

1 STATE OF INDIANA)
) SS:
2 COUNTY OF MONROE)
3

4 IN THE CIRCUIT COURT OF MONROE COUNTY

5 CAUSE NO. 53C06-2203-PL-000509

6 COUNTY RESIDENTS AGAINST)
 ANNEXATION, INC., an Indiana not)
7 for profit corporation, et al.)
)
8)
)
9 Remonstrators/Appellants/Petitio)
 ners,)

10 -vs-)
11)

12 THE COMMON COUNCIL of the City)
 of Bloomington, Monroe County,)
 Indiana, et al.)
13)
 Respondents.)
14
15

16 DEPOSITION OF BARBARA LEININGER
17

18 The deposition upon oral examination of
 BARBARA LEININGER, a witness produced and sworn
19 before me, Colleen Brady, Notary Public in and for
 the County of Monroe, State of Indiana, taken on
20 behalf of the Respondents, at the offices of
 Bloomington City Hall, 401 North Morton Street,
 Room 225, Bloomington, Monroe County, Indiana, on
21 the 27th day of February 2024, at 11:47 a.m.,
 pursuant to the Indiana Rules of Trial Procedure
22 with written notice as to time and place thereof.
23
24
25

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1 APPEARANCES

2 FOR THE PETITIONERS:

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4 BUNGER & ROBERTSON

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9

10 FOR THE RESPONDENTS:

11 Andrew M. McNeil

12 BOSE MCKINNEY & EVANS LLP

13 111 Monument Circle

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18

19

20 ALSO PRESENT:

21 Margaret Clements

22

23

24

25

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3 Deposition Exhibit No.:

4 Exhibit 36 - Monroe County property22

5 information document,

6 Bloomington_198926-933

7

8 Exhibit 37 - Monroe County Low TaxInfo25

9 document,

10 Bloomington_198923-925

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12 Exhibit 38 - Answers of Barbara Leininger to . . .33

13 City of Bloomington First Set

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23 Against Annexation Inc., to

24 City of Bloomington's First Set

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27 Exhibit 28 - Amended and Supplemented35

28 Answers of County Residents

29 Against Annexation Inc. to City

30 of Bloomington's

31 Interrogatories

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3 DIRECT EXAMINATION 5

4 Questions by Andrew M. McNeil

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Page 5

1 (Time noted: 11:47 a.m.)

2 BARBARA LEININGER,

3 having been duly sworn to tell the truth, the whole

4 truth, and nothing but the truth relating to said

5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY ANDREW M. MCNEIL:

9 Q Could you state your name for the record please?

10 A Barbara Leininger.

11 Q May I call you Barbara?

12 A Yes.

13 Q We've met before. You gave a deposition

14 previously when we were talking about, sort of,

15 the signature collection process. This is more

16 about the annexation itself.

17 So I'm going to ask you a series of

18 questions. Your job is to answer them

19 completely and truthfully. Do you understand

20 that?

21 A I do.

22 Q If you don't understand my question, will you

23 let me know?

24 A Yes.

25 Q If you need me to rephrase a question, will you

Page 6

1 let me know that too?

2 A Sure.

3 Q This is probably 45 minutes, ish. I know you

4 have a work thing. We'll try to get you out as

5 quickly as we can.

6 A I have to start teaching at 1 o'clock. That

7 means I need to be able to open the studio and

8 be prepared for the lesson.

9 Q So what time do you need to leave here?

10 A Before that. By 12:30 maybe.

11 Q Okay. We'll get you. We will do it. Okay?

12 A Okay.

13 Q What is your address?

14 A 3707 South Judd Avenue. It's Bloomington.

15 Q How long have you the lived there?

16 A About -- since '98.

17 Q And is that in Annexation Area 1B?

18 A I think so, yes.

19 Q Does anyone else live with you?

20 A My son.

21 Q How long has your son lived there?

22 A He's been there for five years.

23 Q Do you have other property in either Annexation

24 Area 1A or 1B that you own?

25 A No.

Page 7

1 Q Do you have any plans to move or sell your

2 house?

3 A Not at the moment.

4 Q Is that something you've thought about doing in

5 the next six months?

6 A No.

7 Q Where do you work?

8 A I own a business in Bloomington. In the city.

9 Q Within the city limits itself? You have to say

10 yes.

11 A Yes.

12 Q What is the name of that business?

13 A Arthur Murray Dance Studio.

14 Q What's the address of the business?

15 A 1711 North College Avenue.

16 Q How long have you owned that business?

17 A 30 years.

18 Q "30" or 3?

19 A 30.

20 Q That's what I thought you said?

21 A 30 this month.

22 Q Excellent. Congratulations.

23 A Celebrating my 30th year.

24 Q Congratulations.

25 A Thank you.

Page 8

1 Q Is that in a corporate name or is it just a

2 sole --

3 A It's a corporate name.

4 Q What's the corporate name?

5 A Bloomington Dance Inc.

6 Q So when you drive from your house in Area 1B to

7 the dance studio, what's your route of travel?

8 Walk me through your route of travel.

9 What streets do you take?

10 A I take I-69 and get off at the 45, 46 bypass.

11 Q And then what?

12 A Then I go to Kinser Pike, turn right. And then

13 I go to whatever that road is that runs along

14 side of my business. It does have a name. I

15 don't know what it is.

16 Q It's just the road that runs along side you

17 business?

18 A Yeah.

19 Q Whether do you park?

20 A In front of my studio.

21 Q Do you have a dedicated parking lot?

22 A No. I have signs that do say "Arthur Murray

23 only parking."

24 Q Who the landlord?

25 A Jim Regester.

Page 9

1 Q How do you spell that?

2 A J-i-m R-e-g-e-s-t-e-r.

3 Q Thank you. What's the regular schedule for the

4 studio? Is it Monday through Friday? Is it

5 weekends?

6 A Monday through Friday, 1 to 10 p.m.; and

7 Saturday, noon to 4.

8 Q Does anyone work there with you?

9 A Yes.

10 Q Do you attend any civic events in the City of

11 Bloomington, plays or concerts or anything?

12 A Not recently, no.

13 Q Do you attend any events at Indiana University?

14 A No.

15 Q When you're working at the studio, do you ever

16 bring food in from a restaurant or go get

17 something to eat from a nearby restaurant?

18 A Sometimes I'll go get something to eat.

19 Q Do you shop in Bloomington?

20 A Of course.

21 Q What do you shop for in the city?

22 A Clothing, home items, the usual, groceries.

23 Q Do you ever use the city parks?

24 A No.

25 Q Are you willing to pay a fee to use the city

Page 10

1 streets?

2 A What kind of fee?

3 Q A user fee.

4 A A user fee?

5 Q Yeah.

6 A No.

7 Q Have you ever had an occasion to called the fire

8 department in your house -- from your house

9 where you live currently?

10 A Have I? Yes.

11 Q When?

12 A What precipitated it or --

13 Q No. What, like, roughly month and year?

14 A Last year -- I don't remember exactly what

15 month -- I smelled gas and, I mean, it was very

16 strong in my house so I called the fire

17 department.

18 Q Do you remember which fire department responded?

19 A The county.

20 Q Is it part of the fire district, the Monroe

21 County Fire District?

22 A I think so.

23 Q Do you know why the county responded as opposed

24 to the city?

25 A Maybe because I called their number.

Page 11

1 Q Did you call 911 or did you call their

2 nonemergency number?

3 A I don't remember, honestly.

4 Q If the Bloomington Fire Department is called

5 upon to put out a fire at your house but you're

6 in the township -- so the annexation hasn't

7 happened -- would you be willing to pay a fee --

8 MR. BEGGS: Objection.

9 Q -- to the fire department for doing that?

10 MR. BEGGS: Sorry. Objection. Form.

11 Foundation. You may answer.

12 A Well, I'm not sure. Are you talking a similar

13 fee that you would pay for ambulance?

14 Q Exactly.

15 A Yes.

16 Q Are you connected to the city water and sewer

17 service?

18 A Yes.

19 Q Would you be agreeable to disconnecting from the

20 city water and sewer if the annexation does not

21 go forward?

22 A So disconnect from what they are doing now?

23 Q Yes. Yes.

24 A I don't know.

25 Q Never thought about it?

Page 12

1 A I mean, it's been there since I've owned the

2 house; so I don't know what the other options

3 are. I'm not sure how to answer that question.

4 Q Do you believe it's in your best interest to

5 continue receiving city water and sewer utility

6 service?

7 A I think it's ridiculously expensive. Like, way

8 over priced. Part of it is probably the sewer,

9 but if I could get something less expensive, I

10 probably would.

11 Q Do you have any understanding of how the

12 annexation would affect your water and sewer

13 bill?

14 A I don't.

15 Q Do you understand that --

16 A I would imagine it would stay the same.

17 Q Do you understand that on your current water and

18 sewer bill that you pay the out of -- the rate

19 for users outside of the city limits?

20 A Could you say that again?

21 Q Do you understand that, currently, on your sewer

22 bill, for example, you pay the sewer rate that

23 applies to out-of-city residents?

24 A Yes.

25 Q Do you know how much, if the annexation were to

Page 13

1 occur, how much your sewer bill would be

2 adjusted if at all?

3 A No.

4 Q Your familiar with County Residents Against

5 Annexation?

6 A Yes.

7 Q Do you understand it's a 501(c)(3) organization?

8 A I do.

9 Q Do you have any role or involvement with that

10 organization?

11 A I'm not sure what that would be in terms of a

12 role. I have gotten signatures. Gone out and

13 gotten signatures on the petition.

14 Q Are you on a board of directors or --

15 A I'm not.

16 Q -- board of advisors?

17 A No.

18 Q Ever held a title, like, secretary, treasurer?

19 A No.

20 Q Anything like that?

21 A No.

22 Q You attend meetings?

23 A No.

24 Q Have you ever donated to CRAA?

25 A I have.

Page 14

1 Q How much?
 2 A I think \$100.
 3 Q Do you know when you did that?
 4 A Last year.
 5 Q 2023? Yes?
 6 A Yes.
 7 Q Do you understand that CRAA is not a member
 8 organization? You can't become a member of the
 9 organization?
 10 A I wasn't aware of it, no.
 11 Q You don't know one way or the other?
 12 A No.
 13 Q Have you, over the course of the time when the
 14 annexation has been a topic in Bloomington, have
 15 you engaged in email or text message
 16 communication with other people about the
 17 annexation?
 18 A Yes.
 19 Q In the last six months, have you done anything
 20 to look for communications that you've had with
 21 others about the annexation?
 22 A To look for the text messages? Primarily just
 23 this deposition. Just mainly just, you know,
 24 what I have to do in terms of this kind of
 25 thing. But I don't go looking for -- honestly,

Page 15

1 I have 130 text messages is in my box right now.
 2 So to find messages is difficult.
 3 Q Did anybody ask you to look for text messages or
 4 email communications discussing the annexation?
 5 A No.
 6 Q Did you sign a remonstrance petition back in
 7 October '21 to January '22?
 8 A Yes.
 9 Q Did you sign it because you oppose the
 10 annexation?
 11 A Yes.
 12 Q Do you still oppose the annexation today?
 13 A I do.
 14 Q Why?
 15 A Well, I live in the county because I wanted to
 16 be outside of the -- so sorry -- outside of the
 17 city limits just because I feel like I have a
 18 little more freedom with my property. I didn't
 19 want to pay higher taxes.
 20 So, you know, I just prefer being outside
 21 of the city limits.
 22 Q When you say you wanted a little more freedom
 23 with your property, what do you mean by that?
 24 A Well, I like to build a fire. I like to have a
 25 little fire in my backyard. If I wanted to have

Page 16

1 chickens, I think, in the city they may have a
 2 new ordinance that you can't have chickens. But
 3 I just feel like I don't want to have to deal
 4 with having sidewalks put through my yard and
 5 then having to be responsible for those
 6 sidewalks. That's a lot of work. I don't like
 7 the garbage pickup situation at all. And
 8 basically just not having to pay higher taxes.
 9 Q Let's break that down a little bit. Do you --
 10 building a fire in your backyard, do you have a
 11 fire pit in your backyard?
 12 A I have a fire --
 13 Q Like a ring?
 14 A Yes. It's a Solo Stove.
 15 Q Are you aware of something specific within the
 16 City of Bloomington that would prevent you from
 17 doing that?
 18 A Yes.
 19 Q What is it in particular?
 20 A I just don't think they allow any kind of
 21 burning fires in the city. I know people that
 22 burn leaves and things; that's not allowed.
 23 Q Do you burn leaves when you have a fire?
 24 A I burn limbs. Not so much leaves but I burn
 25 limbs.

Page 17

1 Q And these are limbs that you collect from --
 2 that have fallen into your yard?
 3 A Right.
 4 Q So when you say the city doesn't allow any kind
 5 of fire, have you read the city's burn
 6 ordinance?
 7 A I haven't read it but I'm aware of it. I will
 8 go back and read it.
 9 Q You said if you wanted to have chickens, you're
 10 not sure, there might be some new rules about
 11 that within the city. Have you ever had
 12 chickens on your property?
 13 A I have not but I have looked into it. And my
 14 biggest concern is having a coop so that they're
 15 safe. So I've looked into what it would take to
 16 buy a chicken coop or put together a chicken
 17 coop because I know they can get killed pretty
 18 easily.
 19 Q When did you most recently look into a chicken
 20 coop?
 21 A Probably last year sometime. I just went online
 22 and looked at option for that.
 23 Q Do you have any current plan to purchase a
 24 chicken coop?
 25 A Not right now. My business is consuming my time

Page 18

1 right now. But I love chickens.

2 Q You said you don't want sidewalks. Are there

3 currently no sidewalk on your property?

4 A No.

5 Q Are you in a subdivision or a neighborhood?

6 A I'm in a subdivision.

7 Q Does it have a name?

8 A Garden Acres.

9 Q Are there sidewalks anywhere in Garden Acres?

10 A Across the street from me, there's sidewalks.

11 Partial sidewalks.

12 Q Do you know who installed those partial

13 sidewalks?

14 A I really don't, no. There is an HOA that -- I'm

15 trying to think of the neighborhood's name. But

16 if you go north of where I live, there's a

17 housing development that has an HOA. So I don't

18 think that the people on the other side of me

19 are part of it, but I believe there are some

20 sidewalks in that neighborhood.

21 Q You said you don't like the garbage pickup at

22 all. What's the issue with garbage pickup?

23 A From what I understand, you have to buy tags.

24 You have to go get certain tags and make sure

25 your garbage is done a certain way. I actually

Page 19

1 take my trash to my dumpster at my studio. So I

2 don't need garbage pickup.

3 Q Does the dance studio business have a contract

4 with a waste hauler to come?

5 A My landlord has a contract.

6 Q If annexation were to occur tomorrow, for

7 example, would you still take your trash to the

8 dumpster at the dance studio?

9 A If I didn't have to buy and pay for the extra

10 trash pickup, buy the tags and everything, yes,

11 I probably would.

12 Q Right now, if you were not -- say you had to

13 have someone come pick your trash up and you

14 weren't taking it -- you didn't have a dance

15 studio dumpster to take it to, would you have to

16 contract with someone on your own for that

17 service, or does your neighborhood?

18 A I have contracted before. And actually, the

19 company I was contracting with, I think they

20 went out of business. But I don't mind

21 contracting. So I would look at the options.

22 Q You don't mind contracting with a private

23 company?

24 A With a private company.

25 Q How is that different than the City of

Page 20

1 Bloomington's trash pickup program?

2 A I don't really know the details of their trash

3 pickup. I just know that you're required to

4 have certain tags and certain bags. And so what

5 I do is just more convenient, and the company I

6 had before was great for me and it was very

7 inexpensive. Unfortunately, then went out of

8 business. So I just started taking it to my

9 business.

10 Q The other thing I wrote down about your

11 opposition was concern with property tax.

12 A Uh-huh.

13 Q What is your understanding of the impact the

14 annexation would have on your property tax bill?

15 A From what I understand and what I've read, it

16 looks like they would probably go up, maybe,

17 about \$800.

18 Q And what is that? What have you looked at or

19 read that suggested that amount to you?

20 A It was a -- sorry. The words are --

21 Q If I say Baker Tilly, does that --

22 A Yes, but what is -- what is the -- what did they

23 do? It was a study, I guess. A study on the

24 differences in the cost that would be involved.

25 Q Were you aware of, sort of, an online tax

Page 21

1 calculator where you could go plug in your

2 address?

3 A Probably aware of it. I haven't done it.

4 Q So the \$800-figure, you believe you got that

5 from looking at something that -- and I don't

6 want to put -- I said Baker Tilly; you didn't

7 necessarily but --

8 A Right.

9 Q -- the \$800 is something --

10 A I think I read it, you know, I think maybe in

11 the Herald-Times. I think I just read different

12 places that showed that.

13 Q What you're thinking of now, is that specific to

14 your property? Or was that more of a general

15 impact?

16 A Well, it was probably a general impact, I would

17 say.

18 Q Have you ever done anything specific to

19 determine what your property taxes would be if

20 the annexation went forward?

21 A Specific in what way?

22 Q Like finding the exact or, roughly, exact impact

23 for your property at the Judd Avenue address?

24 A So you're saying, like, going onto the city's

25 website?

<p style="text-align: right;">Page 22</p> <p>1 Q Yeah. The city or any other tax calculator 2 program to figure out the exact impact on you? 3 A No. 4 Q So your sense of the increase taxes is from the 5 general things you've read? 6 A General things that I've read, yes. If you give 7 me the website to look at to figure that out, I 8 will look right away. 9 (Exhibit 36 marked.) 10 Q Well, I can't give you that website, but I can 11 give you some other documents here. This first 12 one will be Exhibit 36. 13 Barbara you have Exhibit 36 in front of 14 you; correct? 15 A Yes. 16 Q And at the top of the page, where it says Monroe 17 County, Indiana, address: 3707 South Judd 18 Avenue and some pictures, is that your 19 residence? 20 A Yes. 21 Q If you look on the fourth page in the bottom 22 right-hand corner, it's the one that end 929. 23 A Okay. 24 Q Do you see there, the table that says "Valuation 25 Record"?</p>	<p style="text-align: right;">Page 24</p> <p>1 A Yes. 2 Q So using the 2022 valuation compared to the 2018 3 valuation, do you see where the valuation has 4 gone up about \$82,000? 5 A Yes. 6 Q Do you know how these assessments are done, or 7 who does them? 8 A No. 9 Q Do you have a mortgage on your property? 10 A Yes. 11 Q Your property taxes, do they get paid out of 12 escrow fund by the mortgage company? 13 A Yes, yes. 14 Q Do you get a statement every year that 15 reconciles your escrow payment, if the property 16 taxes go up or down, your escrow payment can 17 change? 18 A Yes. 19 Q Has your escrow payment gone up in the last 20 three, four, five years based on the property 21 taxes? 22 A Sadly, I wish I could tell you for sure. I will 23 have to -- I'm sure it probably has, but I 24 probably don't look at it that carefully. 25 MR. MCNEIL: That's fine. I'm going to</p>
<p style="text-align: right;">Page 23</p> <p>1 A Yes. 2 Q For the 2022 assessment, 2022-04-08, do you see 3 that? That line? The total valuation on the 4 far right side is \$242,200. 5 Do you see that? 6 A I do. 7 Q Are you familiar with the property tax caps in 8 Indiana? 9 A No. 10 Q Are you aware of the law or the constitutional 11 provision that limits the property tax for 12 residential property at 1 percent of the 13 assessed value? 14 A No. 15 Q If you look at on Exhibit 36, the assessment 16 for -- assessment date of 2018. 17 A And where is Exhibit 36? 18 Q It's the one you have in your hand there. So 19 just looking at that same table, the valuation 20 record table for 2018. Do you see that row? 21 A Yes. 22 Q And the assessed total valuation as of 2018 is 23 \$164,400. 24 A Right. 25 Q Do you see that?</p>	<p style="text-align: right;">Page 25</p> <p>1 give you Exhibit 37. You're going to keep that 2 36 with you. 3 (Exhibit 37 marked.) 4 MR. BEGGS: You said 37? 5 Q Yes. Barbara, do you have Exhibit 37 in front 6 of you? 7 A Yes. 8 Q And, again, there's a picture on the first page. 9 Is that your house and your address there on 10 Judd Avenue? 11 A Yes. 12 Q If you look on the first page, by the way, you 13 see on the right -- well, first, in the property 14 information on the left side, it says there is 15 no mortgage company. 16 Do you see that? Where it says "None"? 17 A Where does it say that -- oh, mortgage company. 18 Okay. 19 Q It's your testimony you do have a mortgage; 20 correct? 21 A So, yes, I do have a mortgage. So in 2014, I 22 opened a second studio in Greenwood. It was 23 open about three years and it didn't succeed. 24 So my landlord came after me for a 25 tremendous amount of money, and I ended up</p>

<p style="text-align: right;">Page 26</p> <p>1 filing bankruptcy. And so my property fell 2 under that. But I continue to pay and Chase is 3 my mortgage company. And I continue to pay my 4 mortgage. I owe about 69,000 on my mortgage. 5 Q Okay. And then continuing in that property 6 information on the right, top of the right 7 column, where it says "Homestead Credit Filed?" 8 The answer is "Yes." 9 Do you see that? 10 A Yes. 11 Q And over "65 Circuit Breaker?" It says "No." 12 Do you see that? 13 A Yes. 14 Q Do you understand how the homestead exemption 15 affects your property tax bill? 16 A Yes. 17 Q What your understanding? 18 A It decrease it. 19 Q If you go to the second page of Exhibit 37. 20 It's 924 in the bottom right-hand corner. 21 A Yes. 22 Q Do you see the property tax -- the tax history 23 table at the bottom of that page? 24 A Yes. 25 Q There's a 2023 row where it's \$959.30 for the</p>	<p style="text-align: right;">Page 28</p> <p>1 assessed value has increased from 2018 to 2023; 2 right? 3 A Yes. 4 Q And your property taxes have increase from 2018 5 to 2023? 6 A Right. 7 Q And you paid your property taxes every year? 8 A Right. 9 Q Have you done any calculation to determine the 10 percent increase to your property taxes based on 11 the assessed value alone? 12 A Have I done calculations? 13 Q Yes. 14 A No. 15 Q It's roughly, for it to go from \$1,900 -- I'm 16 sorry. From \$1,228 in 2019 to \$1,919 in 2022 is 17 about a 56 percent tax increase. Were you aware 18 of that? 19 MR. BEGGS: I'm sorry, a what? 20 MR. MCNEIL: Tax increase. 21 A Well, I didn't know the percentage. I knew it 22 had gone up quite a bit, but I didn't know what 23 the percentage was. 24 Q Have you ever looked at the City of 25 Bloomington's fiscal plan --</p>
<p style="text-align: right;">Page 27</p> <p>1 spring and the same amount for the fall. 2 Do you see that? 3 A I do. 4 Q And \$1,918.16 for the total tax. 5 A Yes. 6 Q Is that your understanding of what your taxes 7 were for last calendar year, property taxes? 8 A I believe so, right. 9 Q And 2018 -- I'm sorry -- 2019, do you see where 10 it was \$573.55 for the spring and fall? 11 A Yes. 12 Q And 11,000 -- sorry, that would be a shock. 13 \$1,147 for the total tax? 14 A Yes. 15 Q Looking back at Exhibit 37, which is the 16 assessed value document, on page 929. So if you 17 look at the other exhibit there, Exhibit 37. 18 The one below that one. 19 A This one? 20 MR. BEGGS: 36? 21 MR. MCNEIL: Am I saying it wrong? I'm 22 sorry. My mistake. Thank you, Bill. 23 Q If you look at Exhibit 36, which is -- yes. 24 Thank you. Looking, again, at page 929. Those 25 assessed values. You understand that your</p>	<p style="text-align: right;">Page 29</p> <p>1 A No. 2 Q -- that they adopted as part of the annexation? 3 A No. 4 Q Do you have any information about how the fiscal 5 plan was put together? 6 A No. 7 Q Do you have any information about whether or not 8 the fiscal plan complies with Indiana law? 9 A No. 10 Q Do you have any reason to believe that the City 11 of Bloomington would not provide things like 12 sidewalks and streetlights within the first 12 13 months after the annexation if it goes forward? 14 MR. BEGGS: Object to form. Foundation. 15 You may answer. 16 A I don't want sidewalks and streetlights. 17 Q I understand. But do you have any reason to 18 believe that the city itself would not provide 19 sidewalks and streetlights in the annexation 20 area within -- or police services within the 21 first year after the annexation? 22 MR. BEGGS: Same objection. 23 A I don't think they would. I don't think they 24 could. 25 Q Why?</p>

Page 30

1 A Were you driving around last Friday when the
2 snow hit.
3 Q Not in Bloomington but, yes.
4 A Where were the services then? I mean, it was a
5 nightmare. It was an absolute nightmare.
6 Q How did the county do?
7 A County was great. County was great on my side
8 streets. I got home fine. But I couldn't move
9 in the city. I got stuck. So just saying. You
10 know, that was a mess.
11 Q Any other information about services like
12 sidewalks, streetlights, police, snowplows --
13 those kind of things -- within the first 12
14 months of the annexation?
15 A I just -- I hear other people say they have
16 trouble getting services inside the city. I
17 mean, police right now is a problem, I think,
18 everywhere, you know, timely; so ...
19 Q Do you have any direction experience with time
20 of response from either the Bloomington Police
21 Department with respect to your business in the
22 city limits versus a response from the sheriff
23 at your place?
24 A Yeah, yeah. Because I have called the police in
25 the city limits and it's taken forever.

Page 31

1 Q What did you call them for? What was the
2 nature?
3 A Someone tried to break in my studio.
4 Q So attempted breaking and entering?
5 A Yes.
6 Q When was this?
7 A Probably about six months ago.
8 Q Sometime in second half of 2023?
9 A Probably. I don't remember exactly the date
10 but ...
11 Q Did someone respond at some point?
12 A Yes.
13 Q How long did it take from the time you called
14 till the time the police arrived?
15 A Probably about 20 to 30 minutes maybe.
16 Q Was someone attempting to break in at the time
17 you called? Or you saw evidence of a break in?
18 A I saw evidence of a break in.
19 Q Is that an open matter with the police
20 department?
21 A I don't think so. I mean, I don't have cameras
22 or anything outside so we couldn't determine who
23 did it or what had happened. But I couldn't get
24 into my business because the lock was damaged.
25 Q Did you ever have an occasion to call the

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1 sheriff's department or police services, law
2 enforcement services in the county?
3 A I have.
4 Q For what reasons?
5 A It's a pretty personal reason, but I have.
6 Q How long ago?
7 A Probably a year ago.
8 Q I don't want to pry. I understand it seem very
9 personal and emotional. I just want to
10 understand the -- was there a response time?
11 Like, from the time you called, did a sheriff's
12 deputy show up?
13 A A lot of people showed up, yes.
14 Q Was this a situation where your personal safety
15 was at risk.
16 A Possibly, yes.
17 Q So it was a different situation than an
18 attempted breaking and entering to a piece of
19 property?
20 A Well, yes.
21 Q Without prying, I want to understand how they
22 relate to one another.
23 A Well --
24 Q Not that they relate but how we could compare
25 them in response times.

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1 A Right. I mean, I have a son that was held
2 hostage in Venezuela for five years. He was in
3 prison for five years. So when he got back,
4 he's been living with me for five years, and
5 he's pretty messed up. He has very bad PTSD.
6 He's got a lot of health issues. Started
7 drinking, and so I ended up filing a protective
8 order.
9 But he's getting help now and today --
10 today, thank God, he's going to Centerstone and
11 hopefully getting help. But it's been very
12 difficult, and at time, yes, I felt in danger.
13 Q The police call related to that in some way?
14 A Yeah.
15 Q Thank you for sharing that.
16 A Yeah. I feel, like, you know, it's probably
17 better to understand the circumstance than not.
18 But, you know, my son was -- I worked with the
19 state department, Hostage U.S. It took me five
20 years to get him out, and he's been with me for
21 five years. So it's been a very difficult
22 situation.
23 (Exhibit 38 marked.)
24 Q Thank you for sharing that. I'm going to give
25 you another document. This will be 38. Exhibit

<p style="text-align: right;">Page 34</p> <p>1 38 says on the first page "Answers of Barbara 2 Leininger" -- 3 A Yes. 4 Q "To City of Bloomington's First Set of Requests 5 for admissions." 6 Do you see that? 7 A Yes. 8 Q If you turn to page 3 and 4, you'll see there's 9 five separate requests on page 3 and 4. And the 10 answer to all them is "See the response of 11 County Residents Against Annexation served on or 12 about August 4." 13 Do you see that? 14 A Yes. 15 (Exhibit 27 previously marked.) 16 Q To your right, there's an Exhibit 27. It's 17 under your glasses. It's the one below that 18 one. If you take a look at that one please. 19 Do you see the title on Exhibit 27 is 20 "Answers of County Residents Against Annexation 21 to City of Bloomington's First Set of Requests 22 for Admissions"?" 23 A Yes. 24 Q If you turn to page 3 and 4, you will see the 25 same five requests that were in Exhibit 38.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q 28. There you go. The title on Exhibit 28 is 2 "Amended and Supplemented Answers of County 3 Residents Against Annexation to the City of 4 Bloomington's interrogatories." 5 Do you see that? 6 A Yes. 7 Q If you would turn to page 12, Question 13. It 8 says "Identify and list all facts and documents 9 supporting your contention in the petition that 10 the annexation is not in the best interest of 11 owners of land in the annexation territory." 12 Do you see that? 13 A Yes, I do. 14 Q If you turn the page to page 13, in the 15 supplemental answer says "See answer to Number 16 5 -- Supplemental Answer Number 5. In addition, 17 if called to testify, the following would be 18 asked to testify about the impact of annexation 19 upon them and upon their business." And then do 20 you see where you're the second to last name 21 listed there? 22 A Yes. 23 Q I think we've touched on this but I just want to 24 make sure. Is it your -- it's your belief, I 25 presume, that the annexation is not in your best</p>
<p style="text-align: right;">Page 35</p> <p>1 A Okay. 2 Q And on Number 2, for example, where it asks to 3 "Admit that Bloomington has developed and 4 adopted a written fiscal plan and established a 5 definite policy for the annexation territory by 6 resolution," that's "Deny." Then your -- County 7 Residents denied it. Your answer was see the 8 County Residents answer. 9 My question is: Do you have any 10 independent knowledge about whether or not 11 Bloomington has developed and adopted a fiscal 12 plan or established a definite policy for the 13 annexation territory? 14 A That the City of Bloomington has adopted? 15 Q Yes. 16 A I don't think so. 17 Q If you turn the page to page 4 Request Number 3. 18 Do you have any information to support 19 contention that the city's fiscal plan does not 20 comply with Indiana law? 21 A I don't. 22 (Exhibit 28 previously marked.) 23 Q If you would look at Exhibit 28, which is under 24 27 -- or it's on top. Right there. 25 A 28 or 38?</p>	<p style="text-align: right;">Page 37</p> <p>1 interest or the best interest of the landowners 2 in Area 1B. Is that a fair statement? 3 A That's fair. 4 Q Is there anything beyond what you've already 5 testified to that you're relying on or that 6 informs that belief? 7 A You know, I have been in this town for 30 years. 8 I have seen tremendous change not what I feel is 9 in the best interest of Bloomington or the 10 homeowners. 11 I think my -- I would hate to see the 12 county in the same situation as the city with 13 all of the land development and the apartments, 14 very expensive apartments. There's really no, 15 you know, place where people can live 16 inexpensively. So I feel like it would be very 17 detrimental to the county to see that kind of 18 growth. That's part of why I don't want to see 19 that happen in the county. I think Bloomington 20 has changed for the worse not the better. 21 Q What ways do you believe Bloomington has changed 22 for the worst not the better? 23 A All the development of apartments and no single 24 housing. No single family housing that's 25 affordable. And those apartments are</p>

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1 ridiculously expensive.

2 I don't feel like the City of Bloomington

3 is favorable to small business. I hate what

4 they have done to the streets. I run into a

5 curb all the time whenever I'm driving. I don't

6 know why they have done what they have done with

7 a lot of the curbs in the streets.

8 Q What have they done to the curbs and streets?

9 A They've brought the curbs out further into the

10 street. So it's harder to get around them. I

11 think a lot of it is to provide for bicycle

12 access, but I don't see that many people -- and

13 I certainly can't ride a bicycle to work. So I

14 think that the development is not really pro --

15 what most small business owners or adults need.

16 Q And you had said that you thought the City of

17 Bloomington is not favorable to small businesses

18 like yours. What do you mean by that?

19 A I think that they -- you know, signage wise,

20 they restrict a lot of things business can do to

21 bring customers in the door. They don't want, I

22 think, certain businesses within the downtown

23 area. And the parking meters make it difficult,

24 I think, for small business owners.

25 So I just feel like they don't really

Page 39

1 provide easy access or conditions to make it

2 easier for business owners to draw business into

3 their businesses.

4 Q I want to understand what you're saying and also

5 be respectful of your time. Is it the downtown

6 businesses you're talking about with parking

7 meters and signage? Or is that your impression

8 of small businesses across the --

9 A Oh, well, downtown. But I have signs that I

10 would like to be able to put out on the street,

11 on College Avenue. But I am limited to be able

12 to do that because they have restrictions on

13 putting signs out like that.

14 Q Any other ways that you haven't talked about --

15 chickens, fire, signs, downtown businesses,

16 taxes -- that you haven't talked about that you

17 would say are not in the best interest of

18 landowners for the annexation?

19 A I made some notes. Let me make sure I covered

20 everything.

21 Q These are notes you made yourself?

22 A Yes. These are notes I made myself. One thing

23 I did read is that once your property is

24 annexed, you cannot vote for two years. That

25 would be, to me, taxation without

Page 40

1 representation.

2 Q Where did you read that?

3 A I looked it up, and I think I did read it in

4 Herald-Times. Excuse me.

5 Q Is your understanding it's two years from the

6 effective date?

7 A Two years from the date you're actually annexed.

8 So sorry.

9 Q That's all right.

10 A I think that was a law voted in so that you

11 couldn't vote out the people that voted for this

12 annexation. And to me that's ridiculous.

13 Q The purpose behind that, is that your impression

14 of it or is that something --

15 A That's my impression. I mean, why would I not

16 be able to vote? What would be the reason I

17 couldn't vote right away?

18 Q Is there anything else on your list of notes

19 there?

20 A I think there is a tremendous loss of income to

21 the county. So where I'm happy with my services

22 from the county, in terms of my safety, I'm

23 concerned that that would be -- that I wouldn't

24 have that.

25 Q Why do you believe there would be a loss of

Page 41

1 income to the county?

2 A Because all those taxes would go to the city.

3 Who would be paying the taxes in the county?

4 Q Do you understand that city residents pay county

5 tax as well?

6 A Yes.

7 Q Do you understand that the assessed value that

8 has caused your taxes to go up, causes property

9 all over the county to go up too?

10 A Yes. Yeah, I recognize that. But I do feel

11 like there's a lot of money that's going to

12 leave the county.

13 Q Have you looked at any studies to determine the

14 net impact of the annexation, if it were to

15 occur, on the county that's also controlling for

16 the growth in assessed value?

17 A I have.

18 Q What have you looked at?

19 A I don't know. I've looked at a couple of

20 different things that have shown that the county

21 is going to lose a lot of money. I've seen the

22 township -- sorry -- the representative talk

23 about how much money the county is going to

24 lose.

25 Q The township trustee?

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1 A The trustee, yeah.

2 Q Do you know which one?

3 A I think it's Rita Barrow.

4 Q Anything else you looked at to determine or

5 quantify the loss of income to the county?

6 A I think there's been studies done that I've

7 read. I mean, I can't quantify where I've read

8 them or exactly. You know, I'd have to go back

9 and look.

10 Q Do you believe Baker Tilly report -- is that

11 something you looked at?

12 A Possibly but --

13 Q Not sure?

14 A I'm not sure, yeah.

15 Q Anything else on your notes?

16 A I'm just -- inability of the city to actually

17 provide the services that they are saying they

18 are going to provide. I don't think they

19 currently provide great service as it is, and

20 I'm just not sure taking on all of these

21 residents is going to be -- that they are going

22 to be able fulfill that right away, at lease.

23 My concern is that I'm not going to be in a

24 safer situation.

25 Q What services, specifically, are you thinking of

Page 43

1 in that answer?

2 A Well, police and fire and that kind of thing.

3 Q Is it okay if we put an exhibit sticker on those

4 and make your notes a part of the deposition

5 transcript?

6 A Okay.

7 MR. MCNEIL: So we'll make that Exhibit 39.

8 (Exhibit 39 marked.)

9 Q Anything else about your opposition or concern

10 with the annexation that we have not talked

11 about?

12 A Not that I can think of right now. I'm sorry

13 I'm not feeling better. I have been talking

14 every day for seven days basically.

15 Q That will wear you out.

16 A It's just killed my throat.

17 MR. MCNEIL: Well, I have no further

18 questions for you. Mr. Beggs may have some.

19 Then we can get you on your way.

20 MR. BEGGS: So 39 is part of the

21 deposition. And no, no questions. Thank you.

22 (Time noted: 12:34 p.m.)

23

24

25

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1 AND FURTHER THE DEPONENT SAITH NOT.

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5 _____

6 Barbara Leininger

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1 STATE OF INDIANA)

) SS:

2 COUNTY OF MONROE)

3 I, Colleen Brady, a Notary Public in and for

4 the County of Monroe, State of Indiana at large, do

5 hereby certify that Barbara Leininger, the deponent

6 herein, was by me first duly sworn to tell the

7 truth, the whole truth, and nothing but the truth

8 in the aforementioned matter;

9 That the foregoing deposition was taken on

10 behalf of the Respondents, at the offices of

11 Bloomington City Hall, 401 North Morton Street,

12 Room 225, Bloomington, Monroe County, Indiana, on

13 the 27th day of February 2024, commencing at the

14 hour of 11:47 a.m., pursuant to the Indiana Rules

15 of Trial Procedure;

16 That said deposition was taken down

17 stenographically and transcribed under my

18 direction, and that the typewritten transcript is a

19 true record of the testimony given by the said

20 deponent; and thereafter presented to said deponent

21 for her signature;

22 That the parties were represented by their

23 counsel as aforementioned.

24 I do further certify that I am a disinterested

25 person in this cause of action; that I am not a

Page 46

1 relative or attorney of any party, or otherwise
 2 interested in the event of this action, and am not
 3 in the employ of the attorneys for any party.
 4 IN WITNESS WHEREOF, I have hereunto set my
 5 hand and affixed my notarial seal on this 15th
 6 day of March 2024.
 7
 8 *Colleen Brady*
 9 Colleen Brady
 10
 11 Seal, Notary Public My Commission Expires:
 12 State of Indiana March 8, 2029
 13 Colleen Brady County of Residence:
 14 Commission No. NP0732235 Monroe
 15
 16
 17
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 19
 20
 21
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1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS
 2
 3 ASSIGNMENT REFERENCE NO: 6465804
 CASE NAME: County Residents Against Annexation Et Al v. The
 Common Council Of The City Of Bloomington Et Al
 DATE OF DEPOSITION: 2/27/2024
 4 WITNESS' NAME: Barbara Leininger
 5 In accordance with the Rules of Civil
 Procedure, I have read the entire transcript of
 6 my testimony or it has been read to me.
 7 I have made no changes to the testimony
 as transcribed by the court reporter.
 8
 9 Date Barbara Leininger
 10 Sworn to and subscribed before me, a
 Notary Public in and for the State and County,
 11 the referenced witness did personally appear
 and acknowledge that:
 12
 13 They have read the transcript;
 They signed the foregoing Sworn
 Statement; and
 14 Their execution of this Statement is of
 their free act and deed.
 15
 16 I have affixed my name and official seal
 17 this ____ day of _____, 20____.
 18 _____
 19 Notary Public
 Commission Expiration Date
 20
 21
 22
 23
 24
 25

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1 Veritext Legal Solutions
 1100 Superior Ave
 2 Suite 1820
 Cleveland, Ohio 44114
 3 Phone: 216-523-1313
 4 March 15, 2024
 5 To: Mr. Beggs
 6 Case Name: County Residents Against Annexation Et Al v. The Common
 Council Of The City Of Bloomington Et Al
 7 Veritext Reference Number: 6465804
 8 Witness: Barbara Leininger Deposition Date: 2/27/2024
 9 Dear Sir/Madam:
 10 The deposition transcript taken in the above-referenced
 11 matter, with the reading and signing having not been
 12 expressly waived, has been completed and is available
 13 for review and signature. Please call our office to
 14 make arrangements for a convenient location to
 15 accomplish this or if you prefer a certified transcript
 16 can be purchased.
 17 If the errata is not returned within thirty days of your
 18 receipt of this letter, the reading and signing will be
 19 deemed waived.
 20
 21 Sincerely,
 22
 23 Production Department
 24
 25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS
 2
 3 ASSIGNMENT REFERENCE NO: 6465804
 CASE NAME: County Residents Against Annexation Et Al v. The
 Common Council Of The City Of Bloomington Et Al
 DATE OF DEPOSITION: 2/27/2024
 4 WITNESS' NAME: Barbara Leininger
 5 In accordance with the Rules of Civil
 Procedure, I have read the entire transcript of
 6 my testimony or it has been read to me.
 7 I have listed my changes on the attached
 Errata Sheet, listing page and line numbers as
 8 well as the reason(s) for the change(s).
 9 I request that these changes be entered
 as part of the record of my testimony.
 10
 11 I have executed the Errata Sheet, as well
 as this Certificate, and request and authorize
 that both be appended to the transcript of my
 12 testimony and be incorporated therein.
 13 _____
 14 Date Barbara Leininger
 15 Sworn to and subscribed before me, a
 Notary Public in and for the State and County,
 16 the referenced witness did personally appear
 and acknowledge that:
 17 They have read the transcript;
 They have listed all of their corrections
 18 in the appended Errata Sheet;
 They signed the foregoing Sworn
 19 Statement; and
 Their execution of this Statement is of
 20 their free act and deed.
 21 I have affixed my name and official seal
 22 this ____ day of _____, 20____.
 23 _____
 24 Notary Public
 Commission Expiration Date
 25

1 ERRATA SHEET
2 VERITEXT LEGAL SOLUTIONS MIDWEST

3 ASSIGNMENT NO: 2/27/2024

4 PAGE/LINE(S) / CHANGE /REASON

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date _____ Barbara Leininger

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____

Notary Public

24 _____

25 _____
Commission Expiration Date

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

(e) Submission to witness--Changes--Signing.

(1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for reading and signing and shall be read to or by him, unless such reading and signing have been waived by the witness and by each party. "Submitted to the witness" as used in this subsection shall mean (a) mailing of written notification by registered or certified mail to the witness and each attorney attending the deposition that the deposition can be read and examined in the office of the officer before whom the deposition was taken, or (b), mailing the original deposition, by registered or certified mail, to the witness at an address designated by the witness or his attorney, if requested to do so by the witness, his attorney, or the party taking the deposition.

(2) If the witness desires to change any answer in the deposition submitted to him, each change, with a statement of the reason therefor, shall be made

by the witness on a separate form provided by the officer, shall be signed by the witness and affixed to the original deposition by the officer. A copy of such changes shall be furnished by the officer to each party.

(3) If the reading and signing have not been waived by the witness and by each party the deposition shall be signed by the witness and returned by him to the officer within thirty (30) days after it is submitted to the witness. If the deposition has been returned to the officer and has not been signed by the witness, the officer shall execute a certificate of that fact, attach it to the original deposition and deliver it to the party taking it. In such event, the deposition may be used by any party with the same force and effect as though it had been signed by the witness.

(4) In the event the deposition is not returned to the officer within thirty (30) days after it has been submitted to the witness, the reporter shall execute a certificate of that fact and cause the certificate to be delivered to the party taking it. In such event, any party may use a copy of the

deposition with the same force and effect as though
the original had been signed by the witness.

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THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

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