

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT 4
CASE NO. 53C04-2006-MI-958

ANDREW GUENTHER, individually
and in his capacity as appointed Republican
member of the Bloomington Plan Commission,

and

WILLIAM ELLIS, in his capacity as
Chairman of the Monroe County, Indiana
Republican Party,

Petitioners,

vs.

CITY OF BLOOMINGTON, INDIANA,

and

JOHN HAMILTON, in his capacity as Mayor
for the City of Bloomington,

and

CHRISTOPHER COCKERHAM, in his capacity
as contested member of the Bloomington Plan Commission,

and

NICK KAPPAS, in his capacity as contested former
member of the Bloomington Plan Commission,
Respondents.

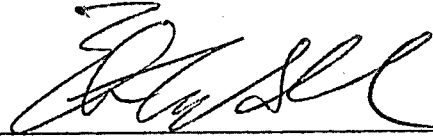
ORDER ON RESPONDENTS' SECOND MOTION TO DISMISS

This case came before the Court for a hearing on August 5, 2020, on the Respondents' Second Motion to Dismiss and the Petitioners appeared by counsel of record, Carl Lamb and Matthew Fox, and Respondents appeared by counsel of record, Larry Allen and Michael Rouker, and all counsel appeared by telephone. Petitioners participated in the telephonic hearing through a Zoom connection with their counsel's office. The Court having examined the pleadings and considering the arguments of counsel and being duly advised now finds and orders as follows:

1. Respondents' Second Motion to Dismiss pursuant to Trial Rule 12(B)(6) is hereby denied.

2. The prior order of the Court staying discovery is hereby vacated.

SO ORDERED this 14th day of August, 2020.



Erik C. Allen, Special Judge
Monroe Circuit Court 4

Distribution:
Carl Lamb
Matthew Fox
Larry Allen
Michael Rouker
Daniel Dixon