STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	)	
COUNTY OF MONROE	)	CAUSE NO. 53C06-2203-PL-000509

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 MANWARING, DAN DOYLE, CATHERINE DENSFORD, ETHEL ANN SATLER, MARILYN J. DANIELSON, DEAN E. 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 1B OWNERS OF LAND,

Petitioners,

vs.

THE COMMON COUNCIL of the City of Bloomington, Monroe County, Indiana, 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,

Respondents.

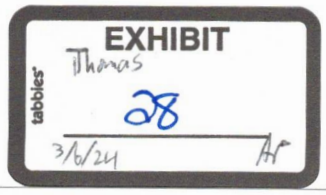
AMENDED AND SUPPLEMENTED ANSWERS OF COUNTY RESIDENTS AGAINST ANNEXATION, INC.
TO CITY OF BLOOMINGTON'S INTERROGATORIES

COMES NOW the Petitioner, County Residents Against Annexation, Inc. ("CRAA"), and for its amended and supplemented answers to the Interrogatories propounded by the City of Bloomington, states as follows:

III. INTERROGATORIES

General Objections:

A. Petitioners generally object to those Interrogatories seeking "a summary of [the] anticipated testimony" of any particular witness. Such Interrogatories are overly broad, overly



burdensome, and apparently seek to trap Petitioners into committing particular witnesses to specific testimony prior to the commencement of the trial or the witnesses being called to testify. Further, Petitioners have no way of "summarizing" the entirety of a witness's testimony at this stage of the litigation. The Defendants may depose any identified witness in accordance with the Indiana Trial Rules.

3. Identify each fact witness that you plan to call to testify in this lawsuit and provide a summary of their anticipated testimony.

ANSWER: See attached Exhibit A. CRAA may call the witnesses identified in Exhibit A to testify concerning, generally, the impacts of annexation of Areas 1A and 1B. Additional witnesses will be disclosed as they are identified by Petitioners. If the following are called to testify, they may testify about the topics and issues described hereafter.

SUPPLEMENTAL ANSWER:

Paul Post: Mr. Post would be called in his capacity as a union representative. If called, he would be asked to testify about operations of Bloomington Police Department, police protection in Bloomington, and the impact of annexation upon extending those operations.

Jeff Rogers: Mr. Rogers would be called in his capacity as a union representative. If called, he would be asked to testify about operations of Bloomington Police Department, police protection in Bloomington, and the impact of annexation upon extending those operations.

Jordan Canada: Mr. Canada would be called in his capacity as a union representative. If called, he would be asked to testify about operations of Bloomington Fire Department, fire protection in Bloomington, and the impact of annexation upon extending those operations.

Bradley Rushton: Mr. Rushton would be called in his capacity as a union representative. If called, Mr. Rushton would be asked to testify regarding City of Bloomington personnel levels, performance, maintenance of the current infrastructure, and the anticipated impact of annexation.

Stephen French: Mr. French would be called in his capacity as a union representative. If called, Mr. French would be asked to testify regarding City of Bloomington personnel levels, performance, maintenance of the current infrastructure, the adequacy of equipment to meet current City needs, and the anticipated impact of annexation.

Dustin Dillard: If called, Mr. Dillard would be asked to testify about impact of annexation upon firefighting operations in the Bloomington and Monroe County area.

Judy Sharp: If called, Ms. Sharp would be asked to testify about fiscal impacts and other related impacts of annexation upon Areas 1A and 1B.

Dave Rollo: If called, Mr. Rollo would be asked to testify about City services and operations and the impact of annexation upon areas 1A and 1B.

Susan Sandberg: If called, Ms. Sandberg would be asked to testify about City services and operations, the City's annexation efforts generally, and the impact of annexation upon areas 1A and 1B.

Andy Ruff: If called, Mr. Ruff would be asked to testify about City services and operations, the City's annexation efforts generally, and the impact of annexation upon areas 1A and 1B.

Chris Sturbaum: If called, Mr. Sturbaum would be asked to testify about City services and operations, the City's annexation efforts generally, and the impact of annexation upon areas 1A and 1B.

John Baeton: If called Mr. Baeton would be asked to testify about population density in areas 1A and 1B.

Cheryl Sciscoe: If called, Ms. Sciscoe would be asked to testify as a landowner about her opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon her.

Rhonda Gray: If called, Ms. Gray would be asked to testify as a landowner about her opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon her.

Rachel Combs: If called, Ms. Combs would be asked to testify as a landowner about her opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon her.

Thomas McGhie: If called, Mr. McGhie would be asked to testify as a landowner about his opposition to annexation, city services versus otherwise provided services and the impact of annexation upon him.

Jimmie Johnson: If called, Mr. Johnson would be asked to testify as a landowner about his opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon him.

Megan Parmenter: If called, Ms. Parmenter would be asked to testify as a landowner about her opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon her and upon other institutions.

Rick Ferguson: If called, Mr. Ferguson would be asked to testify as a landowner about his opposition to annexation, city services versus otherwise provided services, and the impact of annexation upon him.

Kelsey Thetonia: If called, Ms. Thetonia would be asked to testify about the City's separate storm sewer system and the burden annexation would create for said system.

The Petitioners state that the aforementioned individuals may provide testimony on other topics that are relevant to this matter. Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Furthermore, Defendants are directed to other answers to these Interrogatories for other possible witnesses who may be called. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

5. Identify and list all facts and documents supporting your contention in the Petition that Ordinance Nos. 17-09 and 17-10 fail to include equitable terms and conditions as required by Indiana Code § 36-4-3-8 and identify each witness you intend to call to testify in support of your contention.

ANSWER: Petitioners have not presently identified all such documents. Documents expected to be received from Respondents through discovery are likely to be responsive to this request. In addition, documents memorializing Mayor Hamilton's stated position that the City of Bloomington neither is required to, nor intends to extend all services to annexed properties if annexation is completed are attached in response to Respondent's Request for Production of Documents.

In addition, documentation of one or more properties or property owners who were removed from annexation and were offered an "in lieu agreement" that was not offered to other property owners within Areas 1A and 1B will be produced upon receipt.

SUPPLEMENTAL ANSWER: Ordinances 17-09 and 17-10 originally delayed the effective date of annexation to January 1, 2024, over 6 years after the ordinances were introduced. Because the January 1, 2024 date has come and gone, this is no longer an equitable term or condition. Furthermore, the Petitioners state that it is not an equitable provision to provide the city services to residents which the City would otherwise provide.

It is anticipated that representatives of the City of Bloomington, including Mayor Hamilton and Vic Kelson, will provide testimony regarding the equitable provisions, or lack thereof, contained in the ordinances. Rita Barrow, Dan Combs, Jay M. Stephens, and Kim Alexnader are expected to testify regarding Mayor Hamilton's comments about the provision of city services during a June 9, 2021 meeting.

Julie Thomas is anticipated to provide testimony regarding the lack of equitable provision of transit services and other infrastructure to areas 1A and 1B if annexation proceeds.

Thomas McGhie, John Byers, Deborah Reed, Don Creek, and Rhonda Grey are anticipated to testify that they were not offered an in lieu of agreement despite the fact others property owners in areas 1A and/or 1B were offered such an agreement. It is also anticipated that other landowners in the proposed annexed areas will testify that they too were not offered an in lieu of agreement.

Roger Stewart is also expected to testify regarding equitable terms.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Furthermore, Defendants are directed to other answers to these Interrogatories for other possible witnesses

who may be called. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

6. Identify and list all equitable terms and conditions that you maintain should have been included in Ordinance Nos. 17-09 and 17-10, but were not included, identify when and how such requested equitable terms were communicated to Bloomington, and identify each witness you intend to call to testify in support of your contention.

ANSWER: Petitioners have not fully determined all such requested terms and conditions and this response will be supplemented. Preliminarily, provisions assuring equitable treatment to property owners in Areas 1A and 1B should have been, but were not, included in the subject ordinances. Furthermore, offering "in lieu" taxation agreements to some parties and/or properties but not others is inequitable toward the residents of Areas 1A and 1B.

SUPPLEMENTAL ANSWER: Please see supplemental response to Interrogatory 5. Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

7. Identify and list all facts and documents supporting your contention in the Petition that the residential population of each Annexation Territory is less than three persons per acre, state what you believe to be the residential populations of each Annexation Territory, and identify each witness you intend to call to testify in support of your contention.

ANSWER: Petitioners have not presently identified all such documents. However, documents expected to be received from Respondents through discovery are likely to be responsive to this request. In addition, Petitioners believe that in Area 1A the number of persons per acre is 1.23 and in 1B the number of persons per acre is 2.6.

SUPPLEMENTAL ANSWER: **If called, John Baeten (the Monroe County GIS coordinator), Julie Thomas, and Jared Eichmuller would be asked to testify regarding the residential populations of each Annexation Territory as documented in U.S. Census Bureau data as applied to Monroe County. Further, it is anticipated that City of Bloomington employees and/or officials will provide testimony regarding this subject. Documents that are expected to be introduced include information mailed by the City of Bloomington to residents in the proposed annexed areas which included census or population data as well as data from the US Census Bureau.**

Discovery and investigation of this matter are still ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

8. Identify and list all facts and documents supporting your contention in the Petition that less than sixty percent of the territories sought to be annexed are subdivided, state what you believe to be the percentage of the territories that are subdivided, identify the areas that you contend are subdivided, identify the areas you contend are not subdivided, and identify each witness you intend to call to testify in support of your contention.

ANSWER: Will be furnished upon receipt.

SUPPLEMENTAL ANSWER: Petitioners have not presently identified documents that relate to this issue. Petitioners may call Julie Thomas and/or John Baeten to testify as to the percentage of Areas 1A and 1B that are subdivided. In addition, Petitioners may call the Monroe County Surveyor and Monroe County Assessor to testify to this issue.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

10. Identify and list all facts and documents supporting your contention in the Petition that the territories sought to be annexed are not needed by Bloomington for its use and development in the reasonably near future and identify each witness you intend to call to testify in support of your contention.

ANSWER: Bloomington has failed to demonstrate its need for annexation of areas 1A and 1B for use and development in the reasonably near future. Evidence demonstrates that the area has experienced population decreases, crime increases, police staffing shortages have been chronic over several years, some larger employers have laid off employees, there are no economic needs for the City of Bloomington per se, University student enrollment appears to be declining, and areas 1A and 1B are not necessary for the City of Bloomington to provide utility services. In addition, the City of Bloomington, by its appointed Commissions and/or Boards, has recently denied a re-zone of a large parcel of land that was intended to be developed for the Monroe County Jail and ancillary services thus further evidencing the absence of a "need" by Bloomington of the

annexed area, which is close in proximity. This answer is a partial response and is expected to be supplemented.

SUPPLEMENTAL ANSWER: Petitioners have not determined all witnesses whom they will call to testify to be asked to testify to this issue. However, Defendant is directed to the other answers to these Interrogatories, specifically Supplemental Answers 3, 5 7 and 12. In addition, Petitioners anticipate that Vic Kelson, John Hamilton, Susan Sandberg, Dave Rollo, and other City of Bloomington employees identified in the City's document production may furnish testimony on this issue.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

11. Identify and list all facts and documents supporting your contention in the Petition that the territories sought to be annexed do not involve an economic development project and identify each witness you intend to call to testify in support of your contention.

ANSWER: No such economic development projects, as Petitioners understand that phrase, have been identified so as to justify annexation of areas 1A and 1B.

SUPPLEMENTAL ANSWER: If called to testify, City of Bloomington employees and officials are expected to testify that the territories sought to be annexed do not involve an economic development project. Furthermore, if called to testify, Julie Thomas, Susan Sandberg, Dave Rollo, Andy Ruff, and Chris Sturbaum may be asked to testify about the absence or presence economic development projects within Areas 1A and 1B.

Petitioners are also not aware of any such project having been identified by the City of Bloomington. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case.

12. Identify and list all facts and documents supporting your contention in the Petition that the annexation will have a significant financial impact upon the residents and/or owners of land in the Annexation Territory and identify each witness you intend to call to testify in support of your contention.

ANSWER: This is a partial response and will be supplemented. The financial impacts upon residents and/or owners of land in Areas 1A and 1B are many, are wide-ranging, and would be deeply realized. Many residents and/or owners will suffer significant financial impact by way of increased property taxes, will have to make tragic choices between basic human needs and payment of taxes for their properties, will have to make difficult decisions with respect to employment decisions, will suffer loss to a core industry in this area, will be saddled with City of Bloomington regulations that will increase costs that will be passed on to others who are unable to afford them, will be required to comply with City of Bloomington ordinances with which they disagree and have chosen to avoid by where they live, will worsen the problem of affordable housing within the area, will result in loss of significant tax revenue to institutions including Monroe County government, the Monroe County Public Library, the Monroe County Community

School Corporation, and others which will, in time, have negative impacts on the residents of Areas 1A and 1B.

SUPPLEMENTAL ANSWER: If called to testify, the following individuals may be asked to testify about the significant economic impacts of annexation upon Areas 1A and 1B: Judy Sharp, Julie Thomas, Penny Githens, Dustin Dillard, Cheryl Scisco, Rex Kirts, Deborah Reed, Thomas McGhie, John Byers, Lee Rhyne, Ricky Ferguson, Jimmie Johnson, Richard Peach, Maurice Moore, Denise Moore, Amy Zehner.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

13. Identify and list all facts and documents supporting your contention in the Petition that the annexation is not in the best interest of owners of land in the Annexation Territory and identify each witness you intend to call to testify in support of your contention.

ANSWER: Accounts and reports by owners and residents of land in Areas 1A and 1B of the many ways in which annexation will not be in their best interest are too numerous and too detailed to be listed in an interrogatory answer. However, Respondents are directed to the Petitioners' other answers to these Interrogatories. By way of example, but not limitation, the City of Bloomington has suffered from a well-documented shortage of police officers and firefighters over the course of several years and has been unable to remedy those critical problems despite apparently trying to do so. Subjecting Areas 1A and 1B to the City of Bloomington's shortcomings and failures is not in the best interests of those areas. Furthermore, the City of Bloomington has a

demonstrated history of failing to extend various services to areas and/or neighborhoods that it has annexed, which is further evidence that the best interests of Areas 1A and 1B would not be served by annexation. Many owners of property in Areas 1A and 1B have specifically elected to either live there for the reason that those areas are outside the limits of the City of Bloomington for various reasons, many of which are referenced in these Answers to Interrogatories. Thus, it is not in the best interest of those owners and residents to be subjected to annexation. This response will be supplemented.

SUPPLEMENTAL ANSWER: See Supplemental Answer No 5. In addition, if called to testify, the following would be asked to testify about the impact of annexation upon them and upon their businesses: Cheryl Sciscoe, Don Creek, William Manwaring, Deborah Reed, Thomas McGhie, Jimmie Johnson, Ricky Ferguson, Amy Zehner, Charles Dobbs, Richard Nisbet, Andrew Ross Simpson, Jeff Ellington, Ruth Clemons, John Byers, Ed Koch, Jacomina Smith, Mabel Smith, Charles Dobbs, Richard Nisbet, Denise Moore, Andrew Ross Simpson, Adam Nunez, Jeff Ellington, Rick Matlock, Karen Apple, Mary Jo Day, John Byers, Ruth Clemons, Harry Ferris, Lee Rhyne, Barbara Leininger, Roger Stewart.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

15. Identify and list all facts and documents supporting your contention in the Petition that the Monroe County Commissioners oppose the Annexation Ordinances because they will negatively impact the landowners, identify the specific negative impacts of the Annexation Ordinances,

identify any positive impacts of the Annexation Ordinances, and identify each witness you intend to call to testify in support of your contention.

ANSWER: See letter signed by Monroe County Commissioners dated August 11, 2021.

SUPPLEMENTAL ANSWER: **It is anticipated that Julie Thomas, Lee Jones, and Penny Githens will testify in their capacity as Monroe County Commissioners regarding their continued opposition to annexation, the negative impacts of annexation on Monroe County and its citizens. Petitioners also anticipate submitting public testimony which was given at Bloomington City Council hearings regarding annexation on August 4, 2021, August 11 2021, and January 6, 2022 in addition to statements made by the Commissioners which are a matter of public record.**

Please also see the report prepared by the Reedy Financial Group and BakerTilly which have previously been tendered in discovery.

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

16. Identify and list all Remonstrance Petitions that you contend the Monroe County Auditor disqualified, or declined to include, but should have included within her remonstrance certification as alleged in your Petition, identify and list all facts and documents supporting your contention, and identify each witness you intend to call to testify in support of your contention.

ANSWER: Petitioners will identify such petitions upon receipt of further information.

SUPPLEMENTAL ANSWER: **Properties owned or directed as LLC's in 1A by Warren Cutshall, Lee Marchant, and John Byers in annexation area 1A. Any properties that were disqualified by Auditor due to information received by Auditor from the City (including information about waivers) after 1/6/22. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.**

17. Identify all communications made, authored, sent, or received by You to any legislator, any legislator's agent or representative, or official of the Indiana General Assembly regarding any Bloomington annexation or remonstrance waiver.

ANSWER: It would be impossible for Petitioners to identify all such communications made by the 2,550 people who submitted Petitions for Remonstrance (not including those who opposed annexation but did not submit Petitions for Remonstrance). However, Petitioners are aware of some specific individuals who contacted legislators with statements of opposition to Bloomington's annexation effort.

SUPPLEMENTAL ANSWER: **Margaret Clements presently recalls having spoken to, in Ms. Clements's individual capacity, Indiana State legislators Shelli Yoder, Jeff Ellington, and Mark Stoops, about her personal concerns about involuntary and unilateral annexation. She did this as an attendee at the League of Women Voters events and other open public forums. She does not presently recall others but will supplement this answer if others are recalled.**

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case.

18. For any response to Bloomington's contemporaneously served Requests for Admissions that is not an unqualified admission, identify and list all facts and documents supporting all such responses, and identify each witness you intend to call to testify in support of your all such responses.

ANSWER: With respect to Request for Admission 2: The purported written fiscal plan by the City of Bloomington date March 29, 2017 does not comport with IC 36-4-3-13 for reasons that include, but may not be limited to, failure to accurately assess written fiscal impacts, and failure to account for the passage of time between the preparation of the report and the purported annexation. Bloomington's failure to accurately identify the effects of the fiscal impacts of annexation after its annexation efforts stopped between approximately 2017 and 2021 renders the report defective in terms of the requirements of the statute so that residents can be fairly advised of fiscal impacts.

SUPPLEMENTAL ANSWER: **Petitioners may call the following to testify to these matters: Julie Thomas, Judy Sharp, Dustin Dillard, the Monroe County Surveyor, Susan Sandberg, Dave Rollo, and any witness identified in these answers to Interrogatories. If called to testify, Judy Sharp may be asked to testify about the adequacy of the City of Bloomington's fiscal plan. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.**

With respect to Request for Admission 5: **Please see Interrogatory responses 12 and 13.**

Discovery and investigation of this matter are still currently ongoing and the Petitioners reserve the right to amend and supplement this response in accordance with the Indiana Trial Rules and the case management order issued in this case. Petitioners state that they may also call witnesses or introduce documents identified in the City's Interrogatories and Response to Request for Production.

[REMAINDER OF PAGE LEFT BLANK]

VERIFICATION

I (WE) AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT THE FOREGOING ANSWERS ARE TRUE.

COUNTY RESIDENTS AGAINST ANNEXATION, INC.

Margaret Clements
Margaret Clements (Jan 16, 2024 16:41 EST)

By: Margaret Clements

CERTIFICATE OF SERVICE

I certify that on January 16, 2024, I electronically filed the foregoing document using the Indiana E-filing System (IEFS) and that the foregoing document was served upon all counsel of record via the same.

/s/ William J. Beggs
William J. Beggs, #16644-49

BUNGER & ROBERTSON
211 South College Avenue
Post Office Box 910
Bloomington, IN 47402-0910
812-332-9295