

FILED
JAN 31 2020

IN THE INDIANA COURT OF APPEALS
CAUSE NO. _____

CLERK MONROE CIRCUIT COURT

THE CITY OF BLOOMINGTON)	Appeal from the Monroe Circuit Court,
INDIANA,)	
)	
Appellant-Plaintiff,)	Cause No. 53C01-1906-PL-001293,
)	
v.)	
)	
222 HATS LLC, and)	
GERMAN AMERICAN BANCORP, Inc.,)	The Honorable Holly M. Harvey,
Appellees-Defendants,)	Judge.

NOTICE OF APPEAL

Party Information

Name: The City of Bloomington, Indiana
 Address: 401 N. Morton St., Suite 220
 Bloomington, IN 47401

Requesting service of orders and opinions of the Court by:
 E-mail FAX or U.S. Mail (choose one)
In forma pauperis: Yes No

Attorney(s) representing party filing Notice of Appeal, if any:

Name: Philippa M. Guthrie
 Attorney #: 16958-53
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Name: Michael M. Rouker
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IMPORTANT: Each attorney specified above:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date this Notice of Appeal is filed;
- (b) acknowledges that all orders, opinions, and notices in this matter will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information accurate, see Ind. Admis. Disc. R. 2(A).

Attorneys can review and update their Roll of Attorneys contact information on the Indiana Courts Portal

INFORMATION FOR JUDGMENT/ORDER BEING APPEALED

Date of Judgment/Order being appealed: **December 20, 2019 / January 28, 2020**

Title of Judgment/Order being appealed: **“Order Following Hearing on Objections and Sustaining Objection to Complaint for Appropriation” / “Order Denying Motion for Leave to Amend”**

Date Motion to Correct Error denied or deemed denied , if applicable:

If case was heard by a magistrate, date trial judge approved judgment or order:

Basis for Appellate Jurisdiction:

Appeal from a Final Judgment, as defined by Appellate Rule 2(H) and 9(I)

- Appeal from an interlocutory order, taken as of right pursuant to Appellate Rule 14(A) or 14(D)
- Appeal from an interlocutory order, accepted by discretion pursuant to Appellate Rule 14(B)(3) or 14(C)(5)
- Expedited Appeal, taken pursuant to Appellate Rule 14.1

This appeal will be taken to:

Court of Appeals of Indiana, pursuant to Appellate Rule 5

Indiana Supreme Court, pursuant to Appellate Rule 4

- This is an appeal in which a sentence of death or life imprisonment without parole is imposed under Ind. Code § 35-50-2-9 or a post conviction relief case in which the sentence was death

- This is an interlocutory appeal authorized under Rule 14 involving the death penalty or a life without parole case raising a question of interpretation of Ind. Code § 35-50-2-9
- This is an appeal from an order declaring a statute unconstitutional
- This is an appeal involving a waiver of parental consent to abortion under Rule 62
- This is an appeal involving mandate of funds

Trial Court Clerk/Administrative Agency/Court Reporter Instructions

Pursuant to Appellate Rule 10 or 14.1(C), the clerk of the Monroe Circuit Court is requested to assemble the Clerk's Record, as defined in Appellate Rule 2(E). Pursuant to Appellate Rule 11 or 14.1(C), the Court Reporter of the Monroe Circuit Court is requested to transcribe, certify, and file with the clerk of the Monroe Circuit Court the following hearings of record, including exhibits: October 7, 2019, Hearing on Complaint for Condemnation and Objections.

Public Access

Was the entire trial court or agency record sealed or excluded from public access?

- Yes No

Was a portion of the trial court or agency record sealed or excluded from public access?

- Yes No

If yes, which provision in Administrative Rule 9(G) provides the basis for this exclusion:

If Administrative Rule 9(G)(4) provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(G)(4)(a-d)?

- Yes No

Appellate Alternative Dispute Resolution

If civil case, is Appellant willing to participate in Appellate Dispute Resolution?

- Yes No

If yes, provide a brief statement of the facts of the case. (Attach additional pages as needed.)

Attachments

The following SHALL be attached to this Notice of Appeal (in all appeals):

- Copy of judgment or order being appealed

The following SHALL be attached to this Notice of Appeal if applicable (check if applicable):

- Copy of the trial court or Administrative Agency's findings and conclusion (in civil cases)
- Copy of the sentencing order (in criminal cases)
- Order denying Motion to Correct Error or, if deemed denied, copy of Motion to Correct Error
- Copy of all orders and entries relating to the trial court or agency's decision to seal or exclude information from public access
- If proceeding pursuant to Appellate Rule 14(B)(3), copy of Order from Court of Appeals accepting jurisdiction over interlocutory appeal
- The documents required by Rule 40(C), if proceeding *in forma pauperis*

Certification

By signing below, I certify that:

- (1) This case does **X** does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights; or an appeal entitled to priority by rule or statute.
- (2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J), 23(F), and Administrative Rule 9(G) on appeal; and,
- (3) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal, as required by Appellate Rule 9(H).

Respectfully submitted,

/s/ Larry D. Allen
 Assistant City Attorney
 Attorney No. 30505-53

Philippa M. Guthrie
 Corporation Counsel
 Attorney No. 16958-53

Michael M. Rouker
 City Attorney
 Attorney No. 28422-53

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Attorneys for Appellant

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this 31st day of January, 2020, the foregoing was filed with the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court.

I also certify that on this 31st day of January, 2020, the foregoing was served electronically by the Indiana E-Filing system upon:

J. Eric Rochford
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I also certify that on this 31st day of January, 2020, the foregoing was served on the following by U.S. Mail, First Class, postage prepaid:

Nicole Browne
Monroe County Clerk
301 N. College Ave
Bloomington, IN 47404

The Honorable Holly Harvey
Monroe Circuit Court
301 N. College Ave
Bloomington, IN 47404

Court Reporter
Monroe Circuit Court
301 N. College Ave
Bloomington, IN 47404

/s/ Larry D. Allen
Assistant City Attorney
Attorney No. 30505-53