

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 for profit)
7 corporation, et al.,)
)

8 Remonstrators/Appellants/Petitioners,)
)

9 -vs-)
)

10 THE COMMON COUNCIL of the City of)
 Bloomington, Monroe County, Indiana,)
11 et al.,)
)

12 Respondents.)
13

14 DEPOSITION OF JOHN BYERS

15
16 The deposition upon oral examination of
17 JOHN BYERS, a witness produced and sworn before me,
18 Janine A. Ferren, RMR, CRR, CSR-IL No. 84-4852,
19 Notary Public in and for the County of Hamilton,
20 State of Indiana, taken on behalf of the
21 Respondents, at the offices of Bloomington City
22 Hall, 401 North Morton Street, Bloomington, Monroe
23 County, Indiana, on the 1st day of March 2024,
24 scheduled to commence at 11:15 a.m., pursuant to
25 the Indiana Rules of Trial Procedure with written
notice as to time and place thereof.

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1 APPEARANCES

2 FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

3 William J. Beggs

4 BUNGER & ROBERTSON

5 211 South College Avenue

6 Bloomington, IN 47404

7 812.332.9295

8 wjbeggs@lawbr.com

9

10 FOR THE RESPONDENTS:

11 Stephen C. Unger

12 BOSE McKINNEY & EVANS LLP

13 111 Monument Circle

14 Suite 2700

15 Indianapolis, IN 46204

16 317.684.5000

17 sunger@boselaw.com

18

19 ALSO PRESENT:

20 Margaret Clements

21

22

23

24

25

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1 INDEX OF EXHIBITS

2 Previously Marked Exhibits: Page

3 Exhibit 28 - Amended and Supplemented 18

4 Answers of County Residents

5 Against Annexation, Inc. to

6 City of Bloomington's

7 Interrogatories

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1 INDEX OF EXAMINATION

2 Page

3 DIRECT EXAMINATION5

4 Questions by Stephen C. Unger

5 CROSS-EXAMINATION 24

6 Questions by William J. Beggs

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Page 5

1 (Time noted: 11:09 a.m.)

2 JOHN BYERS,

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 STEPHEN C. UNGER:

9 Q Mr. Byers, my name is Steve Unger. We just met.

10 I'm one of the attorneys representing the City

11 of Bloomington in this annexation matter, so I'm

12 going to be asking you some questions today.

13 Would you go ahead and just state your name

14 for the record?

15 A John J. Byers, B-Y-E-R-S.

16 Q What's your address?

17 A 2150 South Curry Pike, Bloomington.

18 Q That's in one of the annexation areas?

19 A Yes.

20 Q Which one?

21 A I don't know.

22 MS. CLEMENTS: It's 1A.

23 A 1A.

24 Q Who lives there with you?

25 A My wife and now two little brats.

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1 Q Maybe I'll -- have you ever been deposed before?
 2 A No.
 3 Q So I'm going to ask you questions. I need you
 4 to answer as truthfully and honestly as you can.
 5 If there's a reason you can't completely and
 6 truthfully answer a question, will you let me
 7 know?
 8 A I can answer anything.
 9 Q If you need to take a break, you certainly just
 10 let me know and we'll try to work through that.
 11 Hopefully this won't take very long.
 12 What did you do to prepare for your
 13 deposition today?
 14 A Nothing.
 15 Q Did you talk to anybody about --
 16 A Not really.
 17 Q Okay.
 18 A I think I had an attorney call me just to let me
 19 know to show up for sure, and that was about it.
 20 Nothing.
 21 Q So you said your "two little brats." Could you
 22 explain that a little more clearly for the
 23 record?
 24 A That's just my two granddaughters and they are
 25 little brats, but I love them so much.

Page 7

1 Q I think before we went on the record you said
 2 you have seven kids?
 3 A Yes.
 4 Q Did they grow up in that home?
 5 A No.
 6 Q How long have you lived in that home?
 7 A We've lived in that home, it's on Curry Pike, we
 8 got nine acres there. We've been there seven
 9 years.
 10 Q Where did you live before that?
 11 A Greene County.
 12 Q Is that where your children grew up?
 13 A Yes.
 14 Q Where do your children live now, generally?
 15 A I got one in Florida, one in Mississippi, one in
 16 California, and the rest here in Bloomington.
 17 Q Okay. Where in Bloomington do those --
 18 A Ellettsville area.
 19 Q All of them live in the Ellettsville area?
 20 A Yeah.
 21 Q Do you own other property in the annexation
 22 areas besides that?
 23 A I own a total of 16 homes.
 24 Q Are those rental properties?
 25 A Yes.

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1 Q All 16 of those are in --
 2 A No, I was counting mine.
 3 Q So you own --
 4 A I've got 15 rentals.
 5 Q So 15 rentals?
 6 A Yes.
 7 Q Are all 15 of the rentals in one of the
 8 annexation areas?
 9 A Same one.
 10 Q They are all in Area 1A?
 11 A Yes.
 12 Q Do you own any other rental properties?
 13 A No.
 14 Q Any other commercial properties?
 15 A No.
 16 Q Are they all occupied?
 17 A As of today, yes.
 18 Q Typically, what's your occupancy rate?
 19 100 percent usually?
 20 A Yes. People are always waiting to get in,
 21 always.
 22 Q What do you charge for rent, on average, on
 23 these homes?
 24 A The average rent on my houses, right now
 25 everything's going up a little bit with

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1 inflation. I'd say \$1,100 a month.
 2 Q Are they owned by you personally --
 3 A Yes.
 4 Q -- or by an LLC?
 5 A LLC, I'm sorry.
 6 Q Okay. All the same LLC?
 7 A Yep.
 8 Q What's the name of the LLC?
 9 A John Byers.
 10 Q John Byers --
 11 A LLC.
 12 Q -- LLC?
 13 A Uh-huh.
 14 Q So for the record, it's helpful if you let me
 15 finish my question --
 16 A Okay.
 17 Q -- and then also that you answer "yes" or "no,"
 18 because "uh-huhs" don't -- and head nods.
 19 So I think you said "uh-huh," but is that a
 20 "yes"?
 21 A Yes.
 22 Q Thank you.
 23 Any plans to move out of your current home?
 24 A No.
 25 Q Did you sign a remonstrance petition against the

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1 annexation?
 2 A No.
 3 Q You did not?
 4 A (Shakes head.)
 5 Q Did your wife sign a remonstrance petition?
 6 A No.
 7 Q Do you understand what I mean by "a remonstrance
 8 petition"?
 9 A Uh-huh.
 10 Q Is that a "yes"?
 11 A Yes.
 12 Q Thank you.
 13 Are you employed currently?
 14 A Retired.
 15 Q Okay. Where did you work?
 16 A A restaurant, it's called Cloverleaf Restaurants
 17 here in Bloomington.
 18 Q Cloverleafs?
 19 A Cloverleaf, one word.
 20 Q Is it still in operation?
 21 A Yes.
 22 Q Did you sell that restaurant?
 23 A My boys did.
 24 Q Okay. Where is that restaurant?
 25 A We've got one on West Third Street and one, I'm

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1 trying to think of the address, it's down south.
 2 I sold them seven years ago to my boys. It's
 3 down behind Bloomington High -- on Winslow Road,
 4 Winslow.
 5 Q So one on Third Street and one on Winslow Road?
 6 A Uh-huh.
 7 Q So your occupation was you operated it,
 8 essentially?
 9 A Thirty-five years.
 10 Q Okay. Any other restaurants that you've owned?
 11 A No.
 12 Q Did you do anything else besides that for those
 13 35 years?
 14 A No.
 15 Q You said your sons sold it. They no longer --
 16 A Yeah. They sold them a year -- 13 months ago.
 17 Q Okay. Are those the sons that, do they live in
 18 the Ellettsville area?
 19 A Yes.
 20 Q Are you opposed to the City's annexations?
 21 A Yes.
 22 Q I'm going to ask you a very broad question and
 23 then we can work back through them specifically.
 24 Can you explain to me why?
 25 A The biggest reason, taxes are going to go up,

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1 and I've got to pass that on to my renters. And
 2 some -- most of my renters are older people on
 3 fixed incomes, and they're living on a tight
 4 budget now. I mean, I know what my budget is in
 5 my house. We're going to force them out of
 6 there. A lot of them can't afford to live
 7 there. They're going to be looking for
 8 something else, Section 8 or something.
 9 Q Any other reasons?
 10 A Well, that's the biggest reason. That's the
 11 biggest reason. Everybody's happy where they
 12 live now. They're happy with the county, I
 13 mean. The only thing we'll get if they raise
 14 the taxes is trash removal. That's the only
 15 thing we'll gain that I can see.
 16 Q Is there any other -- anything else?
 17 A No. That's the biggest thing I'm concerned
 18 about is my renters. I love all of them.
 19 Q Do you have a mortgage on your home?
 20 A No.
 21 Q Do you have a mortgage or a loan on the rental
 22 properties?
 23 A No.
 24 Q So you pay the property taxes directly?
 25 A Yes.

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1 Q Do you know what -- do you have an understanding
 2 of what the tax increase will be on the
 3 properties?
 4 A Yeah. I had a piece of paper sent to me that
 5 showed all of it. It's going to increase it
 6 quite a bit. And I've got three of my rentals
 7 are already in the city, too.
 8 Q I want to break those down a little bit and
 9 clarify some things.
 10 You had a piece of paper that was sent to
 11 you. Do you know who sent that to you?
 12 A I can't remember.
 13 Q Do you know about when that was?
 14 A Probably a year ago.
 15 Q Do you require any specifics from the sheet
 16 about --
 17 A No, no.
 18 Q No specifics.
 19 So do you know exactly what you expect the
 20 property tax increase to be?
 21 A I figured on those homes it's going to cost me
 22 another \$20,000 a year, probably, increase.
 23 Q What do you base that on?
 24 A I think it was on that sheet of paper I seen.
 25 And then I know what I'm paying for those three

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1 properties now, the value of them versus the
2 ones that are not in the city, and it's almost
3 double.
4 Q Did you keep the sheet?
5 A No, I didn't.
6 Q Did the sheet say \$20,000?
7 A No, it didn't.
8 Q What did the sheet -- how did you use the sheet?
9 A I think it gave, like, a percentage. It wasn't
10 a big deal, so that's why I didn't keep it.
11 Because everything changes anyway. But I just
12 know what I pay for my three properties that are
13 in the city now versus the ones that aren't.
14 It's a big, big difference.
15 Q What is the difference?
16 A I'd say one-third higher per household.
17 Q You said -- I think earlier I had asked you --
18 I'm not trying to trick you, I just want to make
19 sure we're clear. I earlier asked you if all 15
20 of your rental properties were in Area 1A, and
21 my recollection is you had answered yes.
22 A Yes.
23 Q So you said there's three rentals in the city
24 currently?
25 A Yes.

Page 15

1 Q Is that in addition to the other 15 rentals?
2 A No, that's counting the 15. That's in the 15.
3 Q Okay. So I just want to make sure I'm clear.
4 Does that mean, then, that you have 12 rental
5 properties in 1A?
6 A I've got 15 of them in 1A, unless those three
7 don't count. I didn't know that. They're all
8 in Highland Village.
9 Q Are all of your 15 rental properties in Highland
10 Village?
11 A Yes.
12 Q And so it's your understanding that three of the
13 homes in Highland Village are in the city's
14 limits?
15 A Yes.
16 Q And 12 of them are not currently in the city's
17 limits?
18 A Right.
19 Q And so you base your understanding based off the
20 taxes that are paid, a comparison between those
21 three --
22 A Yes.
23 Q -- that you believe are in the city limits?
24 A Yes.
25 Q And the other 12 that you believe are not in the

Page 16

1 city limits?
2 A Yes.
3 Q Aside from those, any other properties that you
4 own in the city limits?
5 A No.
6 Q Do you -- your current renters, are any of them
7 in default currently on their rent?
8 A No.
9 Q Do you have problems with renters being in
10 default on their rent?
11 A No, I don't.
12 Q Have you ever had to sue to evict a renter?
13 A Never.
14 Q Do you do background checks on renters before --
15 A Yes.
16 Q What does that entail?
17 A Well, we would like to go see your house before
18 you move in mine. You know, we ask them, "Where
19 do you live? And if you don't care, could we go
20 see your house?" And we look at the yard. We
21 don't do this in every case because some people
22 say no. When they say no, that raises a red
23 flag. Because anybody can come to my house
24 anytime they want, I don't care. But there's
25 red flags we look for, yes.

Page 17

1 But we've never really had a problem.
2 Usually people who come to us know our houses
3 are good and clean, so we usually get really
4 good renters, good people.
5 Q You want to look at their home, where they are
6 currently, so you know if they maintain it well?
7 A Actually, I may look inside their car as I walk
8 by, too, to see how they keep their car.
9 Q So is that a "yes" to my question?
10 A Yes.
11 Q Do you do any review of their finances before
12 you --
13 A Yes.
14 Q What do you do?
15 A We want to see if they're working, check stubs,
16 like one check stub or two, make sure they are
17 working for sure and see if they can afford that
18 rent. You know, basically one week's paycheck
19 in that household should equal a month's rent.
20 Otherwise, I was always told by my parents,
21 probably can't afford to live there if that
22 don't balance out, and that's really true.
23 Q Have you ever denied somebody a rental property
24 because they couldn't afford it?
25 A Not that I remember, no.

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1 (Deposition Exhibit 28 previously marked
 2 for identification.)
 3 Q There should be a document in front of you
 4 that's marked previously as Exhibit 28. It's
 5 titled "Amended and Supplemented Answers of
 6 County Residents Against Annexation, Inc. to
 7 City of Bloomington's Interrogatories."
 8 Do you see that?
 9 A Yes.
 10 Q I understand these were prepared by County
 11 Residents Against Annexation and submitted to
 12 the City. So you may not have seen these
 13 before, but I want to ask you a couple of
 14 questions about it.
 15 The first is, turn to page 5. There's a
 16 Number 5, "Identify and list all facts and
 17 documents supporting your contention ... that
 18 Ordinance Numbers 17-09 and 17-10 fail to
 19 include equitable terms and conditions as
 20 required by Indiana Code 36-4-3-8 and identify
 21 each witness you intend to call to testify in
 22 support of your contention."
 23 Do you see that?
 24 A Yes.
 25 Q And if you turn to the next page, page 6, the

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1 fourth paragraph down, you'll see it says,
 2 "Thomas McGhie, John Byers," and others, "are
 3 anticipated to testify that they were not
 4 offered an in-lieu-of agreement despite the fact
 5 other property owners in Area 1A and 1B were
 6 offered such an agreement."
 7 Can you tell me what that means?
 8 A I wasn't offered anything in agreement, that's
 9 for sure. And Don Creek is my neighbor,
 10 actually.
 11 Q Do you know what an in-lieu-of agreement
 12 references?
 13 A No.
 14 Q Have you ever talked to anybody about desiring
 15 an in-lieu-of --
 16 A No.
 17 Q -- annexation agreement?
 18 A (Shakes head.)
 19 Q Are you willing to pay fees to the city in lieu
 20 of being annexed?
 21 A I don't know. It depends what the fees are. I
 22 have no idea.
 23 Q Would you pay 75 percent of the City's property
 24 tax rate in lieu of being annexed?
 25 A I don't know. I'd have to see the numbers. I

Page 20

1 don't know.
 2 Q Would you pay that even if the City -- be
 3 willing to pay even if the City stopped the
 4 annexation effort?
 5 A I don't know.
 6 Q Are there any terms and conditions you believe
 7 should be in an agreement to be -- to pay these
 8 fees in lieu of being annexed?
 9 A No.
 10 Q Do you have any complaints about anyone entering
 11 into an in-lieu-of agreement?
 12 A I'd have to do my homework on that before I
 13 answered. I don't know.
 14 Q So you don't know anything about in-lieu-of
 15 agreements --
 16 A No.
 17 Q -- is that fair to say?
 18 A I just know I don't want to be in the city
 19 limits. I know that for a fact.
 20 Q Okay. I think we talked over each other a
 21 little, so I just want to make sure. You don't
 22 know anything about in-lieu-of agreements?
 23 A No.
 24 Q No, you don't know anything?
 25 A I don't know.

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1 Q In the exhibit I provided you, if you could turn
 2 to page 11, Number 12 says, "Identify and list
 3 all facts and documents supporting your
 4 contention in the petition that the annexation
 5 will have a significant financial impact upon
 6 residents and/or owners of land in the
 7 annexation territory and identify each witness
 8 you intend to call to testify in support of your
 9 contention."
 10 Do you see that?
 11 A Yes.
 12 Q And if you go to the next page, page 12, it
 13 says, "If called to testify, the following
 14 individuals may be asked to testify about the
 15 significant economic impacts of annexation upon
 16 Areas 1A and 1B," and you will see about two
 17 more lines down, your name is mentioned, John
 18 Byers.
 19 We've already talked a little bit about the
 20 financial impact. Is there anything else that
 21 you can offer with respect to the economic
 22 impact from annexation, besides what we've
 23 already talked about?
 24 A No.
 25 Q If you look further down, Number 13 on that

Page 22

1 page, "Identify and list all facts and documents
 2 supporting your contention in the petition that
 3 the annexation is not in the best interest of
 4 owners of land in the annexation territory, and
 5 identify each witness you intend to call in
 6 support of your contention."
 7 And if you go to page 13 where it says,
 8 "Supplemental Answer." "In addition, if called
 9 to testify, the following would be asked to
 10 testify about the impact of annexation upon them
 11 and upon their businesses." About three more
 12 lines down, you'll see your name is included,
 13 John Byers. Do you see that?
 14 A Yes.
 15 Q Besides what we've already talked about, is
 16 there anything else that you can offer about the
 17 impact of annexation upon you and your business?
 18 A No.
 19 Q If you turn to page 14, Number 16 says,
 20 "Identify and list all remonstrance petitions
 21 that you contend the Monroe County Auditor
 22 disqualified, or declined to include, but should
 23 have included within her remonstrance
 24 certification as alleged in your petition,
 25 identify and list all facts and documents

Page 23

1 supporting your contention, and identify each
 2 witness you intend to call to testify in support
 3 of your contention."
 4 Do you see that?
 5 A Yes.
 6 Q If we go to page 15, in the supplemental answer
 7 it says, "Properties owned or directed as LLCs
 8 in 1A by," and then it says on the next line,
 9 "John Byers in Annexation Area 1A. Any
 10 properties that were disqualified by the auditor
 11 due to information received by auditor from the
 12 City after 1/6/22."
 13 Do you know -- can you offer anything in
 14 terms of disqualified petitions --
 15 A No.
 16 Q -- for your LLCs?
 17 A No.
 18 Q Did you sign a remonstrance petition for any of
 19 your properties?
 20 A No.
 21 Q Did you sign a petition on behalf of your LLCs
 22 for any properties?
 23 A No.
 24 Q At your home, do you receive sewer and water
 25 service?

Page 24

1 A Yes.
 2 Q From Bloomington?
 3 A Yes.
 4 Q Do your rental properties all receive sewer and
 5 water?
 6 A Yes.
 7 Q From Bloomington?
 8 A Yes.
 9 Q Is there anything else you could tell me or want
 10 to offer about why you're opposed to the
 11 annexations that we have not talked about
 12 already?
 13 A No, not really.
 14 MR. UNGER: No further questions.
 15 CROSS-EXAMINATION,
 16 QUESTIONS BY WILLIAM J. BEGGS:
 17 Q John, there's maybe a couple.
 18 Did the City of Bloomington ever approach
 19 you or your LLC and offer you the opportunity to
 20 not be annexed in exchange for paying some money
 21 or doing something?
 22 A No, never did.
 23 MR. BEGGS: No questions. Thank you.
 24 MR. UNGER: Nothing further.
 25 (Time noted: 11:34 a.m.)

Page 25

1 AND FURTHER THE DEPONENT SAITH NOT.
 2
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 6 JOHN BYERS
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1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 6465811
 CASE NAME: County Residents Against Annexation, Inc., Et Al.
 v. The Common Council Of The City Of Bloomington, Monroe County,
 Indiana, Et Al.

4 DATE OF DEPOSITION: 3/1/2024
 WITNESS' NAME: John Byers

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 _____
 Date John Byers

14

15 Sworn to and subscribed before me, a
 Notary Public in and for the State and County,
 the referenced witness did personally appear
 16 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 _____
 Notary Public

24 _____
 25 Commission Expiration Date

1 ERRATA SHEET
 VERITEXT LEGAL SOLUTIONS MIDWEST

2 ASSIGNMENT NO: 3/1/2024

3 PAGE/LINE(S) / CHANGE /REASON

4 _____
 5 _____
 6 _____
 7 _____
 8 _____
 9 _____
 10 _____
 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____

20 _____
 Date John Byers

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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
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.

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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