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STATE OF INDIANA
COUNTY OF MONROE
IN THE MONROE CIRCUIT COURT

COUNTY RESIDENTS AGAINST
ANNEXATION, INC., an Indiana
not for profit Corporation,
Representative of Those in the
Territories Sought to be
Annexed; DON CREEK, HARRY
FERRIS, WILLIAM MAN WARING,
DAN DOYLE, CATHERINE DENSFORD,
ETHEL ANN SATLER, MARILYN J.
DANIELSON, DEAN F. HOKE, BERT
F. PHILLIPS, SUNNY SLATER,
HOLLY HILL, DEBORAH REED for
REED QUARRIES, INC.,
THOMAS W. MCGHIE, RICKY
FERGUSON, THOMAS E. OSBORN,
JIMMIE JOHNSON, RICHARD PEACH,
KAREN LAUCELLA, BARBARA
LEININGER, RHONDA GRAY,
ARLLYS PAPKE, JOANNA HAHN;
and OTHER TERRITORY 1A AND
I OWNERS OF LAND,

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Petitioners,

v.

Cause No.

THE COMMON COUNCIL of the City
of Bloomington, Monroe County,
Indiana, JOHN HAMILTON in his
Official Capacity as Mayor
of Bloomington, Monroe County,
Indiana, and CATHERINE SMITH in
Her Official Capacity as
Auditor of Monroe County,
Indiana,

53C06-2203-PL-
000509

Respondents.

DEPOSITION OF

JOHN BAETEN

DATE: Thursday, March 14, 2024

TIME: 8:59 a.m.

LOCATION: Bloomington City Hall
401 North Morton Street
Bloomington, IN 47404

REPORTED BY: Andrew Pronschinske

JOB NO.: 6485975

A P P E A R A N C E S

1
2 ON BEHALF OF PETITIONERS COUNTY RESIDENTS AGAINST
3 ANNEXATION, INC., DON CREEK, HARRY FERRIS, WILLIAM MAN
4 WARING, DAN DOYLE, CATHERINE DENSFORD, ETHEL ANN
5 SATLER, MARILYN J. DANIELSON, DEAN F. HOKE, BERT F.
6 PHILLIPS, SUNNY SLATER, HOLLY HILL, DEBORAH REED for
7 REED QUARRIES, INC., THOMAS W. McGHIE, RICKY FERGUSON,
8 THOMAS E. OSBORN, JIMMIE JOHNSON, RICHARD PEACH, KAREN
9 LAUCELLA, BARBARA LEININGER, RHONDA GRAY, ARLLYS
10 PAPKE, JOANNA HAHN; and OTHER TERRITORY 1A AND I
11 OWNERS OF LAND:

12 RYAN HEEB, ESQUIRE
13 Bunger & Robertson
14 211 South College Avenue
15 Bloomington, IN 47404
16 rheeb@lawbr.com
17 (317) 296-5294
18

19 ON BEHALF OF RESPONDENTS CITY OF BLOOMINGTON:

20 STEPHEN C. UNGER, ESQUIRE
21 Bose McKinney & Evans LLP
22 111 Monument Circle, Suite 2700
23 Indianapolis, IN 46204
24 sunger@boselaw.com
25 (317) 684-5435

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A P P E A R A N C E S (Cont'd)
ON BEHALF OF RESPONDENTS CITY OF BLOOMINGTON:

ANDREW M. MCNEIL, ESQUIRE
Bose McKinney & Evans LLP
111 Monument Circle, Suite 2700
Indianapolis, IN 46204
amcneil@boselaw.com
(317) 684-5253

ALSO PRESENT:

Margaret Clements, County Residents against
Annexation, Inc., Corporate representative

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I N D E X

EXAMINATION:	PAGE
By Mr. Unger	8
By Mr. Heeb	74
By Mr. Unger	74

E X H I B I T S

NO.	DESCRIPTION	PAGE
Exhibit 60	Annexation Areas Population Study	59
Exhibit 61	2023 Urbanization Study	69
Exhibit 28	Amended and Supplemented Answers to the City of Bloomington Interrogatories	70

D O C U M E N T S R E Q U E S T E D

NO.	DESCRIPTION	PAGE
1	Email Correspondence	19

P R O C E E D I N G S

1
2 THE REPORTER: Good morning. My name
3 is Andrew Pronschinske; I am the reporter assigned by
4 Veritext to take the record of this proceeding. We
5 are now on the record at 8:59 a.m.

6 This is the deposition of John Baeten
7 taken in the matter of County Residents Against
8 Annexation, Incorporated, et al. vs. The Common
9 Council the City of Bloomington Monroe County,
10 Indiana, et al. on March 14, 2024, at the Bloomington
11 City Hall, 401 North Morton Street, Bloomington,
12 Indiana, 47404.

13 I am a notary authorized to take
14 acknowledgments and administer oaths in Indiana.

15 Additionally, absent an objection on
16 the record before the witness is sworn, all parties
17 and the witness understand and agree that any
18 certified transcript produced from the recording of
19 this proceeding:

- 20 - is intended for all uses permitted
21 under applicable procedural and
22 evidentiary rules and laws in the
23 same manner as a deposition recorded
24 by stenographic means; and
25 - shall constitute written stipulation

1 of such.

2 At this time will everyone in
3 attendance please identify yourself for the record,
4 beginning with the noticing attorney.

5 MR. UNGER: Yep. Stephen Unger, Bose
6 McKinney & Evans. Counsel for the City of
7 Bloomington.

8 MR. MCNEIL: Andrew McNeil for counsel
9 with Mr. Unger.

10 MS. CLEMENTS: Margaret Clements,
11 County Residents Against Annexation.

12 MR. HEEB: Ryan Heeb, Bunger &
13 Robertson counsel for the petitioners.

14 MR. BAETEN: John Baeten. And am I
15 here as myself or am I here as the County GIS
16 coordinator?

17 MR. MCNEIL: That's what we'll be
18 asking.

19 MR. BAETEN: Okay.

20 THE REPORTER: All right. Hearing no
21 objection, I will now swear in the witness.

22 Please raise your right hand.

23 //

24 //

25 //

1 WHEREUPON,

2 JOHN BAETEN,

3 called as a witness and having been first duly sworn
4 to tell the truth, the whole truth, and nothing but
5 the truth, was examined and testified as follows:

6 THE REPORTER: Thank you. We may
7 proceed.

8 EXAMINATION

9 BY MR. UNGER

10 Q Could you just state your name for the
11 record?

12 A Sure, yeah. John Baeten.

13 Q Mr. Baeten, have you ever been deposed
14 before?

15 A I have not.

16 Q Okay. Well, let me just kind of talk you
17 through a couple of things --

18 A Sure.

19 Q -- a couple of ground rules for it. Number
20 one, we have a court reporter, he's going to be
21 recording everything that you say, so it's -- number
22 one huh uh's, head shakes don't show up on the record.

23 A Okay.

24 Q So it's important when I ask you a "yes" or
25 "no," --

1 A Sure.

2 Q -- you answer "yes" or "no." You
3 understand?

4 A Yes.

5 Q Great. Second is it's also important that
6 we not -- try not to talk all over each other --

7 A Sure.

8 Q -- sometimes it's hard not to, but it's
9 easier for him to track what we're saying --

10 A Yes.

11 Q -- if we don't talk over each other.

12 A Which I just did, sorry.

13 Q So if you could let me finish the question.
14 And you understand that you're under oath?

15 A Correct.

16 Q Okay. And so do you understand your
17 responsibility? I'm going to be asking you questions
18 and your responsibility is to answer my questions as
19 truthfully and honestly and as completely as you
20 can ---

21 A Correct.

22 Q -- do you understand that? Okay. If
23 there's any question that I ask you that you don't
24 understand or that you feel you can't answer
25 truthfully or completely, will you let me know?

1 A Yes.

2 Q Okay. And if you need a break just let us
3 know. The only that I'd ask is that you finish the
4 question or finish the answer to the question I've
5 asked.

6 A Sure.

7 Q Okay. What did you do to prepare for your
8 deposition today?

9 A I've -- well, I've met with Ryan and
10 Margaret once, and I met with Ryan and Bill Beggs
11 yesterday as well. Beyond that, I kind of looked at
12 some data that I had pulled together for -- for the
13 County, and this would have been back in
14 January -- looking at essentially like census data and
15 then the annexation areas 1A and 1B.

16 Q Okay. The data that you looked at, where
17 was -- where did you pull that from?

18 A Sure. So there's it's essentially
19 geospatial data or GIS data. It can be called
20 geodata. There are files available from the City of
21 Bloomington that show the -- essentially the areas of
22 annexation for areas 1A and 1B. And so that was from
23 the City of Bloomington.

24 And then the U.S. census produces data in
25 every decade and that's released to the public and so

1 we have data at a census tract as well as a census
2 block. Tracts are larger. Blocks are more granular.
3 And so what we have done in the City -- or Monroe
4 County I should say is we've published the census data
5 from Monroe County at the census block level.

6 And now what that includes is some
7 demographic data of populations that census blocks.
8 And so those were the two data sets I've looked at.

9 Q Okay. So the census data that you reviewed
10 it's available on the County GIS?

11 A Correct.

12 Q Okay.

13 A And it's also available through the U.S.
14 census since it's a, you know, it's a national data
15 set, so --

16 Q But if I wanted to review the data that you
17 reviewed, I would be able to find it all on the County
18 GIS?

19 A Correct. On our county GIS website and so
20 that's -- if you go to Monroe County, they're main
21 homepage, and you go to the GIS division, you'll find
22 our homesite. We do have a site called Elevate, which
23 is a different site that people refer to as Monroe
24 County GIS, but that's just mainly parcel viewing,
25 so --

1 Q Okay.

2 A I've got a whole mass of really cool apps
3 there, so census data is one of them.

4 Q Okay. Okay. I just want to make sure I
5 don't need to go look somewhere else --

6 A Nope. It's all there.

7 Q -- to find the data. Good. Okay. Thank
8 you. And so you met with Mr. Heeb and Mr. Beggs and
9 Ms. Clement, what did you guys talk about?

10 A The first time we were there when -- when
11 Margaret and Ryan came to my office, we basically
12 talked a little bit about what this process would be
13 like. And then we also talked about some analysis
14 that I've done looking at populations within -- or
15 looking at analysis of populations within areas 1A and
16 1B.

17 Q Okay.

18 A And then yesterday, it was kind of a repeat
19 of that again, so --

20 Q When did you do your analysis?

21 A This would have been in -- I believe I
22 started it like in December, and then I did it again
23 in January just to kind of close Christmas break and
24 stuff like that, so -- yeah, just kind of finished it
25 up then.

1 Q Okay.

2 A So it was a very simple analysis as well,
3 but I'll -- I'm guessing there will be a question
4 about that.

5 Q Okay. Did your analysis change at all from
6 December to now?

7 A From December -- no.

8 Q Okay.

9 A Yeah. I mean basically, the process is you
10 take data in GIS and then you are looking at -- I -- I
11 looked at three different types of analysis. Is this
12 an appropriate time -- should I continue elaborating
13 or --

14 Q Yeah. Go ahead and finish your answer.

15 A Okay. When you're looking at a comparison
16 of two different data sets, and so I was looking at
17 census blocks and annexation area. What I was trying
18 to do was identify if there is a way we can figure out
19 an exact population from the U.S. census data within
20 these annexation areas.

21 The way that the annexation is drawn and the
22 way that the census blocks are drawn is that they're
23 not uniform. So these do not follow each other's
24 boundaries. The annexation area splits some census
25 blocks or some census blocks are split by the

1 annexation area. So a really easy analysis of this is
2 not capable; right? You can't just say I want to find
3 all the census blocks that are within annexations area
4 1A.

5 What you need to do is a number of different
6 analyses. And what I did was one that was called
7 census blocks that are located completely within these
8 annexation areas. Census blocks whose center is
9 located within. And what that means is that you have
10 an area or a polygon, and you can do a -- it's -- it's
11 called find like a centroid, so the center point of a
12 polygon is within the annexation area.

13 And then the third analysis I did was census
14 blocks that intersect with the annexation area. So
15 that means that if the annexation area cuts through
16 them, if they're located within it, they're going to
17 be pulled within this -- this data analysis as well.
18 So those are the three different types of analysis
19 that I did.

20 And then the results were just -- yeah,
21 census blocks located completely within the census
22 blocks whose center is located within. And then
23 census blocks whose -- are intersected by the
24 annexation areas.

25 Q I want to jump back.

1 A Sure.

2 Q Anything else that you've reviewed in
3 preparation for your deposition?

4 A For this?

5 Q Yeah?

6 A No.

7 Q Okay.

8 A I mean I -- I can say I've read like
9 newspaper stuff about it -- about like annexation.

10 Q Okay.

11 A And so I'm a little bit familiar with what's
12 going on, but that's -- that's essentially it.

13 Q Okay. Do you live in any of the annexation
14 areas?

15 A I do not. I live in Sherwood Oaks in
16 southern -- not southern, south side of Bloomington.

17 Q Within the City boundaries?

18 A Correct.

19 Q Okay. Do you own any property in any of the
20 annexations --

21 A I do not.

22 Q Okay. Assuming -- did you sign a
23 remonstrance petition?

24 A I did not.

25 Q Any of your family own any property --

1 A No.

2 Q -- in any of the annexation areas?

3 A No.

4 Q Okay.

5 A I do not have a dog in the fight per se.

6 Q Okay. Are you personally opposed to the
7 City's annexations?

8 A That's a nuanced question and a nuanced
9 answer as myself as John Baeten, not GIS coordinator
10 from Monroe County. I would not say I'm opposed to
11 it. I definitely have some sympathy for individuals
12 who are going to be economically affected by this
13 process. So I do have that type of concern. I do
14 know that there are some low-income areas that will
15 be, you know, affected by it.

16 But I do think if people are receiving
17 benefits from the City that there's a kind of a
18 process that -- I don't know. You know, you got to
19 pay for what you get kind of thing.

20 Q You kind of in your answer said personally
21 and then as GIS coordinator, you understand the County
22 is opposed to the City's annexation?

23 A Sure. I'm just saying as -- as myself as a
24 GIS coordinator I have -- I'm kind of like impartial
25 about everything and I'm still impartial with my work

1 that I do.

2 Q Okay.

3 A As -- as a personal note that was just my
4 personal thing as me -- who I am.

5 Q Who's your supervisor?

6 A I work for an elected official, Trohn
7 Enright-Randolph.

8 Q Is he opposed to the annexation?

9 A I'm not sure.

10 Q You guys have never talked about it?

11 A Not really.

12 Q Not really or no, I have not?

13 A I mean we've talked about it since the
14 subpoena, but it was more about what's going on. Like
15 what are the type of questions that are going to be
16 asked and stuff like that.

17 Q Okay.

18 A Trohn's very -- as -- as an elected
19 official -- he's -- he comes across everything very
20 impartial against everything -- or not against
21 everything -- across everything, which is important
22 because elected officials are different parties, and
23 in our roles, we're trying to serve everybody in
24 Monroe County, so --

25 Q Have you participated in any events of

1 County Residents Against Annexation?

2 A I have not.

3 Q Okay. Donated to it?

4 A I have not.

5 Q Okay. Who first approached you about
6 testifying in this case?

7 A I don't know if I was -- I got a subpoena
8 that was delivered to our office and we actually
9 called the number on the subpoena and I believe that
10 was -- we talked to Andrew McNeil. And then it was a
11 number of weeks, and we talked to our legal counsel
12 about it, Jeff Cockerill from -- in our county legal.
13 And he was aware of --

14 Q And you don't need to get into your
15 conversations with --

16 A Okay. Sure.

17 Q -- Jeff Cockerill.

18 A Okay. And so that was basically it and then
19 I got a call from Margaret and this would have been
20 probably three weeks after we got the -- or two weeks
21 after we got the subpoenas in the mail, so --

22 Q So at some point were you notified that you
23 were on a list to be a potential witness in this case?

24 A I mean when I got that -- that subpoena and
25 then we talked to Andrew that's when --

1 Q That's when you first knew?

2 A Yes.

3 Q Okay.

4 A Which would have been I think like a month
5 ago or something.

6 Q Have you communicated with Margaret Clement
7 [sic] or their counsel via email at all?

8 A Yes. Yeah.

9 Q When would have that been?

10 A I believe my first email with Margaret would
11 have been like a month maybe ago at max.

12 Q Okay.

13 A And probably there's like three or four
14 emails. There were some data requests and stuff like
15 that and that was essentially it.

16 Q Okay. Using your work email?

17 A Yes.

18 Q Okay.

19 MR. MCNEIL: Ryan, we ask that the
20 petitioner supplement the discovery responses with
21 these email communications. They're responsive to
22 our --

23 MR. HEEB: Okay. We'll see. We'll
24 get.

25 MR. MCNEIL: Thank you.

1 BY MR. UNGER:

2 Q You had also mentioned data requests. What
3 were those data requests?

4 A There was one data request. I believe it
5 started -- it was just an email, and again, this is
6 coming -- I'm drawing on my memory here. There -- I
7 think the first email request was asking about
8 basically populations within annexation areas 1A and
9 1B.

10 And then there was a second data request
11 that I wasn't able to produce. That was looking
12 at -- I'm not sure if you're familiar with the Social
13 Vulnerability Index. It's a -- it's a basically a
14 metric that's produced by the Centers for Disease
15 Control.

16 This is another web application that I have
17 on our GIS division website. But it was trying to
18 identify essentially like -- those were -- at a census
19 tract level, so it's a bigger kind of geography than a
20 census block.

21 And I think the request was to try to
22 identify whether or not -- if we could somehow
23 understand what the Social Vulnerability Index would
24 be for 1A and 1B. And I didn't have the time to do
25 that, so --

1 Q Okay.

2 A I did send data back though from the
3 census -- it's from the census essentially. I think
4 it was an Excel table I sent, if I remember correctly,
5 so --

6 Q Relating to that second request --

7 A Yeah. This would be the -- the Social
8 Vulnerability Index.

9 Q When was that approximately?

10 A Two -- two weeks ago.

11 Q Okay.

12 A I'm assuming. Again, this is -- I've been
13 working on a lot of other big projects and so I'm
14 trying to like, you know, kind of -- not grasping for
15 straws, but I think probably around two weeks.

16 Q Understood. Understood.

17 A I can get you these dates, if you want.
18 Obviously, it's in my email.

19 Q And were -- just so I'm clear. Were those
20 with Mrs. Clement [sic] or were they with Mr. Heeb's
21 office?

22 A That was just with Margaret Clements.

23 Q Okay.

24 A I don't think I've ever -- I received a
25 meeting invite from Ryan yesterday, but I think that's

1 the first email correspondence I've had with him.

2 Q Okay.

3 A Or any legal counsel.

4 Q Any other -- any other data that you've
5 provided or documents?

6 A To the best of my knowledge, I sent a CSV
7 for the Social Vulnerability Index, which is basically
8 tabular data.

9 Q Okay.

10 A There -- I -- I know I didn't send any
11 spatial data because you need GIS software to run
12 that. There might have -- I might have done like a
13 screenshot of something, but I can't remember.
14 Nothing of note that I can think of.

15 Q Okay. Was any data provided to you by
16 Mrs. Clements --

17 A No.

18 Q -- or their office?

19 A No. Sorry, I jumped ahead of you.

20 Q Understood, yeah. So you're the GIS
21 coordinator currently?

22 A Mm-hmm.

23 Q Have you always been the GIS coordinator?
24 Did you have other roles with Monroe County?

25 A Sure. At Monroe County, I've been the GIS

1 coordinator since August and before that, I was the
2 archaeologist for the Indiana Department of
3 Transportation. Prior to that, I was a professor at
4 Indiana University, and before that, I was an
5 archaeologist with the Forest Service.

6 Q What's that? What do you as an -- I'm just
7 interested as an archaeologist what does that entail?

8 A Archaeology? So you're looking for
9 cultural-like remains essentially with the Forest
10 Service it was just really interesting work -- yeah.

11 Q What's your responsibilities as the GIS
12 coordinator?

13 A Sure. So I support primarily different
14 departments across Monroe County. I meet with the
15 planning department, highway department, stormwater,
16 et cetera. But I also work directly with just
17 constituents across Monroe County, and so I do a lot
18 of work with the Monroe County Public Library right
19 now trying to get them up to speed with GIS.

20 I do a lot of kind of data collection and --
21 and publication of data that I think would benefit the
22 County as well, so lots of historical aerial imagery
23 and stuff like that. But primarily what I'm doing is
24 managing our GIS technology, making sure it functions
25 and works, and then also assisting other departments

1 with kind of workflows and making sure that they have
2 the means to accomplish what they want to do.

3 Q Do you have a staff?

4 A I do I've got one person who works for me.

5 Q Okay.

6 A She started in August, a GIS technician, and
7 we have various interns that come in occasionally
8 from -- from IU.

9 Q Are you -- is your office like the
10 gatekeeper for the GIS? I mean do you -- does all
11 information that goes on the GIS have to come through
12 you?

13 A I don't know if I'd say gatekeeper.
14 What -- what the GIS department does or the division
15 does and it's -- it's kind of gone through multiple
16 iterations. Every department has a license to -- it's
17 called ArcGIS Pro essentially. And so they can manage
18 their own data. They create data. They delete data
19 all of that.

20 I manage the licensing and I also manage
21 kind of who has access to different databases. But
22 this is in kind of conjunction with our technology --
23 technical services department as well just making sure
24 that, you know, we have firewalls set up so, you know,
25 bad actors can't get into our data and things like

1 that.

2 But yeah, in terms of like the GIS, I'm the
3 director of it or the division head, but if
4 departments have folks who are savvy at GIS, I'm all
5 about them managing their own work right, so yeah.

6 Q Okay. So other people have access -- other
7 departments have access to add or remove information
8 from the GIS?

9 A Somewhat. I mean if -- so the way it's
10 setup -- I'm -- I'm going to talk about this in a
11 folder structure. We have a main database and then we
12 have a -- a folder structure that might be something
13 like planning, okay. And there's going to be like
14 five or six people within the planning department who
15 have the ability to modify data within that planning
16 folder.

17 Somebody from the health department can't
18 modify data in the planning folder, if that makes
19 sense. And so, they can -- depending on who they are,
20 there's the ability for people to modify data within
21 their own department.

22 Q And I'm generally I like to think familiar
23 with good GIS and how it works because I rely on GIS
24 to deliver the state. But just for the record, can
25 you explain what like what kind of different

1 components are in GIS?

2 A Sure. By components are you talking about
3 like software components?

4 Q Data. What kind of data components?

5 A Sure. So GIS essentially is mapping. It's
6 mapping two types of data. One of them is going to be
7 tabular data and that's called vector information, and
8 the other type of data is raster and those are
9 essentially images. Its data is made up of pixels.
10 The majority of work that I do is vector data.

11 And that goes back to my time as a postdoc
12 and my time as a grad student and that looking at
13 historical information. What GIS does is it takes
14 tabular data and assigns it some type of geospatial
15 coordinate; right? So you can do this with any type
16 of spatial -- or any type of data that has a location
17 you can do this; right?

18 There's points lines and polygons. Points
19 essentially are, you know, this place in space. A
20 line can be something like a road and a polygon can be
21 something like a census block or an annexation area;
22 right So there's three different ways to kind of
23 visualize spatial data.

24 There's also an online interface for this,
25 but that's not the data. That's just a different way

1 to kind of visualize it and things like that.

2 Q So like the GIS is also a place where I can
3 get information about property ownership?

4 A Sure. We have -- we have two different
5 interfaces for that. Property ownership at a parcel
6 level, you can get from our website that's called
7 Elevate and that's a proprietary website. This is
8 confusing now. It's -- it's ran by Schneider
9 Geospatial, but it hosts our spatial data -- our
10 parcel data, which comes from the auditor's offices
11 our parcel data.

12 And then some of the qualitative data in
13 there is pulled from the assessor's office from our
14 INcama database. We also have a parcel viewer on our
15 internal GIS website. By internal, I mean it's one
16 that we manage ourselves. You guys can access it.
17 It's open to the public. It's just the same data,
18 it's just I think it's better, but that's just me.

19 Q Do -- does the City and the County utilize
20 the same GIS?

21 A Like the same GIS provider?

22 Q The same database?

23 A No. No. We have two different databases.

24 Q Okay. You share information --

25 A Yeah. I -- I've got a very good

1 relationship with the City's GIS manager and also all
2 of the technicians that work under Meghan, so yes.

3 Q So like do you guys go pull shape files and
4 information from the City's GIS and add it to the
5 County's GIS?

6 A Well, yeah -- we'll use some -- it's called
7 a feature service and so it's not a shape file. It's
8 essentially like a live feed. We do this with -- the
9 City has -- the City in terms of GIS for Monroe
10 County -- the City was kind of the first player in GIS
11 and so the City has been managing some data for a very
12 long time very effectively.

13 Things like the address points for the town
14 of Ellettsville. Things like road center lines and
15 stuff like that. And so, yeah, we definitely rely on
16 the City and the City relies on us as well for -- for
17 parcel information and other things. Yeah, we've got
18 a good working relationship. And the City does have
19 like an open -- basically an open data portal that
20 is -- it's available through REST services, so it's
21 available to the public.

22 Q So is there any kind of quality control in
23 the County for ensuring that information entered by
24 another department is accurate?

25 A It depends on -- that's a great question.

1 And it depends on the data. It depends on who's using
2 it. If this is an individual, who's doing, you know,
3 I've -- I've got colleagues in the health department
4 that are just getting used to GIS and so I've kind of
5 built out some applications for them.

6 They're doing a tick monitoring program
7 right now. And so they're basically going out
8 dragging -- dragging parks for ticks and they're
9 getting, you know, tick counts and stuff like that.
10 So once they're going through it, they'll email me and
11 ask like, "Hey, does this look good" and things like
12 that.

13 I'll check it out and see what it looks
14 like. Different departments have, you know, a
15 hierarchy of what's going on and -- and if you're, you
16 know, a newly hired person in the highway department,
17 you're not going to be, you know, assigned. You're --
18 you're in charge of all of the highway's assets;
19 right? That's a training process.

20 So there's definitely a level of like
21 quality assurance, especially when it comes to our --
22 it's kind of our core data sets is what I'd call it
23 and that's parcels, address points, road center lines.
24 It's part of the Indiana Data Harvest. And so we've
25 been really working on trying to implement good kind

1 of data quality and -- and standards across Monroe
2 County.

3 Q Do you think the GIS database is reliable?

4 A It's a large database -- I'll say yes. I'll
5 say there's multiple. I'll say the database is
6 reliable. Not all data -- and by the database here
7 too, I'm talking about all geospatial data across
8 Monroe County. Is all of that up to date? No.

9 Are our core data sets up to date and
10 reliable? Yes. For the most part, I'd say everything
11 in the geo -- geospatial database is a reliable data
12 set.

13 Q There may be some inaccuracies you would
14 agree?

15 A It kind of depends where.

16 Q Somebody could insert the wrong information
17 or --

18 A Sure, yeah. I mean there's human error
19 across the board -- yeah.

20 Q But it's something that the community relies
21 on?

22 A Yeah. Oh, most certainly. Parcel
23 information and there's -- there's issues with parcel
24 data all the time. Right. And these are data that
25 we've got 64,000 parcels across Monroe County that

1 were drawn in who knows when; right?

2 And so there's issues that arise and the
3 great thing is is because we have this publicly
4 available, we'll get comments from the public that,
5 "Hey, you know, you have the wrong or there's
6 something wrong with my parcel data." And we fix it,
7 which is a cool thing. So there is some kind of
8 cross-checking and the County -- different county
9 departments rely on it --

10 Q Correct.

11 A -- in their operations.

12 Q Sure. Okay. Yeah. Besides the City's
13 annexations here, have you been involved in any other
14 annexations?

15 A No.

16 Q Done analysis of any other annexations?

17 A No.

18 Q Studied any other annexations?

19 A No. I'm trying to think of like a different
20 type of annexation, but I'm thinking of just like the
21 City, and no. I've -- my -- my background's like
22 environmental history and things like that, so
23 yeah -- with GIS.

24 Q Understood. And have you in your role here
25 done any comparisons of Bloomington's annexations to

1 any other annexations?

2 A I have not.

3 Q Okay. So you mentioned -- so let me ask
4 you, have you calculated the residential population of
5 area 1A and 1B?

6 A No.

7 Q Okay.

8 A I -- I can elaborate on that as well.

9 Q Yeah. So you -- let me ask this --

10 A Sure.

11 Q Okay. Because you've talked a little bit.
12 You did -- you have done some calculations with
13 respect to the residential population?

14 A Correct.

15 Q And I understand your testimony was you
16 started that sometime probably in December.

17 A Mm-hmm.

18 Q What prompted you to do that?

19 A This could have been -- this might have been
20 like late November, but I think early late November,
21 December. I -- I received an email from -- from
22 county legal saying that there was a request to --

23 MR. HEEBS: I know -- don't --

24 THE WITNESS: Okay. Sorry. Okay.

25 MR. HEEBS: You don't need to

1 testify -- and this is a little -- it's a little
2 awkward, but you don't -- I think it's fair to say
3 because you're a county employee you don't need to
4 testify about things that county legal has told you or
5 asked you to do because that's protected by attorney-
6 client privilege.

7 THE WITNESS: Okay. Yeah.

8 BY MR. UNGER:

9 Q I don't -- I do not want to know about your
10 communications with Mr. Cockerill, unless somebody
11 unaffiliated with the City was --

12 A Okay.

13 Q -- included in those communications. So if
14 Mr. Heeb for example was on the email, I would be able
15 to ask you about it --

16 A Sure. That's clear and he was not.

17 Q Understood. So leaving city legal out of it
18 did anything else prompt you to look into the
19 residential population --

20 A No.

21 Q -- in areas 1A and 1B? Okay. So you did
22 calculations in -- who all did you share those
23 calculations with?

24 A I'm trying to think now. Can I -- can I
25 respond back with that I -- that it went back to --

1 Q Let me ask this.

2 A I mean it's -- it's like -- it's like its
3 data that's publicly available.

4 Q Okay. Yeah.

5 A It was -- I -- I know I shared it with
6 Margaret and I shared it with Ryan. No county offices
7 or departments. It would just be county legal that
8 would have received it, so --

9 Q Okay.

10 A Yeah. This was basically -- in terms of GIS
11 analysis, this is like very much like beginner stage
12 stuff and it was kind of like a -- I don't know
13 nothing crazy to me. It wasn't anything I was like,
14 "Woah. Check out this great, you know, amazing
15 product that I made." It was just like this is
16 spatial analysis of two different data sets, so yeah.

17 Q So tell me what did you calculate?

18 A Sure. And it's -- visuals are always
19 helpful here. But the annexation area, as you guys
20 are very familiar with, does not align perfectly with
21 census blocks. This is just kind of a way that two
22 different data sets -- sometimes they mesh together
23 really well and sometimes they don't mesh together
24 really well.

25 So what I did was take 2020 census data

1 pulled from the U.S. census, and I will mention to you
2 that, you know, census data is authoritative, but
3 census data also has flaws; right? Especially the
4 2020 census this occurred during COVID.

5 This occurred with questions within the
6 census that were tailored for people maybe not to
7 answer and people to be afraid to answer questions
8 like are you a citizen of the United States and it's
9 also a voluntary survey. So you have to understand
10 who's actually submitting these surveys; right? Is
11 there a lot of people submitting these surveys or is
12 it not that many?

13 This is just an issue with -- with census
14 data; right? It's voluntary, happened during COVID,
15 et cetera. The census blocks across Monroe County
16 don't align perfectly with the annexation area. So to
17 understand populations within an annexation area 1A
18 and 1B to get an exact number, it was impossible off
19 the bat from the data that I had.

20 What I did was try to come up with three
21 different analyses that would give us an idea of
22 populations within 1A and 1B. The first one was
23 taking census blocks that were located completely
24 within. And what I mean by that is, that those census
25 blocks, the edges of them are not going outside of

1 annexation area 1A and 1B, et cetera.

2 So I did that from 1A and 1B. I'm not sure
3 what the numbers were, but what you see is basically
4 an annexation area that has, you know, a handful of
5 pockets of census blocks and then big gaps with
6 nothing in it. I did a second --

7 Q I'm sorry let me -- I'm going to interrupt
8 you to explain that. You have -- everywhere in area
9 1A and 1B would be with -- would be located at least
10 partially or wholly in a census block; right?

11 Every --

12 A Correct.

13 Q Okay.

14 A Yeah. There are census blocks throughout
15 the entirety of the United States.

16 Q Correct. Yeah.

17 A Yes.

18 Q So what do you mean by gaps?

19 A So if you're trying to find census blocks
20 that are located completely within 1A and 1B, there's
21 gaps within 1A. I'll say where there aren't census
22 blocks located completely within --

23 Q There's an overlap between --

24 A Correct. Yep.

25 Q Understood. Okay. So and I know you've

1 talked -- because my notes were -- and correct me if
2 I'm wrong. You had the completely within census
3 blocks. You had the center point census blocks and
4 you had the intersect census blocks?

5 A Correct.

6 Q So and I want to be clear, did you do a
7 report on what the population was of this -- of the
8 census blocks that were completely within?

9 A Correct.

10 Q Okay. And then did you do a report on the
11 census blocks that had a center point?

12 A Correct. Correct.

13 Q And then you did a report on the census
14 blocks that intersected?

15 A Correct.

16 Q Okay.

17 A And within that report to it was acreage and
18 I did it for 2020 and for 2010 census data.

19 Q Okay. So -- and you're talking about on
20 number two and number three center point and
21 intersect, those are the ones that you did on acreage
22 or did you also do acreage on number one?

23 A So looked at the acreage of census blocks
24 completely within for 2010, 2020. Population as well.
25 So population for both, acreage for both for all three

1 of the analyses.

2 Q Okay. Okay.

3 A And it's one of those things when you're
4 doing mapping, you think that the problem can be
5 easily answered; right? I want to know the population
6 of this area and it's like, "Hey, we should be able to
7 do that. We have authoritative data." And you can do
8 that by census block; right?

9 Because those have a defined geography with
10 population already assigned to them, but when we're
11 talking about a separate data set it's difficult to do
12 that.

13 Q So center point, I want to understand that.

14 A Mm-hmm.

15 Q Is that where the very center of the census
16 block is located within the annexation area?

17 A Correct.

18 Q Okay.

19 A And that center is -- is if there's an
20 algorithm that goes on in -- in the background.
21 That's basically saying here's a polygon or an area
22 this is its complete center and so that's how that is
23 done.

24 Q And so then in that report you calculated --
25 what were you showing? What were you calculating?

1 A Population for -- for those three different
2 types of analysis as well as the acreage of the census
3 blocks for those three different types of analysis.

4 Q So for example on area 1A for the center
5 point analysis, do you do anything to determine what
6 percentage or what amount of the population in that
7 census block is in area 1A?

8 A Originally, I did not do any of that.

9 Q Okay.

10 A But I did -- we did do some kind of like
11 calculations when Margaret and Ryan came to my office
12 and then yesterday as well just to get an idea of
13 what's the -- I don't know if it would be called
14 population density, but it would be more like
15 what -- what how many people are per acre type of
16 thing based on those different calculations.

17 Q And so what calculation did you do then?

18 A For that like determining --

19 Q For the center point -- I'm starting with
20 the -- I'm trying to break these down, so --

21 A Okay.

22 Q I want to start --

23 A You want to do the center point first?

24 Q Let's talk about center point --

25 A Sure.

1 Q I get completely within -- completely within
2 the entire block is within the annexation --

3 A Sure.

4 Q Did you do any calculations with respect to
5 number one the completely within --

6 A Yeah. We did for all of them, and so
7 completely within you have -- again, it's as you do
8 these analyses, you're going to have completely within
9 the population is going to be small and it's going to
10 be missing a lot of data. Center point within is
11 going to be a larger data set, but you're going to
12 have --

13 Q I want -- let's back up --

14 A Sorry. Sorry.

15 Q Because I'm trying to -- you completely
16 within again that is the census block is completely
17 within annexation area 1A, for example.

18 A Correct.

19 Q Missing data -- what data is going to be
20 missing?

21 A Any of those census blocks that are not
22 completely within.

23 Q Okay. But I'm trying to categorize just
24 with respect to those that are with -- completely
25 within --

1 A Sure.

2 Q Did you do any analysis to determine that
3 some of the population in that census block was not in
4 area 1A or 1B?

5 A I did not.

6 Q Okay.

7 A So let me clarify though because I want to
8 make sure I'm not misstating things. With the census
9 blocks that were located completely within, we did do
10 basically a division; right? Population divided by
11 acreage of the population of census blocks located
12 completely within divided by the total acreage of
13 annexation area 1A or 1B and then also by -- I did it
14 by census block acreage.

15 Q And so this calculation, again -- that
16 calculation was done completed back in January
17 probably?

18 A No. I would have done that -- I -- I think
19 because it was the first time that Margaret and Ryan
20 came to the office. I might have done it like just on
21 my own sometime as well, just to see, because there
22 was a question brought up. And I think it was a
23 question maybe that was in an email.

24 And so I did it and then I met with them.
25 And actually made sure that we were doing the right

1 type of analysis from those data. So I guess January,
2 February. Again, this is -- it's -- it's in that time
3 window.

4 Q Okay. Let me -- let's go back to area 2
5 then or category 2, the center point. So what
6 calculation did you do then to break down what part of
7 the center point blocks that aren't completely within
8 were within --

9 A No calculation. These were three very
10 coarse analyses for this and again it's because the
11 census blocks don't align perfectly within the
12 annexation area.

13 You could, you know, there -- there could be
14 an argument made that if a census block has half of it
15 within an annexation area take half of that population
16 and put it into the annexation area. That doesn't
17 make sense because populations aren't distributed
18 evenly anywhere on the planet, with the exception of
19 soybean fields and monoculture corn crop -- crops.

20 Q I want to ask you, have you done that
21 calculation at all if half is within --

22 A No.

23 Q -- based off of the area?

24 A No.

25 Q Never did that?

1 A That's not appropriate --

2 Q Okay.

3 A -- like geospatial science.

4 Q Is there like a handbook on geospatial
5 science that says that's not appropriate?

6 A I'm not -- I -- I don't think so. I mean
7 I'm sure there is somewhere. I don't know if there's
8 a handbook on that.

9 Q I'm just -- why do you say it's not
10 appropriate?

11 A Because I'm a -- a social scientist. I've
12 peer-reviewed numerous data before and you can't
13 take -- you can't take something -- especially when
14 you're talking about population and human
15 population -- that's -- that's implying something;
16 right? And it's assuming something and you can't have
17 assumptions when you're doing accurate analysis;
18 right?

19 You need to be exact. And when you're
20 talking about, you know, a census block whether it's
21 50 percent in the annexation area or 25 percent in the
22 annexation area, you can't just throw a 25 percent --
23 25 percent of the people into it because populations
24 aren't distributed evenly or equally across areas.

25 Q Okay. So the center point analysis,

1 again -- I'm sorry my microphone popped off.

2 THE REPORTER: Let me get that for you.

3 MR. UNGER: Fell out again. Sorry
4 about that.

5 THE REPORTER: You'll have to hold it
6 like a tiny microphone for the rest of the day.

7 MR. UNGER: Just like this. Sorry
8 about that.

9 BY MR. UNGER:

10 Q Okay. So the center point, again, I'm
11 trying to understand without having received any of
12 these materials what it is that you did exactly. So
13 explain to me then -- so I understand how you
14 determined what was at a center point and then that
15 center point would be -- if it was anywhere within the
16 annexation area you included that --

17 A Correct.

18 Q Okay. And then what was the analysis you
19 did from that?

20 A Just a sum population based on census blocks
21 for all -- all census blocks whose center point was
22 located within annexation area 1 or 1A or 1B. There
23 was no goofing around with the numbers to try to, you
24 know, include more, or remove numbers from it. It was
25 just a sum population from all the census blocks.

1 Q Okay. Okay. And then you came up with a
2 sum population of all of the census blocks that had a
3 center point in either of the annexation areas?

4 A Correct.

5 Q And then did you do an acreage analysis?

6 A Mm-hmm.

7 Q So you did like a population per acre --

8 A Sure. And that was back when -- with --
9 with Margaret and Ryan as well.

10 Q Okay.

11 A And it was just basically, you know, this is
12 population -- completely within population whose
13 center is within and then population that intersects
14 with annexation area. So we had three -- three
15 numbers and they get -- I don't know if I say more
16 coarse. They get larger -- the numbers as you kind of
17 get more broad with your analysis.

18 Q Okay.

19 A -- including more things in the bucket.

20 Q Okay. And then anything else you did. I
21 want to make sure I exhaust the center point --
22 anything else you did with the center point
23 calculations?

24 A Nope.

25 Q Okay.

1 A It's -- yeah. It's -- it's basically three
2 analyses in GIS and it's called select by location.
3 And so what you do is you have the annexation area and
4 you say I want to find all parcels that are located
5 within -- or completely within all parcels that -- or
6 not parcels -- sorry, census blocks. All census
7 blocks that are completely within. All census blocks
8 whose center is within and then all census blocks that
9 intersect.

10 Q Okay. So let's talk about the third one
11 then. Explain again for the record, and I think I'm
12 following you now on what you did, but explain what
13 you did on the intersect analysis?

14 A Any census block that's with that -- that is
15 touched or is within the annexation areas included, so
16 the -- and then it's basically grabbing a lot more
17 census blocks than either of the two prior analyses.
18 And so, this could grab a census block that's, you
19 know, 25 percent in.

20 It could grab a census block that's 1
21 percent in the annexation area. Again, these things
22 are not drawn randomly, but they're -- they're two
23 different data sets and so they don't align perfectly.

24 Q Okay.

25 A And in terms of like the analysis, you

1 could, you know, do more fine-tooth stuff, but I think
2 that for the point of what I was doing was just this
3 is -- this is the data I'm not going to analyze it
4 further than that, so --

5 Q Okay. And so did you then calculate a
6 population per acre of any census block that
7 intersects with the annexation areas?

8 A There -- there was a calculation done that
9 was looking at that versus, you know, annexation area
10 1A and 1B. I think that was just kind of like on the
11 back of a, you know, napkin or whatever the phrase is.
12 And we did that for all three of those. All that is
13 is taking population and dividing it by acreage;
14 right?

15 Q Dividing by acreage of the census block or
16 acreage of the annexation?

17 A I mean you could do it by both and I did it
18 by both just to kind of get an idea of what's going on
19 here. But again, and this is my -- my kind of
20 argument with this is that since the two geographies
21 don't overlay completely, having that exact number
22 with the data I had I can't do that. You know, I can
23 come up with -- with coarse estimates and that's what,
24 you know, that's what three analyses produce.

25 Q And I want to make sure that I'm clear too

1 on the intersect number three category. Did you do
2 any kind of an analysis to determine that any portion
3 of that population was not in the annexation area 1A
4 or 1B?

5 A I mean, so there was a -- I -- I believe we
6 looked at some like imagery at one time to kind of
7 like zoom in on stuff. There are some like census
8 blocks and you can see this on our census viewer too.
9 There are census blocks that have a population of
10 zero; right? And they're essentially like I'm not
11 sure why they're drawn that way, but it might include
12 like a -- a right of way or something like that.

13 So yeah, we zoomed in on some stuff. And
14 one of the things with the annexation area, you can
15 tell with some of it that it's -- they were trying to
16 have it align with census blocks -- the annexation
17 area, but what happened is when that annexation area
18 was drawn into a GIS, it wasn't -- it's called snapped
19 directly to the census block. It was drawn.

20 And so what you have is -- when you zoom in
21 really really closely right -- GIS is math
22 essentially. And when you zoom in really really
23 closely to an annexation in a census block, there
24 might be a census block that you can tell that the
25 annexation probably didn't want to include, but it's

1 got just the smallest amount of overlap. And because
2 of that, it's going to be captured; right?

3 Because GIS isn't going to say like we're
4 going to, you know, not look at these things,
5 especially with the analysis that I ran. So we could
6 zoom in on stuff and say, "Well, yeah this one, you
7 know, if you look at it -- it probably shouldn't be
8 there." I didn't remove any of that data from any of
9 the analyses I did. We just did kind of a cursory
10 examination.

11 Q And when you say that would be -- that
12 would only be captured in your third category of some
13 overlap.

14 A Correct. It wouldn't be with the first one
15 completely within those are obviously within. The
16 center within, I don't think so. I think actually we
17 might have seen one yesterday. I'm looking at you
18 Ryan because -- but it -- it was one that was like a
19 V-shaped parcel -- or polygon, sorry. I deal with a
20 lot of spatial data -- census block.

21 That had like a population of 12 that was
22 included with the center point. That looked like
23 maybe it -- it was just like the center point happened
24 to be right at the corner of the annexation area. I
25 don't know if any of that made sense.

1 Q Did you ever ask should I should I just go
2 ahead and calculate the -- what the population is for
3 each area?

4 A Like just out of the blue?

5 Q Yeah. Let me -- let me rephrase that. Were
6 you told not to try to calculate the residential
7 population of each area?

8 A No.

9 Q Okay. If you were asked to calculate the
10 residential population of each area -- you said, for
11 example, you did not believe -- I understand your
12 testimony -- you did not believe doing it by
13 percentage of area is an accurate -- is the best way
14 to do it. What would be the best way to do it using
15 the census data?

16 A Using census data?

17 Q Yeah.

18 A I don't -- I don't think there is a best way
19 to do it using census data.

20 Q What do you --

21 A The reason for that is because the census
22 blocks don't align perfectly with the annexation area.
23 The -- the best way to do this, and this is, you know,
24 an unfortunate reality of how the annexation area is
25 drawn or how the census blocks are drawn, is that if

1 you want an accurate count of people within these --
2 these different areas, it's like a door-to-door
3 survey; right?

4 Which is what the census block -- census
5 tries to capture. But they don't try to capture it
6 based on annexation area 1A and 1B. They try to do it
7 based on their census blocks. I feel like in terms of
8 the analysis that I did those were the three kinds of
9 best types to capture the variance -- the various
10 kinds of numbers you can get from populations.

11 But again, it's just -- its populations are
12 random. You know, you -- like, and this is just like
13 an example of my street. My house -- I've got four
14 people in it. I live in a residential neighborhood in
15 Bloomington. My neighbor to the north has one person
16 and the neighbor across the street has I think like
17 seven people. It's like a multi-generational
18 household.

19 So assuming that we can have a metric that
20 we devise that says, you know, every address point
21 within a residential neighborhood is three people or
22 four people. I -- I don't know if that's accurate or
23 not. I mean to me it doesn't seem like it's accurate.
24 It's an estimate.

25 Q Are you familiar -- how long have you lived

1 in Bloomington?

2 A 2018.

3 Q Since 2018. Okay. So you're generally
4 familiar with annexation areas 1A and 1B?

5 A I mean I -- I know where they are. In terms
6 of familiarity with them, I -- I found out yesterday
7 that 1B goes through like Clear Creek, which I run
8 that trail all the time. I don't -- I don't frequent
9 that area really. I'm southeast side of town, so --

10 Q Like do you ever go to Walmart?

11 A No.

12 Q Okay. You understand Walmart's in one of
13 the annexation areas? It's in area 1B?

14 A Okay.

15 Q You're not aware?

16 A Okay. I -- I guess I wasn't. I don't --
17 I -- I know where Walmart is. I -- I think I've been
18 there once since I've moved here.

19 Q Okay.

20 A Sorry. That's not really my scene.

21 Q Understood. Do you -- you've reviewed them
22 in maps?

23 A They're kind of like -- yeah, bulk polygons,
24 and by reviewing them, no. I mean from 1A and 1B I've
25 done this analysis. That's the only type of data I've

1 done with any annexation --

2 Q Have you looked at them to see the areas
3 that are residential and areas that are commercial?

4 A Not necessarily. I mean I've -- it's been a
5 very like one-off project type of thing.

6 Q Okay. So in your analysis at all, you
7 didn't look at where the residential neighborhoods
8 were or where the apartment complexes were?

9 A There was I mean a little bit of like
10 zooming in and zooming out of these census blocks. An
11 unfortunate thing about some of the data I've looked
12 at, it's like you can bring in aerial imagery, right
13 and you can like zoom in on things. I've looked more
14 at like the census block information than anything
15 else and it's shockingly to me -- or not shockingly.

16 The interesting thing to me is when you find
17 a census block that has a population of zero and I
18 don't understand like why that is and so that was kind
19 of the more curious thing that I was coming across.

20 Q Are you familiar with the -- what I'll call
21 the area intended for annexation, the old area
22 intended for annexation?

23 A I'm not.

24 Q Okay. Not aware of old county and city
25 interlocal agreements relating to areas intended for

1 annexation?

2 A No, to the best of my knowledge.

3 Q The Census Bureau does a -- designates
4 urbanized areas, are you familiar with that?

5 A Is it the Census Bureau that does that?

6 Q I believe. Does nobody else are you aware
7 of another one?

8 A Well, there is a -- I'm part of the
9 Bloomington Metropolitan Planning Organization
10 Technical Advisory Committee.

11 Q Okay.

12 A And the federal highway does some stuff with
13 that.

14 Q Okay.

15 A That determines the urbanized areas and it's
16 again, kind of a bizarre process -- maybe not bizarre,
17 but I'm familiar with -- with a bit of it, yeah.

18 Q And do you understand areas 1A and 1B are
19 urbanized?

20 A I guess that wasn't part of my purview for
21 it. I was not -- I was not aware of that.

22 Q Okay. You remember the MPO though?

23 A Well, I'm part of the technical advisory
24 committee --

25 Q Okay.

1 A And so what that means is that when there's
2 funding that comes forth that has like a technical
3 nature, we basically kind of vote on things. My role
4 with that with urbanized areas was that there was a
5 map from the federal highway that was looking at the
6 Bloomington urban area expansion.

7 And they wanted to include some parts of
8 kind of the north part of Bloomington in it. And
9 there was uncertainty of whether these were urban or
10 not. And my role there was to kind of guide -- I
11 shouldn't say guide.

12 I offered that we have census data for this
13 that we can look at to see -- well, if -- if folks
14 with the MPO think that this area is not, we -- that
15 it's not urbanized, we should actually look at some
16 authoritative data to make sure that that's accurate
17 and so I just recommended people to look at some
18 census data for it.

19 Q But you -- and with respect to areas 1A and
20 1B, were you aware that they were a part of the U.S.
21 Department of Transportation's urbanized areas?

22 A I -- no, I guess. I -- I -- well, I mean
23 like I never -- the annexation areas aren't on the
24 urban map like -- sorry, on the urbanized area map
25 that I looked at for the MPO.

1 Q Understood.

2 A So yeah, I would say I did not -- if I was
3 looking at that I wouldn't have been like, "Oh, 1A and
4 1B are here." I had no -- no -- yeah.

5 Q You're not disputing maybe is the way to --
6 I want to make sure I'm clear. You don't dispute that
7 they're in the urbanized areas. You just don't know?

8 A I mean if they're in the urbanized areas
9 that's perfectly fine with me.

10 Q Okay. Okay. Understood. Are you familiar
11 with the character of areas 1A and 1B?

12 A Can you define character?

13 Q Yeah, the in terms of urbanized or
14 unurbanized?

15 A From looking at the maps, I've seen that
16 like one of them has like the Monroe County airport in
17 it. I'm not sure if that's designated urban -- this
18 is talking about like impermeable surfaces and stuff
19 like that. I looked at some of the Social
20 Vulnerability Index just kind of again at a very
21 coarse scale.

22 And we saw that there were some, you know,
23 areas I think in 1B that had a higher Social
24 Vulnerability Index rating than other places in the --
25 in the County. But in terms of the character of the

1 two, I mean I drive down Tapp Road.

2 I run some of that area, so I'm familiar
3 with like what I've seen driving. When I'm driving,
4 I'm not ever considering like I wonder if I'm in the
5 city limits or if I'm in annexation, you know, that
6 that's just not coming across.

7 Q It's hard to tell sometimes; right?

8 A Yeah.

9 Q Like you don't know when you go in and out.
10 It feels the same as the City.

11 A I'm not going to -- I'm not going to opine
12 on that. It depends on what part of the City.
13 Bloomington has some interesting little corners in it,
14 so --

15 Q I appreciate that, yeah. Aside from the
16 census data, the most recent being 2020, and I
17 understand they update, you know, they do estimated
18 updates essentially. Is there any other data that you
19 think is more accurate that's publicly available
20 regarding population?

21 A Data that's available to myself? No.

22 Q Okay.

23 A More accurate in a time span, if that's --
24 if you're talking about like currently accurate?

25 Currently accurate, I think the 2020 census data is

1 the authoritative data set.

2 Q Okay.

3 A If you're talking about historical data, you
4 can get into some like interesting stuff, you know,
5 but we're not going to -- that's my other -- that's my
6 other past time.

7 Q I'm going to give you a document here.
8 We're going to mark this --

9 MR. UNGER: Does anybody remember where
10 we left off? Do you happen to remember, Andrew, where
11 we left off?

12 THE REPORTER: Have you had any since
13 the last one with me?

14 MR. MCNEIL: Yeah.

15 MR. UNGER: Yes, it would have been the
16 last one with you.

17 THE REPORTER: I suppose -- I believe
18 we're on 57.

19 MR. MCNEIL: Let's just say 60.

20 MR. UNGER: Use 60.

21 THE REPORTER: Okay.

22 MR. UNGER: Let's mark it as 60.

23 THE REPORTER: Sixty it is. All right.

24 BY MR. UNGER:

25 Q Okay. I've just handed you a document

1 marked as Exhibit 60.

2 (Exhibit 60 was marked for
3 identification.)

4 A Mm-hmm.

5 Q Have you ever seen this before?

6 A I haven't. I saw the date and I was like,
7 "Wait. Is that when I was here," but I started in
8 August. I have not seen this.

9 Q You had nothing to do with preparing this?

10 A I wasn't -- I wasn't -- I started at Monroe
11 County August 8 of 2022. I think is when my start
12 date was. I have to like jog my memory. I've got
13 two -- two young kids and like it's just -- it's
14 chaotic, but this is not something I made, no. And it
15 is not my name. That's -- that's my predecessor.

16 Q Can you -- if you -- by predecessor, you
17 mean Jared -- Eichmiller?

18 A Jared Eichmiller. Yeah, he was the GIS
19 coordinator prior to -- prior to my time at Monroe
20 County.

21 Q I'm actually -- I don't know what this is
22 intended to show, so if you could just read it. If
23 you could take a couple of minutes reading it.

24 A So yeah, what -- what they did here for what
25 I can see -- they took census blocks -- I'm

1 assuming -- oh, it says census blocks -- okay. They
2 took census blocks. They did an intersect analysis
3 and then they did what's called a -- it's a different
4 way to visualize data. You can see in the legend, it
5 says like the density.

6 I'm not sure what the density threshold is
7 here. It doesn't really make sense to me. There's
8 three -- two different scales going on. You can see
9 they're doing both of them for a population per acre.
10 What that's called is like you can have like a
11 standard deviation.

12 You can have it's a class -- if you guys
13 were seeing what I'm talking about in the legend. You
14 have these four different numbers that are showing up
15 there or four different things. Zero for census block
16 intersecting 1A. Zero it looks like .1 to .77, .78 to
17 5.7, 5.8 to 24.

18 So they basically ran an intersect and then
19 they said we want to symbolize this based on the
20 persons per acre. I'm assuming that the persons per
21 acre for this are -- actually I'm not going to assume.
22 I'm not sure if it's acres for annexation area 1A or
23 if it's acres for the census block.

24 The classification that they used with 0.01
25 to .77, .78 to 5.7, 5.8 to 24. There's a different

1 variety of ways you can designate data to appear. You
2 can do it through what's called natural breaks and so
3 I was looking for kind of the natural way that these
4 data are packaged across -- across all the census
5 blocks.

6 That's normally what I recommend. This --
7 I'm not -- and -- and then you can do like a standard
8 deviation. I'm not sure what -- what they're really
9 showing here. The darker the color the higher the
10 density, but that density can be anywhere from 5.8 to
11 24 or 8.9 to 47.

12 So all I can see is that it's a map. That
13 there was an analysis done for annexation areas 1A and
14 1B based apparently on 2020 census blocks.

15 Q And you had not seen that before today?

16 A No.

17 Q Okay.

18 A To the best of my knowledge I haven't seen
19 this before.

20 Q Were you asked to do any kind of similar
21 analysis?

22 A With population density?

23 Q Yeah?

24 A Type of thing? I mean it was just based on
25 like those -- like the, you know, the meetings in my

1 office. There was no -- I never made a map that was
2 looking at any of this stuff.

3 Q Never created a map?

4 A That -- that said population density? No.

5 Q Did you ever create a map?

6 A I mean in -- for this?

7 Q Yes.

8 A For like the acreage and stuff like that?

9 Q Yes.

10 A Yeah. I've -- I've made maps for this.

11 That's how -- that's how you do spatial analysis is
12 having a map. Did I print a map off? No.

13 Q Okay.

14 A To the best of my knowledge, I didn't print
15 a map off.

16 Q Did you share the map with Mr. Heeb,
17 Mr. Beggs, or Ms. Clements?

18 A Yeah. I -- there's -- there's a map that's
19 available, but it's a digital map. I don't think I've
20 printed maps off. I'm not a big like map printer,
21 so --

22 Q But you shared those maps with them?

23 A Correct.

24 Q Okay. How -- if I wanted a copy of that
25 map, how would I get a copy of it?

1 A I believe that's fine to share. It's -- I
2 could send you a link to it. It's in our -- in our
3 basically our GIS portal. And all it is -- is three
4 different -- it's the three analyses that I'm talking
5 about. I'd be more than happy to share it.

6 MR. HEEB: I think county legal may
7 have some say in that, so -- but I don't --

8 MR. MCNEIL: Did county legal -- when
9 you were working with John in viewing and receiving a
10 copy of data that hasn't been produced in the case?

11 MR. HEEB: I don't think so, no.

12 THE WITNESS: And the one thing too
13 though is -- I'm not sure if I should talk to you --
14 this was -- because it was like a request the -- the
15 original map.

16 MR. HEEB Oh, from -- you're saying the
17 original map --

18 THE WITNESS: Yeah.

19 MR. HEEB -- was a request from county
20 legal?

21 THE WITNESS: Uh-uh. So that's
22 something as well, but --

23 BY MR. UNGER:

24 Q But you've provided them --

25 A Yeah.

1 Q -- to Mr. Beggs and Mr. Heeb?

2 A Well, provided -- I mean -- I've --

3 Q Shown it?

4 A -- we've looked at it, yeah.

5 Q You've looked at it and talked through it --

6 A Yeah. Correct.

7 Q -- with them? Okay.

8 A And this is publicly available data. This
9 is census data and then the annexation blocks. That's
10 it.

11 Q I understand.

12 A So there's nothing -- I don't want to say
13 it's not sophisticated because that's why I get paid
14 the big bucks. But it's -- it's a very simple
15 analysis.

16 Q Have you done any calculations of the
17 percentage of which annexation areas 1A or 1B are
18 subdivided?

19 A No.

20 Q Okay.

21 A I believe that might have been a request,
22 but I don't have that -- I don't have the time to do
23 that nor did I have resources that I could point to
24 that I was aware of.

25 Q Okay. Are you aware of anybody else doing

1 an analysis on the subdivision?

2 A There's been -- I believe that the auditor's
3 office had a request. I'm not sure exactly what type
4 of analysis. Most of our parcel information, which
5 includes subdividing big parcels into small ones, kind
6 of takes place in the auditor's office, so they're the
7 kind of gatekeepers to that type of data.

8 Q Did you assist the auditor's office at all
9 in doing any kind of subdivision analysis?

10 A No.

11 Q Okay. Did you do any kind of analysis of
12 zoning for the annexation areas?

13 A No.

14 Q Okay. Any kind of analysis of property use?

15 A No.

16 Q Okay. You mentioned that you work with the
17 City's GIS department and have a good relationship?

18 A Correct.

19 Q Correct. Who in the City's GIS do you
20 usually work with?

21 A Meghan Blair.

22 Q Anybody else?

23 A I mean I know Richard Creek and I also know
24 Max -- I'm spacing on his last name now. I feel like
25 a terrible person. I work with Max as well

1 occasionally, but it's -- it's mainly Meghan. She's
2 the GIS manager and so her and I are kind of
3 colleagues across, you know, what we do. And then
4 there's also -- there are some GIS that goes on with
5 utilities, so I help out -- occasionally.

6 Q Do you think Meghan and Max are good at what
7 they do?

8 A Oh yeah, for sure.

9 Q Any reason to question their work?

10 A I've got -- I've got the utmost confidence
11 in what Meghan does.

12 Q Okay. Have you reviewed any of
13 Bloomington's annexation maps or data relating to
14 areas 1A or 1B?

15 A I -- I have seen one bit of data that Ryan
16 provided whenever this was two weeks ago or something
17 like that. That had, I believe, it was population
18 estimates for 1A and 1B. And then it also had what
19 looked like a legend in the bottom left part of the --
20 of the map that I saw or the document that I saw that
21 had what looked like assessors land use categories.

22 And those were -- that was the data that I
23 saw. There was no -- there was no like -- like text
24 in it that described what actually went on, so --

25 Q Was it just like a spreadsheet -- like a

1 summary spreadsheet?

2 A I believe so. I think it was like some
3 tabular data, if I'm remembering correctly.

4 Q Was it like one page?

5 A No, I think there was like three pages on
6 it.

7 Q Okay.

8 A I think it also depends like on the, you
9 know, how you print it off.

10 Q Did you analyze that data at all or do any
11 analysis with respect to it?

12 A I mean by analysis, I looked at it and I
13 kind of like was interested in what data they were
14 using to generate the numbers that they had. Just
15 because my -- in -- in my opinion to get an exact
16 count of people within these areas based on census
17 blocks is impossible.

18 And that's why I was kind of like, "Wow. I
19 wonder what they did." If there's, you know, some
20 type of density analysis some type of tool or -- model
21 that they're using that I wasn't aware of, and so,
22 that was my kind of question with the analysis of it.

23 Q Other than asking those questions yourself
24 you didn't do any kind of digging into it --

25 A No.

1 Q -- to determine if it was accurate or
2 inaccurate?

3 A I mean all I -- I looked at the numbers and
4 that was it. Yeah, I don't have -- I don't have
5 access to that data nor have I looked at -- at it
6 beyond just kind of what I'm doing with this map right
7 now?

8 Q Any reason to dispute the numbers?

9 A I wouldn't say there's a reason to dispute.
10 I would say if I was given a document like that for --
11 for review. I would want to know kind of how -- how
12 those numbers were generated; right? And since I
13 don't have an ability to understand how those numbers
14 were generated I don't -- I don't know like what the
15 process was that took place.

16 All I'm going off of this is something that
17 like census blocks that I looked at and annexation
18 areas and me trying to figure out a population for
19 these areas 1A and 1B based on census blocks from my
20 analysis and from my kind of understanding of how
21 these things work.

22 To get an exact number, it's -- it's
23 basically impossible because of the way that these
24 census blocks align with the annexation areas.

25 Q I'm going to mark this as Exhibit 61.

1 (Exhibit 61 was marked for
2 identification.)

3 A Thank you.

4 Q I've handed you what I've marked as Exhibit
5 61. Was this the document that you reviewed with
6 Mr. Heeb?

7 A No. This is the first time I've seen this.

8 Q Okay. Do you know was it similar to this?

9 A No. I mean, I believe what -- what I saw
10 was population -- I don't remember it saying 2023
11 Urbanization Summary ever. Maybe that's -- maybe that
12 was an oversight of mine. What I saw was kind of
13 population numbers based on -- I think what they did
14 was they removed any type of -- again, it's -- it's
15 one of the -- I -- I -- it's one of those weird things
16 that like I kind of understand the thought process
17 behind what -- what I could see maybe happen.

18 But I think they removed anything that
19 wasn't considered to be like residential or something
20 and then made some type of a, you know, judgment from
21 there. Again, this is something I saw twice and it
22 was a document, so --

23 Q Okay.

24 A This is one I haven't -- I haven't seen
25 before.

1 Q And it was something that Mr. Heeb had shown
2 you?

3 A Correct.

4 Q Did he -- did they ever email it to you or
5 just --

6 A No.

7 Q Okay. Have you studied at all Bloomington's
8 fiscal plan -- annexation fiscal plan in this case?

9 A I have not.

10 Q Okay. Have you ever seen it or read it?

11 A No.

12 MR. UNGER: Okay. Exhibit 28. Do you
13 happen to have a copy, Andrew?

14 THE REPORTER: No. I wasn't asked to
15 bring one.

16 MR. UNGER: I've got a copy here for
17 you.

18 BY MR. UNGER:

19 Q Okay. Handing you what's been marked as
20 Exhibit 28.

21 (Exhibit 28 was marked for
22 identification.)

23 This is the amended and supplemented answers
24 of County Residents Against Annexation to the City of
25 Bloomington's interrogatories. I'm assuming you've

1 never seen this before, but I'm just asking you if you
2 have ever seen this document before?

3 A I have not.

4 Q Okay. So these are written questions that
5 Bloomington asked to the remonstrators and then they
6 answer them kind of a part of the learning about the
7 case process. If you go to page 4 --

8 A Okay.

9 Q And actually I'll start on -- the question
10 on page 2 for number 3 was identify each fact witness
11 that you plan to call to testify in the lawsuit and
12 provide a summary of their anticipated testimony. And
13 if you turn to page 4, at the very top you see your
14 name?

15 A Okay. That's -- that's not my name, but --
16 it's -- it's spelled incorrectly.

17 Q Correct. But otherwise John Baeten you
18 understand that to be you at the very top?

19 A Sure. Yes.

20 Q Okay. With an O instead of an E?

21 A Yes.

22 Q If called Mr. Baeten would be asked to
23 testify about population density in areas 1A and 1B,
24 do you see that?

25 A I do see that.

1 Q Okay. We've talked a little bit here today
2 about population, aside from what we've talked about
3 today is there anything else that you can add in terms
4 of your understanding of the population density in
5 areas 1A and 1B?

6 A I mean my -- my like from the analysis that
7 I've done of the population of 1A and 1B based on
8 census blocks, is it that it's an imperfect -- it's an
9 imperfect process because the census blocks don't
10 align perfectly with the annexation area.

11 So you're not going to find an exact number
12 of people within areas 1A and 1B unless if you do a
13 door-to-door survey to actually get a number of who
14 lives where. And again, this is because the census
15 blocks don't align perfectly with areas 1A and 1B, but
16 also because if we're using census data, which is
17 authoritative, the 2020 census had major flaws.

18 One of them being COVID and the other one
19 having some targeted questions and the third it being
20 a voluntary process.

21 Q Anything else?

22 MR. HEEB I'm just going to object to
23 the form.

24 MR. UNGER: Okay.

25 //

1 BY MR. UNGER:

2 Q You can still answer the question.

3 A No. Anything else?

4 Q Yes.

5 A No.

6 Q And I just want to -- just to make sure I'm
7 clear anything else -- or is there anything else
8 you've -- role you've played with the County or asked
9 to do relating to annexation areas 1A and 1B that we
10 have not talked about?

11 A I'm trying to think back -- nothing with
12 population. I don't think I've done anything else
13 that's related to annexation. I'm -- I'm going to say
14 no.

15 Q Okay.

16 A I've done a lot of projects, but I'm going
17 to say no to that one.

18 MR. UNGER: Go off the record here for
19 a minute.

20 THE REPORTER: Off the record at 10:13
21 a.m.

22 (Off the record.)

23 THE REPORTER: We're now back on the
24 record at 10:22 a.m.

25 MR. UNGER: I have no further

1 questions.

2 MR. HEEB: Just one or two, Mr. Baeten.

3 EXAMINATION

4 BY MR. HEEB:

5 Q First, you've not seen or heard how the City
6 calculated the population for areas 1A or 1B; correct?

7 A That's correct.

8 Q And if you see that analysis could that
9 somehow impact your testimony at trial?

10 A Yeah. I mean, yeah. Having the
11 understanding of what went on -- for sure.

12 Q Okay. And at trial, you're going to testify
13 on your personal observations and experience in the
14 work that you've performed; correct?

15 A Correct.

16 MR. HEEB: No other questions.

17 EXAMINATION

18 BY MR. UNGER:

19 Q What personal -- what other personal
20 observations have you had besides what we've talked
21 about today?

22 MR. HEEB: Object to the form.

23 THE WITNESS: Object. Is that what I
24 say?

25 //

1 BY MR. UNGER:

2 Q No, I'm sorry. He objected. You still
3 answer the question.

4 A Oh, I have like -- I have -- I mean for
5 personal -- what was the question again?

6 Q Mr. Heeb's said you're going to testify to
7 your personal observation --

8 A I -- I would just assume like my personal
9 observations of like what I looked at with 1A and 1B
10 and census blocks.

11 Q Any other personal observations besides what
12 we've talked about already today?

13 MR. HEEB: Object to the form.

14 You can go ahead and answer.

15 THE WITNESS: Okay. I'm not use to
16 this process. I don't think I have any other
17 personal -- like I said I don't have a dog in the
18 fight here. I'm just -- I'm just looking at two sets
19 of data, so --

20 BY MR. UNGER:

21 Q Well, I meant Mr. -- and I just want to be
22 clear for the record. Mr. Heeb asked you if you were
23 going to testify about your personal observations and
24 your answer was yes. So I want to know what do you
25 believe your personal observations to be that you're

1 going to testify to?

2 A My personal -- yeah, sure. My personal
3 observations would be my analysis of population within
4 areas 1A and 1B. Based on the 2020 U.S. Census and
5 then I guess personal observations of -- of data
6 analysis. That's my understanding.

7 Q Which I think we've -- you've not calculated
8 the population of areas 1A and 1B?

9 A I've -- I've calculated the populations of
10 area 1A and 1B to the best of my ability with those
11 three analyses.

12 Q Okay.

13 A Which is the census blocks located
14 completely within census blocks whose center is within
15 and census blocks that intersect finding that to come
16 up with an exact number I was unable to do that.

17 Q Okay.

18 MR. UNGER: Nothing further.

19 MR. HEEB: Nothing further. Thank you.

20 THE REPORTER: All right.

21 Mr. Unger, are you ordering this
22 transcript?

23 MR. UNGER: Yes.

24 THE REPORTER: And Mr. Heeb, do you
25 need a copy of this transcript?

1 MR. HEEB: I don't think I do right
2 now. Thank you.

3 THE REPORTER: And a signature?

4 MR. UNGER: So what -- he's going to
5 print a copy of the -- he'll draft up your testimony.
6 The question is do you want to review have a chance to
7 review it and sign it and determine if there's
8 anything that needs to be changed. There will be like
9 an errata sheet at the end where you can say, "No, I
10 didn't say that, I said this" or --

11 THE WITNESS: I'm -- I'm fine with just
12 the way it is. I don't think -- I'm -- I'm okay.

13 MR. UNGER: Okay.

14 THE REPORTER: Okay. Let me see if
15 there's anything else. Exhibits attached as usual and
16 all right. Off the record at 10:25 a.m.

17 (Signature waived.)

18 (Whereupon, at 10:25 a.m., the
19 proceeding was concluded.)

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CERTIFICATE OF DEPOSITION OFFICER

I, ANDREW PRONSCHINSKE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



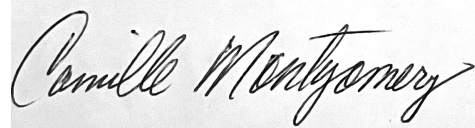
ANDREW PRONSCHINSKE

Notary Public in and for the
State of Indiana

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CERTIFICATE OF TRANSCRIBER

I, CAMILLE MONTGOMERY, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



CAMILLE MONTGOMERY

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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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ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
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.

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