filed misleading, erroneous, and frivolous pleadings. “The standard for imposing sanctions under Rule 11 is an objective determination of whether a sanctioned party's conduct was reasonable under the circumstances.” *Brown v. Fed'n of State Med. Boards of the U.S.*, 830 F.2d 1429, 1435 (7th Cir. 1987) (collecting cases), *overruled on other grounds by Mars Steel Corp. v. Cont'l Bank N.A.*, 880 F.2d 928 (7th Cir. 1989).

B. ARGUMENT

Appellants begin the Argument by seeking to be candid, transparent, and limiting verbosity. It should be noted that the instant case is over five (5) years old—brought about by Appellee American Family insurance's machinations to delay and confuse this case, all to the prejudice of Appellants. The facts in the pleadings filed by Appellants set forth that Attorney Bridgett Nelson *may* have committed fraud. **Appellants' Appx. Vol II, p.33.**

The Sanction granted to both attorneys for attorney's fees stemmed from an invoice filed by Attorney Casey Stafford in the amount of \$5226.80. *See Invoice of Attorney Casey Stafford.* Therefore Appellants properly seek Sanctions in the form of attorney's fees for the time required to defend against the above-mentioned Sanctions. This amount comes to approximately \$9350.00. Attorney Casey Stafford not only incorrectly stated that Appellants accused both attorneys of fraud, her accusation is egregious. Additionally, due to the frivolous, misleading,

and offensive pleadings by Attorneys—Attorney Bridgett Nelson and Attorney Robert O’Dell, Appellants seek punitive damages for mental distress to deter further improper pleadings. Appellants opine that the Appellate Court’s authority and influence should be applied *sua sponte* to direct this case to the Indiana Disciplinary Commission regarding Attorneys—Robert O’Dell and Bridget Nelson.

Further, Appellants opine that the facts of this case be provided to the Administrative Office for the Lake County, Indiana courts regarding the manner in which the trial court judge—Judge Calvin D. Hawkins—handled this cause of action regarding this Sanction.

The attorneys—Attorney Bridgett Nelson and Attorney Robert O’Dell—clearly did not do due diligence in filing a motion for sanctions in the form of attorney’s fees. By an omission and the lack of due diligence in determining the facts as to accusations of fraud committed by Appellants, the attorneys—Attorney Bridgett Nelson and Attorney Robert O’Dell—did *then* clearly commit fraud by deceit.

As indicated above, as to the acts of the trial court judge—Judge Calvin D. Hawkins, it is not clear to Appellants whether or not his acts were a matter of bias towards Appellants or whether or not his acts are due to the trial court’s judge’s state of mind as illustrated in his act of sexual harassment toward one of his staff in that he (Judge Calvin Hawkins) tried to hug a staffer by attempting to put his arm around her and leaned in to try to kiss her. On October 25, 2023, the staffer received a card from Judge Calvin Hawkins in the mail, which stated, “It was such a pleasure meeting you last week. Thank you for being so gracious as I have some ‘loose screws’ in my head and may have appeared too forward.”

The above information was discovered by Appellants when Appellants learned that Judge Calvin Hawkins was suspended for thirty (30) days commencing on March 31, 2025. Appellants realized that nothing more could be conducted regarding the instant case. This information is contained in the Indiana Supreme Court in the Matter of the Honorable Calvin D. Hawkins, Judge of the Lake Superior Court. *See* Indiana Supreme Court Case No. 24S-JD-403⁰

It should be noted that the document referencing fraud was presented in the form of a Notice to the Court by Appellants. It should also be noted that Appellees and the trial court judge—Judge Calvin D. Hawkins—referred to the Notice as a Motion. Both, the trial court judge—Judge Calvin D. Hawkins—and Appellees continuously referred to the Notice as a Motion. Further, it is perplexing as to why the trial court judge—Judge Calvin D. Hawkins—would continue to refer to the pleading, filed as a Notice, as a Motion and handle said Notice as a Motion.

Referring to the *Notice* as set forth above, said Notice of Fraud clearly stated that Attorney Bridgett Nelson **may** (emphasis added) have committed fraud.

Appellants set forth the following justification for the Indiana Appellate Court to reverse the sanctions against Appellants and grant sanctions against Appellees in the amount as set forth above and to follow the posture of: *Mid Central Operating Engineers Health and Welfare Fund v. Hoosiervac LLC*, Case No. 2:24-cv-00326, United States District Court Southern District of Indiana, Terre Haute Division in which that court stated:

⁰ <https://public.courts.in.gov/Decisions/api/Document/Opinion?Id=W1C4oJXgx5B263Ulwgr-ao81MzAtoInkSR4r3lvkXYf1qSdms1Eqkhqno0ZKh3GE0>

It is abundantly clear that Mr. Ramirez did not make the requisite reasonable inquiry into the law. Had he expended even minimal effort to do so, he would have discovered that the AI-generated cases do not exist. That the AI-generated excerpts appeared valid to Mr. Ramirez does not relieve him of his duty to conduct a reasonable inquiry. *Ordower v. Feldman*, 826 F.2d 1569, 1574 (7th Cir. 1987) (“Good faith is not a defense to the imposition of Rule 11 sanctions.”).¹

To continue, the following questions are asked and answered:

No.	Question	
1.	Did Appellees use due diligence?	NO
2.	Were Appellants prejudiced by Appellees lack of due diligence?	YES
3.	Were Appellants required to exercise additional time and energy in objecting to sanctions against Appellants?	YES
4..	Should Appellants receive additional punitive damages set forth by the authority of this Appellate Court?	YES

In imposing sanctions, a court must keep in mind the basic principle that “[i]n choosing a sanction...’the least severe sanction [that is] adequate to serve the purpose should be imposed.’” *Brown*, 830 F.2d at 1437 (quoting *Cabell v. Petty*, 810 F.2d 463, 466 (4th Cir. 1987) (footnote omitted) (quoting Schwarzer, *Sanctions under the New Federal Rule 11—A Closer Look*, 104 F.R.D. 181, 201 (1985))). One such purpose is to impose costs on the careless or reckless lawyer who unnecessarily burdened opposing counsel or the court. *See Thornton*, 787 F.2d at 1154.²

¹ https://www.govinfo.gov/content/pkg/USCOURTS-insd-2_24-cv-00326/pdf/USCOURTS-insd-2_24-cv-00326-3.pdf (Page 4)

² https://www.govinfo.gov/content/pkg/USCOURTS-insd-2_24-cv-00326/pdf/USCOURTS-insd-2_24-cv-00326-3.pdf (Page 5)

While compensation is an important consideration in issuing sanctions, “[a]n even more important purpose is deterrence.” *Brown*, 830 F.2d at 1438; *see* Fed. R. Civ. P. 11(c)(4). As the penalties described above have evidently failed to act as a deterrent, given Mr. Ramirez’s actions in this case ... that Mr. Ramirez be sanctioned \$15,000 for his violations in this case--\$5,000 for each of the three briefs filed by Mr. Ramirez where he failed to appropriately verify the validity and accuracy of the case law he cited to the Court and opposing counsel.^{1,3}

“Rule 11 requires counsel to study the law before representing its contents to a federal court. An empty head but a pure heart is no defense. The Rule requires counsel to read and consider before litigating. Counsel who puts the burden of study and illumination on the defendants or the court must expect to pay attorneys’ fees under the Rule.

Thornton v. Wahl, 787 F.2d 1151, 1154 (7th Cir.), *cert. denied*, 479 U.S. 851 (1986) (internal citations omitted) (emphasis in original).⁴

The Appellants request the Court rule in favor of Appellants and grant Sanctions, punitive damages, and compensation for attorney’s fees for this appeal.

³ https://www.govinfo.gov/content/pkg/USCOURTS-insd-2_24-cv-00326/pdf/USCOURTS-insd-2_24-cv-00326-3.pdf (Page 5)

⁴ https://www.govinfo.gov/content/pkg/USCOURTS-insd-2_24-cv-00326/pdf/USCOURTS-insd-2_24-cv-00326-3.pdf (Page 3)

CONCLUSION

For all the foregoing reasons, the trial court erred in granting Sanctions for Robert O'Dell and Bridgett Nelson. Therefore Appellants respectfully request—under the Appellate Court's authority—to *merge* this case with the aforementioned related case to the Court of Judge John Sedia who presided over the settlement proceedings regarding said related case for purposes of directing the Sedia Court to scheduling a status hearing in order to carry out the Rulings of this Appellate Court and for all other relief just and proper in the premises.

Respectfully submitted

/s/ John H. Davis

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WORD COUNT CERTIFICATE

Pursuant to Rule 44(C) and (F), Indiana Rules of Appellate Procedure, I verify that Appellants' Brief contains less than 14,000 words as reflected by the word count system of Microsoft Word.

Respectfully submitted,

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The undersigned hereby certifies that on **May 24, 2025**, the foregoing was filed and served electronically via the Indiana E-Filing System upon the following persons, in accordance with Indiana Appellate Rules 24 and 68:

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**IN THE INDIANA COURT OF APPEALS
CAUSE NO. 25A-CT-00875**

GAIL LEWIS HICKS and	)	
The Estate of LARRY HICKS,	)	
	)	
Appellants (Plaintiffs below),	)	
	)	
	)	Appeal from Lake County
v.	)	Superior Court No. 2
	)	
	)	Trial Court Case No.:
KEITH L. HEAD	)	45D02 – 2007 – CT – 000727
	)	
Appellee (Defendant below).	)	The Honorable Calvin D. Hawkins,
	)	Judge

BRIEF OF APPELLANTS, GAIL LEWIS HICKS AND THE ESTATE OF LARRY HICKS

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STATEMENT OF THE ISSUES

Appellants contend that the issue(s) on appeal are as follows:

1. Whether or not the trial court erred in granting summary judgment for Appellee?
2. Whether or not the trial court's actions in handling the instant case represent bias toward Appellants and Appellants' attorney.
3. Whether or not the trial court's action indicate error and/or fundamental error.
4. Whether the trial court judge's rulings against Appellants and Appellants' attorney were arbitrary and capricious.

STATEMENT OF THE CASE

On or about November 27, 2024, Appellee, Defendant Keith L. Head through his attorney—Attorney Bridgett Nelson, filed a motion for summary judgment in the instant case. On or about December 30, 2024, Appellants filed a Verified Notice of Fraud Upon the Court Committed By Defendant Keith L. Head. **Appellants' Appx. Vol II, p.33.** On or about February 26, 2025, Appellants filed Plaintiffs' Verified Statement of Issues Pending Before This Court. **Appellants' Appx. Vol II, p.56.** On or about March 5, 2025, Appellants filed Plaintiffs' Verified Clarification of Fraud as Ordered by the Trial Court. **Appellants' Appx. Vol II, p.64.**

On or about March 5, 2025, Appellants filed Plaintiffs' Verified Response to Defendant, Keith L. Head's Motion for Summary Judgment as Ordered by the Court on February 28, 2025. **Appellants' Appx. Vol II, p.79.** On or about March 18, 2025, the trial court granted Appellee (Defendant) Keith L. Head's motion for summary judgment. **Appellants' Appx. Vol II, p.31.**

STATEMENT OF THE FACTS

On or about November 27, 2024, Appellee, Defendant Keith L. Head through his attorney—Attorney Bridgett Nelson, filed a motion for summary judgment in the instant case. On or about December 30, 2024, Appellants filed a Verified Notice of Fraud Upon the Court Committed By Defendant Keith L. Head. **Appellants’ Appx. Vol II, p.33.** On or about February 26, 2025, Appellants filed Plaintiffs’ Verified Statement of Issues Pending Before This Court. **Appellants’ Appx. Vol II, p.56.** On or about March 5, 2025, Appellants filed Plaintiffs’ Verified Clarification of Fraud as Ordered by the Trial Court. **Appellants’ Appx. Vol II, p.64.**

On or about March 5, 2025, Appellants filed Plaintiffs’ Verified Response to Defendant, Keith L. Head’s Motion for Summary Judgment as Ordered by the Court on February 28, 2025. **Appellants’ Appx. Vol II, p.79.** On or about March 18, 2025, the trial court granted Appellee (Defendant) Keith L. Head’s motion for summary judgment. **Appellants’ Appx. Vol II, p.31.**

SUMMARY OF THE ARGUMENT

On or about November 27, 2024, Appellee Keith L. Head, through his attorney, argued for summary judgment by stating “that there are no genuine issues of material fact ...” **Appellants’ Appx. Vol II, p.84 .** On or about December 30, 2024, Appellants filed a Verified Notice of Fraud Upon the Court Committed By Defendant Keith L. Head. **Appellants’ Appx. Vol II, p.33.** On or about February 26, 2025, Appellants filed Plaintiffs’ Verified Statement of Issues Pending Before This Court. **Appellants’ Appx. Vol II, p.56.** On or about March 5, 2025, Appellants filed Plaintiffs’ Verified Clarification of Fraud as Ordered by the Trial Court. **Appellants’ Appx. Vol II, p.64.** On or about March 5, 2025, Appellants filed Plaintiffs’ Verified Response to Defendant, Keith L. Head’s Motion for Summary Judgment as Ordered by

the Court on February 28, 2025. **Appellants' Appx. Vol II, p.79.** On or about March 18, 2025, the trial court granted Appellee (Defendant) Keith L. Head's motion for summary judgment. **Appellants' Appx. Vol II, p.31.** Appellants will request that this Appellate Court transfer the instant case to the Court of Judge John Sedia for resolution, merging this case with the companion case of Plaintiffs—MARY HAMILTON and DYMOND LEWIS in Lake Superior Court, Civil Division 1—Case Number 45D01-2007-CT-000726. Judge John Sedia's Court is familiar with the facts this case in that Appellants' attorney—the Undersigned attorney—contacted a colleague, Attorney Lemuel Stigler, to handle Plaintiffs—MARY HAMILTON's and DYMOND LEWIS' injuries in that both were injured while passengers in the vehicle of Appellant Gail Lewis Hicks at the time of the accident. The case in Judge John Sedia's Court was subsequently settled. Plaintiffs—MARY HAMILTON and DYMOND LEWIS in Lake Superior Court, Civil Division 1—Case Number 45D01-2007-CT-000726. The transfer will ensure that the instant case is taken out of the Court of Judge Calvin Hawkins to ensure no further delay and inappropriate handling of this case by Judge Calvin Hawkins.

THE ARGUMENT

A. STANDARD OF REVIEW

The standard of review on appeal for a grant or denial of summary judgment is the same as it is for the trial court—"whether there is a genuine issue of material fact, and whether the moving party is entitled to judgment as a matter of law." *Goodwin v. Yeakle's Sports Bar & Grill, Inc.*, 62 N.E.3d 384, 386 (Ind. 2016) (citing *Wagner v. Yates*, 912 N.E.2d 805, 808 (Ind. 2009)). The moving party has the initial burden to make a *prima facie* showing that there is no genuine issue of material fact and it is entitled to judgment as a matter of law. *Goodwin*, 62 N.E.3d at 386 (citing *Reed v. Reid*, 980 N.E.2d 277, 285 (Ind. 2012)). If the moving party meets

this burden, the burden shifts to the non-moving party to set forth specifically designated facts showing the existence of a genuine issue of material fact. *Goodwin*, 62 N.E.3d at 386. Summary judgment should be granted if the designated evidence establishes there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Id.* (citing *Freidline v. Shelby Ins. Co.*, 774 N.E.2d 37, 39 (Ind. 2002)).

B. ARGUMENT

Attorney for Appellants—Attorney John H. Davis—requested that Attorney Lemuel Stigler to take on a companion portion of the case due to a conflict in that Attorney John H. Davis' client, Appellant GAIL LEWIS HICKS would have to be named as a Plaintiff as well as a Defendant in that the case involved two (2) individuals seated in her car at the time of the accident. Said individuals were Mary Hamilton and Dymond Lewis. Attorney Lemuel Stigler filed said case naming those two (2) individuals (Hamilton and Lewis) in Judge John Sedia's Court. Said case was disposed of pursuant to an agreement by all parties. Therefore Judge John Sedia is familiar with the case and it would be economical and appropriate to transfer the present remaining case involving Defendant—Appellee KEITH L. HEAD to Judge John Sedia's Court.

The case that was settled in Judge John Sedia's Court is the case of Plaintiffs—MARY HAMILTON and DYMOND LEWIS in Lake Superior Court, Civil Division 1—Case Number 45D01-2007-CT-000726. It should be noted that the liability of Appellee Keith Head is based upon insurance that he (Head) purchased specifically to cover Pamela Dickerson—the driver of Keith Head's vehicle. Keith Head purchased a policy to cover himself also.

The accident report indicates that Pamela Dickerson was solely responsible for the accident.

CONCLUSION

For all the foregoing reasons, the trial court erred in granting summary judgment for Appellee Keith Head. Therefore Appellants respectfully request—under the Appellate Court’s authority—to *merge* this case with the aforementioned related case to the Court of Judge John Sedia who presided over the settlement proceedings regarding said related case for purposes of directing The Sedia Court to schedule a status hearing in order to carry out the Rulings of this Appellate Court and for all other relief, just and proper, in the premises.

Respectfully submitted

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