

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 LEE RHYNE
15

16 The deposition upon oral examination of
 LEE RHYNE, a witness produced and sworn before me,
17 Janine A. Ferren, RMR, CRR, CSR-IL No. 84-4852,
 Notary Public in and for the County of Hamilton,
18 State of Indiana, taken on behalf of the
 Respondents, at the offices of Bloomington City
19 Hall, 401 North Morton Street, Bloomington, Monroe
 County, Indiana, on the 1st day of March 2024,
20 scheduled to commence at 12:45 p.m., pursuant to
 the Indiana Rules of Trial Procedure with written
21 notice as to time and place thereof.
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APPEARANCES

FOR THE REMONSTRATORS/APPELLANTS/PETITIONERS:

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ALSO PRESENT:

Margaret Clements

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DIRECT EXAMINATION5
 Questions by Andrew M. McNeil

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

2 LEE RHYNE,

3 having been duly sworn to tell the truth, the whole
4 truth, and nothing but the truth relating to said
5 matter, was examined and testified as follows:

6

7 DIRECT EXAMINATION,

8 QUESTIONS BY ANDREW M. McNEIL:

9 Q Please state your name for the record.

10 A My name is Lee D. Rhyne.

11 Q Mr. Rhyne, we met just before we went on the
12 record. My name is Andrew McNeil. I'm one of
13 the attorneys for the City of Bloomington in the
14 annexation remonstrance case.

15 Have you ever had an opportunity to give
16 deposition testimony before?

17 A Yes, I have.

18 Q How many times?

19 A On one other occasion.

20 Q How long ago was that?

21 A It must have been almost 20 years ago.

22 Q Well, the process remains the same; the
23 technology may have upgraded some. I'm going to
24 ask you a series of questions, and your job
25 today is to answer them as truthfully and as

1 completely as you can. Do you understand that?

2 A I understand.

3 Q If you don't understand my question, will you
4 let me know?

5 A Yes, I will.

6 Q If I need to rephrase something or you didn't
7 hear me, will you let me know that too?

8 A No doubt.

9 Q Excellent. This is probably going to be about
10 30 minutes, give or take.

11 A Okay.

12 Q Even so, if you need to take a break for
13 whatever reason, will you let me know?

14 A Sure.

15 Q Did you do anything to prepare for the
16 deposition today?

17 A Yes. I spoke to friends, neighbors who have had
18 objections to the annexation, and tried to get
19 as much input as possible to come here and speak
20 today.

21 Q All right. Let's write that down, we'll come
22 back to that in a second.

23 In addition to speaking to friends and
24 neighbors and collecting information from them,
25 did you do anything else to prepare for the

1 deposition?

2 A Not really. I looked over previous
3 correspondence that I've had from the City just
4 to prepare myself and be aware of what's
5 happening here.

6 Q And the correspondence from the City you're
7 referring to, are those materials you would
8 receive from time to time about the annexation?

9 A Correct.

10 Q Anything else to prepare?

11 A None at all.

12 Q What is your address?

13 A 701 West Hedgewood Drive, Bloomington, Indiana
14 47403.

15 Q Is that in Annexation Area 1B?

16 A I believe it's in 1A.

17 Q Which part of town is it? Is it west or south?

18 A It's south.

19 Q How long have you owned that property?

20 A Since 1996, so 28 years.

21 Q Does anyone live there with you?

22 A Yes.

23 Q Who?

24 A My wife.

25 Q So you and your wife, have you both lived there

1 since 1996?

2 A Correct.

3 Q Do you own any other property in Annexation
4 Area 1A or 1B besides the Hedgewood Road
5 residence?

6 A That is my sole property.

7 Q Do you work?

8 A I do have a little side hustle.

9 Q What do you do in your side hustle?

10 A I am a bank courier.

11 Q Are you otherwise retired?

12 A Otherwise retired, correct.

13 Q Where did you retire from?

14 A I retired from FedEx.

15 Q When you worked for FedEx, what location?

16 A Here in -- I managed a location here and in
17 Columbus, Indiana.

18 Q Do you have any present plans to move, sell your
19 house?

20 A Not at this time. Perhaps if this annexation
21 goes through, it certainly would affect, you
22 know, my decision to move and to sell.

23 Q In what way? How would it affect that decision?

24 A I think that the economic impact that it would
25 have on me. I'm pretty much on a fixed income

1 and social security. My wife retired in June,
2 and so we have her small retirement and social
3 security.

4 Q Where did your wife retire from?

5 A The school system, MCCSC.

6 Q Have you looked at potential relocation options?

7 A I think that if we looked at options, it would
8 be probably Greene County or a move to Hendricks
9 County. It would put us a little closer to good
10 medical facilities.

11 Q If I understand your current mindset, you're not
12 currently looking to move; is that fair?

13 A I'm not currently looking to move, no.

14 Q You said one concern you would have if the
15 annexation went forward was the economic impact
16 it would have on you. What specific impact are
17 you thinking of when you say that?

18 A Well, I'm thinking about, you know, the
19 increased taxes and if this would impact the
20 County. Would it cause the County to increase
21 their taxes?

22 MCCSC has had two referendums the last two
23 voting periods. So you know, as things continue
24 to -- prices continue to increase, we're looking
25 at every opportunity, you know, to save our

1 cash.

2 Q And the "we" in that sentence is you and your
3 wife?

4 A Me and my wife, correct.

5 Q Have you looked into, if the annexation were to
6 occur, what your new annual property tax
7 liability would be?

8 A I'm not sure of where this amount came from, but
9 I seem to have heard that we're looking at
10 between 600 and \$1,200 per year.

11 Q And I understand you front loaded that answer
12 with saying you can't remember where it came
13 from.

14 A I can't remember the source.

15 Q Can you help narrow down what the potential
16 sources could be based on what you've looked at
17 or read or heard in the past?

18 A I'm not sure if it was from the paper or from
19 some of the critics of this annexation. I
20 remember the source seemed very credible. And
21 it was pretty much an average, if I can remember
22 correctly.

23 Q Do you remember the time frame where that
24 information came to your attention?

25 A It probably was a little more than a year ago,

1 maybe a little longer. It was during the
2 pandemic, probably '20, '21.

3 Q Did you attend any informational meetings or
4 gatherings at the county fairgrounds?

5 A Yes, I did.

6 Q Was there information available there about the
7 potential property tax increase?

8 A I was in and out of there pretty quick because I
9 saw that my help, you know, was not needed.
10 There was adequate coverage and people
11 disseminating information, so I didn't think my
12 help was needed. I picked up the information
13 that they provided to me and moved on.

14 Q Was there anything in that information that
15 addressed property tax increase?

16 A There could have been. I can't remember if
17 there was. I just -- I just do remember that it
18 was a pretty credible source, and it was a range
19 of increases that we were looking at.

20 Q Have you ever used a property tax calculator
21 that's available either on the City of
22 Bloomington's website or the auditor's website
23 or a state agency website?

24 A No, I don't think so.

25 Q Are there other ways -- other than the property

1 taxes, are there other ways you believe the
2 annexation would have an economic impact on you
3 and your household?

4 A Those are the ones that are probably paramount,
5 probably most important.

6 Q I'm going to ask you about -- you're looking at
7 some paper in front of you?

8 A Uh-huh.

9 Q Can you describe for the record what it is
10 you're looking at?

11 A I'm looking at some notes I took to address
12 today, if given the opportunity.

13 Q We'll give you the opportunity.

14 A Okay.

15 Q But let's talk about how you put those notes
16 together.

17 Is that information that -- you mentioned
18 earlier you talked to neighbors and friends?

19 A Yeah.

20 Q Is there information you gathered from those
21 folks that's been reduced to your notes there?

22 A Yes, it is.

23 Q And then some of it -- is some of it just your
24 own thoughts?

25 A Yes, it is.

1 Q And when did you put those notes together, you
2 think?

3 A I put them together probably a week ago.

4 Q I see one page in front of you. Is there just
5 one page of notes?

6 A Just one page of notes, yes.

7 Q Would you have an objection to us putting an
8 exhibit sticker on those notes and making them
9 part of the official transcript of your
10 deposition?

11 A No, I wouldn't.

12 Q Or we can go make a copy of them and you can --

13 A Well, I hope you can understand some of these
14 things, because some of them are abbreviated and
15 just talking points, you know, for me.

16 Q I would certainly ask you to talk through them.
17 Let's save the notes for a second. We'll come
18 back to those.

19 A Okay.

20 Q We kind of jumped into it. Let me take a step
21 back.

22 A Okay.

23 Q We talked about financial, the economic impact
24 on you and your household.

25 Did you sign a remonstrance petition?

1 A Yes, I did.

2 Q When you signed it, did you understand that was
3 lodging your official objection to the
4 annexation?

5 A Yes, I did.

6 Q And are you still opposed to the annexation?

7 A Yes, I am.

8 Q Other than what we've already talked about, can
9 you tell me the reasons why you are opposed to
10 the annexation?

11 A Well, one of the main things that I'm opposed to
12 is the annexation and the division of the zones
13 were set for us to fail as petitioners. Rather
14 than including all the areas that the City had
15 proposed to annex, they divided it up. And
16 given that only about 60 percent of voters vote
17 for major elections, I think that the City knew
18 right away that it was going to be impossible
19 for us to get enough signatures not to -- for us
20 to fail as petitioners. That's the first thing.

21 We get nothing out of it except for higher
22 taxes. When I came to an organizational meeting
23 or the dog and pony show that the City put on,
24 they informed us that we would get police
25 protection, and we get nothing out of that. I

1 already have police protection. I have two
2 sheriffs that live less than a half a mile from
3 me. The city is short on officers.

4 They offered us fire protection. Firemen
5 are leaving the fire department. I'm not sure
6 if we have a permanent fire chief right now.
7 But many of the firemen are unhappy with future
8 increases in their wages and leaving for the
9 county fire department.

10 Also, I think that the money that the City
11 has paid so far on this endeavor could have been
12 spent for the homeless. And it doesn't frighten
13 me, but I have been approached on two occasions
14 just recently, you know, by homeless people. So
15 I don't think that -- and adding more policemen
16 probably you don't want, won't fix that.
17 They're going to need to add additional
18 policemen if they annex these areas.

19 The trash pickup, already have. Streets,
20 I'm not sure that they could even keep up, you
21 know, with the streets. If you go down Third
22 Street, I think it's evident that, I think they
23 do their best with what they have. But if you
24 go down Third Street probably from College to
25 the police station, it's pitted with potholes.

1 So I don't look for anything from the street
2 department.

3 The other thing, I never intended to be in
4 the city in the first place when I purchased my
5 home. And I had no idea when I bought my home
6 that that was even possible.

7 You know, the other thing that -- there
8 used to be a guy in my neighborhood, his name
9 was Maurice Jones. My cousins used to go a
10 block out of the way not to confront Maurice
11 because he'd beat them up. I feel the same
12 thing is happening with the City. They want to
13 force this on us. We never -- if they wanted to
14 be democratic about this, why don't they put it
15 on a ballot and allow us to decide if we want to
16 be in the city? But I never intended to be in
17 the city in the first place, and I didn't know
18 when I signed my contract for my papers.

19 Of course, I'm sure that everybody here has
20 bought homes before, and they put a piece of
21 paper in front of you and they said, "Initial
22 here," and that's what you did, because I needed
23 a house. I sold my house in Kankakee County,
24 Illinois, and I needed a place to live. During
25 those closings, you never have time to read

1 through a stack of paper two inches thick, so I
2 never did get a chance to do that.

3 But I never had a chance, you know, to know
4 that I was buying into being in the city at some
5 point in time. So I think that it's something
6 that's being forced upon us, and I don't see
7 that as being democratic, I don't see it as
8 being the right thing. I think that perhaps
9 they have -- perhaps this is legal, but laws
10 change. One thing that's constant is the right
11 thing. I don't think this is the right thing.

12 Q Thank you for that, Mr. Rhyne. And I noticed
13 while you were talking, you were glancing down
14 at your notes.

15 A Yes.

16 Q Is there anything else on your notes? Have you
17 covered everything from the notes?

18 A Well, I said something that perhaps, you know,
19 we could have done -- the City could have done a
20 better job of this by collaborating and
21 coordinate it through the County.

22 The other thing that I object to is some of
23 the ordinance that may affect us also.

24 Q Any particular ordinances?

25 A Well, the only one that comes to my mind --

1 perhaps I should have did a little more
2 research, you know, on this. I have -- I got
3 almost a quarter of an acre. I got 21 trees.
4 We've just went through the winter. I have all
5 kind of stuff I could burn right now. So the
6 burning is one of those things.

7 I'm not sure about some of the others. I
8 probably could do, you know, a little further
9 research to find out how those ordinances are
10 different than the County.

11 Q So is it your practice currently to burn the
12 tree debris?

13 A About once or twice a year I will.

14 Q So sticks, branches, leaves?

15 A Yes, sticks and branches. I don't burn any
16 leaves; I compost those.

17 Q Do you have a dedicated fire pit area in your
18 yard?

19 A Yes.

20 Q Sitting here right now, the burn ordinance is
21 the one that comes to mind?

22 A The one that comes to my mind immediately.

23 Q You mentioned the police protection in the city
24 being short on officers.

25 A Yes.

1 Q What is the source of that understanding?

2 A The last thing I saw in the Herald-Times was the
3 police department was short 31 officers.

4 Q So that was a news article?

5 A Yes.

6 Q Do you remember when you saw it?

7 A I think it was shortly before the end of the
8 year, probably sometime in December.

9 Q Of 2023?

10 A 2023, yes.

11 Q You said you have two sheriffs that live near
12 you. There's two uniformed sheriff deputies
13 that live nearby?

14 A Yes.

15 Q Have you ever spoken with them about staffing
16 levels at the Bloomington Police Department?

17 A No, I have not spoke to them about that.

18 Q Have you spoken with them about staffing levels
19 at the Monroe County Sheriff's Office?

20 A No, I haven't.

21 Q The fire protection issue you identified, you
22 said you're not sure if they have a permanent
23 chief right now. What do you mean by that?

24 A Shortly after the administration changed from --
25 in the city, the fire chief resigned, and

1 someone has taken that job on an interim basis,
2 the last that I heard. I'm not sure if anyone
3 has been hired since that time. But I do know
4 that the fire chief resigned, and he resigned
5 over future raises and salaries for those
6 firemen.

7 Q And the source of that information about the
8 reason why he resigned, was that something you
9 read in a news article?

10 A Yes, news article, and on the internet.

11 Q You said, too, about fire protection, I think
12 you made a reference that many firefighters were
13 leaving for the county or other departments.
14 What's your source of that information?

15 A I spoke to one of the senior firemen and just
16 talked about their staffing levels. And he told
17 me that many of the young officers were leaving
18 because the salaries were higher out in the
19 county.

20 Q What's that person's name?

21 A I don't -- I can't remember his name or I don't
22 know his name, you know. It was somebody that I
23 just -- I see a lot of folks on a daily basis by
24 being out, picking up money and taking money to
25 folks. And so it is not unusual for me to just

1 ask folks their opinion and just speak to them
2 about what they do.

3 Q So this was someone that you met in the course
4 of your daily activities?

5 A Someone I met in the course of my daily
6 activities, yes.

7 Q Do you have a mortgage on your property?

8 A Yes.

9 Q Does the mortgage company have an escrow fund
10 through which your property taxes are paid?

11 A Yes.

12 Q So you have your monthly house payment that
13 includes a piece of that that goes to the
14 property tax?

15 A Yes.

16 Q Have you observed that your property taxes have
17 increased in the last three or four years?

18 A Yes, it has, tremendously.

19 Q Do you remember what your property taxes were
20 for 2023?

21 A I think it was about \$1,400. I didn't bring
22 that information with me.

23 Q Okay.

24 A But that's gone from under a thousand to \$1,400
25 in just a few years, probably three years.

1 Q If I suggested that the 2023 tax for your
2 property was \$2,179, does that sound right or
3 does that sound too high?

4 A It could be. I didn't bring that information
5 with me. And honestly, I should remember that
6 because I just did my taxes.

7 Q But even -- you understand that the property tax
8 increase of the last few years is connected to
9 the increased assessed value of your property?

10 A Correct.

11 Q And to your knowledge, your escrow company has
12 paid the property taxes on your behalf every
13 year?

14 A Yes.

15 Q Have we covered all the notes that you have?

16 A Yes, we have.

17 Q Could I see those, please? Thank you.

18 A I hope you can understand that.

19 Q I've spent 27 years as a lawyer reading other
20 people's handwriting.

21 A All right. Some of it I just wrote down and
22 needed just for talking points.

23 MR. McNEIL: So we're going to put an
24 exhibit sticker on that.

25 MS. CLEMENTS: Would you care for a copy of

1 that back, Mr. Rhyne?

2 THE WITNESS: Yes.

3 MR. McNEIL: We'll make a copy before you
4 go.

5 (Deposition Exhibit 52 marked for
6 identification.)

7 BY MR. McNEIL:

8 Q So we've identified your notes. Please confirm,
9 Mr. Rhyne, that we've designated your notes
10 Exhibit 52 for purposes of the deposition.

11 A Okay.

12 Q For the record, is that what we've done?

13 A Yes, we have.

14 Q If you can pass those to Mr. Beggs so he can
15 look at it. And we'll make a copy of that
16 before you take off.

17 A Okay.

18 (Deposition Exhibit 28 previously marked
19 for identification.)

20 Q So you have a document by your left hand there,
21 Exhibit 28. It's the amended and supplemented
22 answers of the County Residents Against
23 Annexation to the City of Bloomington's
24 interrogatories. I want to turn your attention
25 to page 11. If you could turn there, and there

1 will be a question Number 12 on that page.

2 So question 12 says, "Identify and list all
3 facts and documents supporting the contention
4 that the annexation will have a significant
5 financial impact upon the residents and owners
6 of land in the annexation area," and identify
7 witnesses.

8 Do you see that?

9 A Yes, I do.

10 Q If you turn, please, to page 12, there's a
11 supplemental answer that says, "If called to
12 testify, the following individuals may be asked
13 to testify about the significant economic
14 impacts of annexation upon Areas 1A and 1B."

15 Do you see your name listed in about the
16 middle --

17 A Yes, I do.

18 Q -- of the third, fourth line there?

19 A Yes.

20 Q Have you covered all of the ways in which you
21 believe the annexation would have a significant
22 economic impact on Areas 1A and 1B?

23 A I think that I have. It's all that I can
24 support, yes.

25 Q And then if you look at question 13 on page 12,

1 similar intro, "Identify facts and documents
2 supporting the contention that the annexation is
3 not in the best interest of the owners of land
4 in the annexation territory."

5 Do you see that?

6 A Yes.

7 Q And if you turn to page 13, there is a
8 supplemental answer, "See Supplemental Answer
9 Number 5. In addition, if called to testify,
10 the following would be asked to testify about
11 the impact of annexation upon them and upon
12 their businesses."

13 Do you see your name --

14 A Yes, I do.

15 Q -- in the last row of names?

16 A Yes.

17 Q Have we covered all the ways in which you
18 believe the annexation is not in the best
19 interest of you or the landowners in the
20 annexation area?

21 A To the best of my ability.

22 Q Anything else come to mind that you would like
23 to add today, right now?

24 A I can't think of anything at this time.

25 MR. McNEIL: Mr. Rhyne, I have no further

1 questions. I thank you for your time.

2 MR. BEGGS: Mr. Rhyne, I have no questions.

3 Thank you very much.

4 (Time noted: 1:05 p.m.)

5 AND FURTHER THE DEPONENT SAITH NOT.

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LEE RHYNE

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF HAMILTON)

3 I, Janine A. Ferren, a Notary Public in and
4 for the County of Hamilton, State of Indiana at
5 large, do hereby certify that LEE RHYNE, the
6 deponent herein, was by me first duly sworn to tell
7 the truth, the whole truth, and nothing but the
8 truth in the aforementioned matter;

9 That the foregoing deposition was taken on
10 behalf of the Respondents, at the offices of
11 Bloomington City Hall, 401 North Morton Street,
12 Bloomington, Monroe County, Indiana, on the 1st day
13 of March 2024, commencing at the hour of
14 12:34 p.m., pursuant to the Indiana Rules of Trial
15 Procedure;

16 That said deposition was taken down
17 stenographically and transcribed under my
18 direction, and that the typewritten transcript is a
19 true record of the testimony given by the said
20 deponent; and thereafter presented to said deponent
21 for his signature;

22 That the parties were represented by their
23 counsel as aforementioned.

24 I do further certify that I am a disinterested
25 person in this cause of action; that I am not a

1 relative or attorney of any party, or otherwise
2 interested in the event of this action, and am not
3 in the employ of the attorneys for any party.

4 IN WITNESS WHEREOF, I have hereunto set my
5 hand and affixed my notarial seal on this 15th
6 day of March 2024.

7
8 
9

10 _____
11 Janine A. Ferren

12
13 Seal, Notary Public
14 State of Indiana
15 Janine A. Ferren
16 Commission No. NP0681591

17 My Commission Expires:
18 April 22, 2024
19 County of Residence:
20 Hamilton

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1 Veritext Legal Solutions

1100 Superior Ave

2 Suite 1820

Cleveland, Ohio 44114

3 Phone: 216-523-1313

4 March 15, 2024

5 To: William J. Beggs, Esq.

6 Case Name: County Residents Against Annexation, Inc., Et Al. v. The
Common Council Of The City Of Bloomington, Monroe County, Indiana, Et
7 Al.

8 Veritext Reference Number: 6465811

9 Witness: Lee Rhyne Deposition Date: 3/1/2024

10 Dear Sir/Madam:

11 The deposition transcript taken in the above-referenced
12 matter, with the reading and signing having not been
13 expressly waived, has been completed and is available
14 for review and signature. Please call our office to
15 make arrangements for a convenient location to
16 accomplish this or if you prefer a certified transcript
17 can be purchased.

18 If the errata is not returned within thirty days of your
19 receipt of this letter, the reading and signing will be
20 deemed waived.

21 Sincerely,

22
23 Production Department

24
25 NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

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.

DATE OF DEPOSITION: 3/1/2024

WITNESS' NAME: Lee Rhyne

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Lee Rhyne

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20_____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

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.

DATE OF DEPOSITION: 3/1/2024

WITNESS' NAME: Lee Rhyne

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date

Lee Rhyne

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They have listed all of their corrections
in the appended Errata Sheet;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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

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

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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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