

STATE OF INDIANA) MONROE CIRCUIT COURT
) SS:
COUNTY OF MONROE) CAUSE NO. 53C06-1912-MI-002936

JUDIE BAKER & DAVID HOLDMAN,)
) Plaintiffs,)
) v.)
) TERRI PORTER, in her capacity as Director of the)
City of Bloomington Planning and Transportation)
Department, & JIM GERSTBAUER, in his)
Capacity as the Building Commissioner of the)
Monroe County Building Department,)
) Defendants.)

DEFENDANT’S ANSWER TO PLAINTIFF’S VERIFIED COMPLAINT FOR MANDATE

Comes now Defendant, Terri Porter in her capacity as Director of the City of Bloomington Planning & Transportation Department (“Defendant”), by counsel, Michael Rouker, and answers Plaintiff’s Verified Complaint for Mandate:

1. Paragraph one of Plaintiff’s complaint contains no factual assertion and therefore no response is required.
2. Defendant is without sufficient information to admit or deny the allegations contained in paragraph two of Plaintiff’s Complaint.
3. Defendant admits the allegations contained in paragraph three of Plaintiff’s Complaint.
4. Defendant admits the allegations contained in paragraph four of Plaintiff’s Complaint.

5. Defendant admits the allegations contained in paragraph five of Plaintiff's Complaint.
6. Defendant admits the allegations contained in paragraph six of Plaintiff's Complaint.
7. Defendant admits the allegations contained in paragraph seven of Plaintiff's Complaint.
8. Defendant denies the allegations contained in paragraph eight of Plaintiff's Complaint. Defendant only issues a certificate of zoning compliance ("CZC") when it is appropriate to do so.
9. Defendant denies the allegations contained in paragraph nine of Plaintiff's Complaint. The Bloomington Municipal Code provides for a variety of circumstances and time periods where demolition may be delayed, depending on each case's individual circumstances.
10. Defendant admits that Plaintiff had not received a CZC after ninety days.
11. The Bloomington Municipal Code speaks for itself and therefore no response is required.
12. Defendant admits that the Property was not placed under interim protection. Defendant admits that the Property was not designated historic prior to December 5, 2019. After December 5, 2019, the Property was designated as historic, part of the Near West Side Conservation District.
13. Defendant denies that she "must" issue CZCs. Defendant admits that she is able to issue CZCs.

14. Defendant denies the allegations contained in paragraph fourteen of Plaintiff's Complaint.
15. Defendant is without sufficient information to admit or deny the allegations contained in paragraph fifteen of Plaintiff's Complaint.
16. Defendant is without sufficient information to admit or deny the allegations contained in paragraph sixteen of Plaintiff's Complaint.
17. Defendant is without sufficient information to admit or deny the allegations contained in paragraph seventeen of Plaintiff's Complaint.
18. Defendant is without sufficient information to admit or deny the allegations contained in paragraph eighteen of Plaintiff's Complaint.

Respectfully submitted,

/s/ Michael M. Rouker

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CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2020, that the foregoing document was filed and served upon the following person(s) electronically via the Indiana E-Filing System (IEFS):

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