

STATE OF INDIANA  
COUNTY OF MONROE

IN MONROE CIRCUIT COURT 8  
CASE NO: 53C01-2110-PL-002162

DAN COMBS, as Trustee of Perry Township,  
Plaintiff,

vs.

CITY OF BLOOMINGTON, and  
JOHN HAMILTON, Mayor.

**AMENDED COMPLAINT FOR DISCLOSURE OF RECORDS UNDER “APRA”**

NOW COMES Plaintiff Dan Combs (Combs), in his duly elected position as Trustee of Perry Township in Bloomington, Indiana, by counsel William R. Morris, Jr., pursuant to Indiana Code 5-14-3 (Access to Public Records Act or “ARPA”, now submits this Amended Complaint against Defendants the City of Bloomington (“City”) and John Hamilton, Mayor (“Mayor”). In support of this Complaint, Combs states the following:

**PARTIES**

1. Dan Combs is a resident of Monroe County and is the duly elected Trustee of Perry Township, a governmental entity located within the City of Bloomington, Monroe County, Indiana.
2. Defendant, City of Bloomington, Indiana is a municipality located in the County of Monroe, in the State of Indiana.
3. John Hamilton is the duly elected Mayor of the city of Bloomington, in the County of Monroe, in the State of Indiana. As such, he is the chief executive office of the city, with executive authority over the actions, choices, and decisions of the City’s various departments.

## **JURISDICTION AND VENUE**

4. This action arises from the City's refusal to provide records to Mr. Combs under APRA, Indiana Code § 5-14-3 et. seq.

5. This Court has jurisdiction over the subject matter of this lawsuit and over the Defendants.

6. Venue is proper in Monroe County pursuant to Indiana Code § 5-14-9(e), which provides that “[a] person who has been denied the right to inspect or copy a public record by a public agency may file an action in the circuit or superior court of the county in which the denial occurred to compel the public agency to permit the person to inspect and copy the public record.”

## **BACKGROUND**

7. Combs, as the duly elected Trustee for Perry Township, is statutorily charged, *inter alia*, to assist qualified residents pay the costs of certain basic necessities, such as shelter or housing, utility bills, food, clothing, medical needs, burial expenses, or school supplies. Those qualified residents that Combs assists are generally wrestling with poverty and homelessness.

8. During the winter of 2020-2021, the Bloomington Police Department (BPD) was instructed by an unidentified office of the city to disassemble, remove and “evict” an encampment of homeless persons from Seminary Square in Bloomington. Those persons in the encampment were dispersed, and their personal property was confiscated by the BPD. The displaced persons were not immediately informed where their property was located. In most cases, the property was taken to a location several miles from the encampment. All these actions were highly controversial and the source of passionate community conversations.

9. During Spring and Summer 2021, a second encampment evolved underneath the Grimes Street Bridge in Bloomington. At one point, over 50 people slept regularly under the bridge. This encampment existed for approximately 8-10 weeks, before BPD was ordered to execute dismantlement of the encampment.

10. As Trustee of Perry Township (one of 11 townships in Monroe County and the township in which *both* Seminary Square and Grimes Bridge are located), Combs is required to assess and respond to these types of crises. Information from the city helps Combs aid those suffering homelessness. Having open and forthright information from the city and the Mayor are essential to the mission of all Townships. In this context, Combs sought information from the defendant, City of Bloomington.

#### **CAUSE OF ACTION – FAILURE TO COMPLY WITH ARPA**

11. Between May and August 2021, and pursuant to ARPA, Comb submitted several requests to the city. Amongst other requests, Combs sought information about:

- a. when, how, and under what authority the city *allows encampments* to remain in place; and,
- b. when, how and under what authority the city *dismantles encampments*.

12. The City failed to provide the information requested, stating that this information was excepted from disclosure. The City cited IC 5-14-3-4(b)(6) as its basis for its refusal, specifically the language that excepts from disclosure “deliberative material.... communicated for the purpose of policy making.”

13. Combs asserts that the information he seeks does not come under IC 5-14-3-4(b)(6). Combs does not seek information on how the city *makes* policy, but rather how the City *carried out, enacted, implemented, and enforced* its policies in regard to the encampments described above.

13. Defendant has a duty under ARPR to provide “full and complete information” to Combs. His request is reasonable and does not place an undue burden on Defendants, nor does the information requested come under any ARPA exception.

WHEREFORE, Plaintiff respectfully demands: 1. An Order from this Court requiring Defendants to supply the information requested; 2. A hearing before this Court on the issues set forth in this Amended Complaint; and 3. Such other relief as this Court deems proper.

Submitted this 3<sup>rd</sup> day of January 2022.

/s/ William R. Morris, Jr. Bar No. 31433-53  
William R. Morris, Jr.  
Attorney for Plaintiff  
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#### **CERTIFICATE OF SERVICE**

I certify that a copy of this Amended Complaint has been served on Defendants by both E-FILE SYSTEM and by sending an email to Defendants’ Counsel, Michael Rouker at [roukerm@bloomington.in.gov](mailto:roukerm@bloomington.in.gov) on this 3<sup>rd</sup> day of January 2022.

/s/ William R. Morris, Jr.