

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., et al.,)

7 Petitioners,)

8 -vs-)

9 CITY OF BLOOMINGTON, INDIANA,)
10 et al.)

11 Respondents.)
12

13 DEPOSITION OF MARGARET CLEMENTS
14

15 The deposition upon oral examination of
16 MARGARET CLEMENTS, a witness produced and sworn
before me, Colleen Brady, Notary Public in and for
17 the County of Monroe, State of Indiana, taken on
behalf of the Respondents, at the offices of Bunger
& Robertson, 226 South College Avenue, Bloomington,
18 Monroe County, Indiana, on the 4th day of
August 2022, at 3:44 p.m., pursuant to the Indiana
19 Rules of Trial Procedure with written notice as to
time and place thereof.
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22
23
24
25

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1 completely and truthfully as you can.
 2 Do you understand that?
 3 A I do.
 4 Q If you don't understand my question, will you
 5 let me know?
 6 A Yes.
 7 Q If you need to take a break -- yours might be a
 8 little bit long, I'm not sure. If you need to
 9 take a break, use the restroom get something
 10 else to drink, just will you let me know?
 11 A Yes, I will. Thanks.
 12 Q Do you know that you took an oath to tell the
 13 truth today?
 14 A I do.
 15 Q Do you live in one of the annexation
 16 territories?
 17 A I do not.
 18 Q So what is your involvement with this whole
 19 remonstrance process?
 20 A I think you're asking me how did I become
 21 involved; right? And why; is that correct?
 22 Q Well, ultimately. But go ahead. Answer those
 23 questions.
 24 A So well, first of all, I have kind of a big
 25 heart. And I had become aware through some

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1 postings on Nextdoor, that there were some older
 2 people who were concerned about the impact that
 3 the annex would have -- annexation would have on
 4 them in terms of their ability to continue to
 5 afford to stay in the homes where they currently
 6 lived. They felt that the annexation would be
 7 injurious to them and they were too old. Like
 8 one -- you know, a few people have said that
 9 they are in their 80's, their lifetime earning
 10 potential has finished, and that if their taxes
 11 would go up by the amount that the city had
 12 predicted, that he would have to move. And that
 13 they are old and unable to do so. And, you
 14 know, to me, that was a cry for help.
 15 I thought, well, I think for some of these
 16 older people, I would like to step up and try to
 17 help.
 18 Q So nextdoor is kind of organized loosely by
 19 neighbor designations?
 20 A Yes, yes.
 21 Q What neighborhood group was this a part of?
 22 A Well, you know, her name has come up before in
 23 this meeting, but Rita Barrow is pretty active
 24 on Nextdoor. And there were posting from some
 25 older people on her Nextdoor page. So they came

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1 from different neighborhoods around the city
 2 because Rita is kind of well known.
 3 Q And did you know Rita before this --
 4 A I did.
 5 Q So we need to make sure -- you know, Rhonda was
 6 quick to answer --
 7 A Yes.
 8 Q -- so let me get my question out and then -- so
 9 did you know Rita before the whole remonstrance
 10 period started?
 11 A Yes.
 12 Q How did you know Rita?
 13 A I knew her because I had lived in Van Buren
 14 township, and she was the trustee at the time
 15 that I had live there, you know, more than a
 16 decade ago or more than two decades ago I think.
 17 Q Is she a personal friend, or more of an
 18 acquaintance, someone you knew?
 19 A Just someone I respected as a community figure.
 20 Not a personal friend. Just somebody who's had
 21 earned, I think, the respect of a large number
 22 of the community members.
 23 Q Do you live in Bloomington in the city limits?
 24 A Not in the city limits.
 25 Q Where do you live?

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1 A I live outside of the annexation area 2. Do you
 2 want my address?
 3 Q Sure?
 4 A 5784 Calais Court, C-A-L-A-I-S Court,
 5 Bloomington, Indiana 47401.
 6 Q What township is that in?
 7 A Saltcreek.
 8 Q How long have you lived there?
 9 A About ten years.
 10 Q What do you do for a paid profession or work?
 11 A I direct a research institute.
 12 Q What research institute?
 13 A It's called the Center for Knowledge Diffusion.
 14 Q Is that here in Bloomington?
 15 A Yes.
 16 Q Where is that located?
 17 A It's located on Fenbrook Lane and somewhat in my
 18 house. I do a lot of research at home.
 19 Q How many people work at the Center for Knowledge
 20 Diffusion?
 21 A Right now I contract out. So I'm its sole
 22 employee. And I'm going through transferring
 23 some of my purposes because my husband passed
 24 away. And I'm going to dedicate the next
 25 portion of my life toward securing his legacy.

<p style="text-align: right;">Page 10</p> <p>1 Q I'm sorry to hear -- for your loss.</p> <p>2 A Thank you, thank you.</p> <p>3 Q Well, what I want to understand, I guess, is in</p> <p>4 March 2020 to present, were there employees or</p> <p>5 contract workers that were tide to or preformed</p> <p>6 services for the Center of Knowledge Diffusion?</p> <p>7 A At that time, no. The focus was beginning to</p> <p>8 change to hosting -- my goal is to have -- endow</p> <p>9 a string quartet. I had just had a concert</p> <p>10 in -- with -- with the string quartet from Brno,</p> <p>11 Czech Republic come and play, and I was ready to</p> <p>12 embark on other concerts, and then the</p> <p>13 quarantine hit. So I had people from Mexico and</p> <p>14 other places who wanted to come. But I wanted</p> <p>15 able to pursue that because of COVID.</p> <p>16 Q So when did you first get involved in some form</p> <p>17 with the annexation and things surrounding it?</p> <p>18 A I think it was probably in May of 2020. Just</p> <p>19 trying to wrap my brain around that. I don't</p> <p>20 know exactly when the REEDY report came out and</p> <p>21 was posted on the city's website. But they had</p> <p>22 made that announcement that they intended to</p> <p>23 annex and they made the public notice of</p> <p>24 financial impact to the community on the</p> <p>25 website. And, I think, at that time I began to</p>	<p style="text-align: right;">Page 12</p> <p>1 educational process from bachelor's to</p> <p>2 doctorate?</p> <p>3 A I don't understand the question what was my</p> <p>4 process. I studied my butt off.</p> <p>5 Q Yeah, I know, bachelor's -- like where did you</p> <p>6 go to college, what was your major, how did you</p> <p>7 end up with a PhD?</p> <p>8 A Well, I, like most people in my predicament, I</p> <p>9 was an English major.</p> <p>10 Q Already off the rails before you left the</p> <p>11 station.</p> <p>12 A English and political science here at Indiana</p> <p>13 University. And then I had a short time as a</p> <p>14 mortgage loan officer, then I moved to Italy and</p> <p>15 was in human resources management in Italy for</p> <p>16 more than 8 years. And I came back and I always</p> <p>17 intended get an advanced degree and, in fact,</p> <p>18 before I left for Italy, I had taken the LSTATs</p> <p>19 and thought I might pursue a law degree. But I</p> <p>20 didn't. While in Italy, I really -- well, my</p> <p>21 father was a public schoolteacher for 53 years.</p> <p>22 I while in Italy, I really thought that one</p> <p>23 aspect that I appreciated about the community</p> <p>24 that I lived in, was that they held higher</p> <p>25 esteem for educators than we do here in America.</p>
<p style="text-align: right;">Page 11</p> <p>1 ask questions, become involved, et cetera.</p> <p>2 Q So we talked -- you've heard my questions to</p> <p>3 other witnesses about the Community Residents</p> <p>4 Against Annexation --</p> <p>5 A County Residents Against Annexation.</p> <p>6 Q Did I say community?</p> <p>7 A Yes.</p> <p>8 Q Sorry. County residence against annexation, and</p> <p>9 according to the Secretary of State, it was</p> <p>10 formed officially August 20, 2021.</p> <p>11 A That's correct.</p> <p>12 Q That was your involvement in creating that?</p> <p>13 A I formed it.</p> <p>14 Q Did you incorporate it yourself or did you have</p> <p>15 a lawyer or --</p> <p>16 A I did it.</p> <p>17 Q Had you formed not-for-profits before?</p> <p>18 A Yes, I formed my research institute, and I</p> <p>19 helped other not-for-profits in the community</p> <p>20 form and spearhead their success.</p> <p>21 Q Do you have any legal education? Did you go to</p> <p>22 law school?</p> <p>23 A I did not go to law school. I have a doctorate</p> <p>24 though.</p> <p>25 Q What's your, just briefly, what was your</p>	<p style="text-align: right;">Page 13</p> <p>1 And so I thought that I would devote that middle</p> <p>2 part of my life towards promoting and analyzing</p> <p>3 and pursuing more equitable access to</p> <p>4 educational opportunity and elevating</p> <p>5 educational access to opportunity. And I</p> <p>6 thought a doctorate would enable me to do that.</p> <p>7 Q What is your doctorate officially?</p> <p>8 A It's in education policy and higher education</p> <p>9 administration. Double major with a</p> <p>10 concentration in statistics.</p> <p>11 Q What is the County Residents Against</p> <p>12 Annexation's principal place on business or</p> <p>13 address?</p> <p>14 A On our telephones, you know. But officially,</p> <p>15 it's at my home. But I have -- we have a PO</p> <p>16 Box. We broke out the checkbook for a PO Box.</p> <p>17 Q Were there any cofounders or were you alone in</p> <p>18 establishing it?</p> <p>19 A No, there were -- basically, I called up the</p> <p>20 other people who had been active and I asked</p> <p>21 them would they object to us forming a</p> <p>22 not-for-profit. I thought it could be useful in</p> <p>23 the future. And so Julie Thomas, Rita Barrow,</p> <p>24 Colby Wicker, myself and Sandy Sabbagh, we were</p> <p>25 the original kind of handful of people who were</p>

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1 involved in County Residents Against Annexation.
 2 We needed a way to organize and to mobilize.
 3 Q Who were the -- do you know who the current
 4 officers are?
 5 A Yes.
 6 Q Who are they?
 7 A I'm the president. I was elected president by
 8 the board and the advisers, they asked me to
 9 serve and I agreed. Sandy Sabbagh is the vice
 10 president. Roger Stewart is the treasurer, and
 11 Rhonda Gray, who was here earlier, is the
 12 secretary. And there are two other officers who
 13 don't -- or two other board members on the board
 14 of directors who don't hold offices, but one is
 15 Scott Ferris, and the other is Julie Thomas. So
 16 there's six on our board of directors.
 17 Q Could you please repeat the name of the
 18 treasurer?
 19 A The treasurer is Roger Stewart.
 20 Q Thank you. Does County Residents Against
 21 Annexation have members?
 22 A No. We're not a member driven organization.
 23 Q Does the County Residents Against Annexation own
 24 any real estate?
 25 A No.

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1 Q Do does Sandy Sabbagh live in any of the
 2 annexation territories?
 3 A No. She lives in the city, but she was a real
 4 estate broker for more than 40 years and she's
 5 one of the most successful female business
 6 owners in our community. And she had a lot of
 7 experience in the city, in the county, helping
 8 people find homes where they wanted to live.
 9 Q Does Roger Stewart live in any of the annexation
 10 territories?
 11 A Yes, he's in annexation area 2.
 12 Q Rhonda Gray we know. What about Scott Ferris?
 13 A He's in annexation area 6. He spearheaded the
 14 effort that got annexation area 6 out of
 15 annexation with 91 percent of the homeowners who
 16 were opposed to annexation in his area.
 17 Q What about the Julie Thomas?
 18 A Julie Thomas lives -- I don't think she was in
 19 annexation area 6 but, as you probably, know she
 20 is a county commissioner. And she is concerned
 21 about the effect of annexation on the school
 22 corporation, the libraries and the other public
 23 assets or public services that we provide. But
 24 she participates as a resident of the county who
 25 would be impacted.

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1 Q You mention -- is it Wicker, Colby --
 2 A Colby Wicker, yes.
 3 Q Who is he?
 4 A He's a very promising young man. He's a --
 5 maybe a sophomore in college. He is studying
 6 political science. I think he'll be an intern
 7 in -- I can't remember the name of the senator.
 8 Q From Indiana?
 9 A No, he's from I think Nebraska. I can't
 10 remember right now who he'll be interning with.
 11 Q Ben Sasse.
 12 A That's exactly right. Ben Sasse. And so he
 13 will be interring for him and, you know, he's
 14 just a very impressive young man.
 15 Q Is he currently involved in the County Residents
 16 Against --
 17 A He's not. He's been attending to school.
 18 Q The organization was formed -- when you formed
 19 the County Residents organization, what was its
 20 purpose?
 21 A The purpose was -- this annexation process is
 22 very complicated. The purpose of it was to kind
 23 of disambiguate some of the information that was
 24 coming, and also to understand the rights of the
 25 property owners in the annexation areas to

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1 education to organize and represent I guess the
 2 property owner's interest, to help them pursue
 3 what it was they wanted to pursue, which was
 4 remonstrations.
 5 Q Was the County Residents organization involved
 6 in collecting remonstrance signatures?
 7 A I don't know if it involved -- we helped people,
 8 but I never took a signature during the
 9 remonstrations period and neither did Sandy
 10 Sabbagh because we don't live in the annexation
 11 areas.
 12 And so that was one of the things that we
 13 had to educate the community about is who could
 14 carry a counterpart, how could they be
 15 authorized, what are the procedures that they
 16 needed to go through. And so that's one of the
 17 things we help to clarify for them.
 18 Q Did you also help organize the volunteers who
 19 collected those signatures?
 20 A Yes.
 21 Q What steps did you take to organize the
 22 volunteers?
 23 A Well, you know a lot -- it was so grassroots.
 24 First of all, we had a preremonstrations petition
 25 drive that we started in June or July. Our

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1 hopes were to save the community division and
 2 save the county and tax payers money by
 3 convincing the city council to vote no, against
 4 annexation; so we had gathered signatures from
 5 65 percent or more of the property owners in
 6 each of the annexation areas, and we were asking
 7 the city council to be deliberate and good
 8 stewards of the community resources and vote no
 9 because the community did not want it and that
 10 the effort would probably fail in the
 11 remonstrance period.
 12 Q So that effort in the summer of 2021, do you
 13 know the time frame of that?
 14 A Yes.
 15 Q What was the time frame?
 16 A Well, it was after the REEDY report was uploaded
 17 so -- well, first, I have to -- it took a while
 18 to prepare that preremonstration petition drive
 19 because the information had -- the city did not
 20 post the REEDY report in a very usable fashion.
 21 So we had to transfer the data that was
 22 posted onto the website to a data base that we
 23 could manipulate and use in order to keep track
 24 of the publicly available addresses, the tax
 25 impact, et cetera. And so we -- it took about a

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1 month to do that, you know, a month of soiled
 2 work. And we had to add in whatever information
 3 we could glean on the waivers that may or may
 4 not exist on each of the property. And so we
 5 organized the data by street, and we organized
 6 the data so that we could communicate to the
 7 property owners what was calculated to be their
 8 tax impact and also to represent what the
 9 county's consultant said -- determined would be
 10 the broader impact to other large systems like
 11 the school system or the police system or the --
 12 Q Fire?
 13 A -- library system, yeah.
 14 Q And so who did all of that legwork you just
 15 describe? Was that you; and ...
 16 A Me and we -- I mean, boy, I was chard. You
 17 know, Rita -- Rita and I, we met; Colby, Sandy,
 18 you know. We tried to work with the county
 19 officials and tried to get information on
 20 waivers from the record's office. We worked
 21 with the auditor's office, I called the
 22 assessor's office I talked to Judy Sharp. You
 23 know, basically it was a lot of work.
 24 Q Do you know who Dean Rogers is?
 25 A No.

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1 Q So it was you, Sandy, Colby, and Rita?
 2 A Right. And Julie. And you know, we were in
 3 contact with the auditor.
 4 Q Right. But I'm just talking about on your team
 5 of who was doing the contacting. It was roughly
 6 those five?
 7 A Oh, the contacting or the preremonstration
 8 organizing? I'm sorry.
 9 Q Well, I thought we were still talking about the
 10 preremonstration organizing where --
 11 A We haven't got there yet. This was getting
 12 ready -- this was getting ready for the
 13 preremonstration petition drive. And then ...
 14 Q So that information has been gathered, you're
 15 distilling it into a form that can be shared
 16 with the residents, homeowners --
 17 A On a street by street basis. So that we could
 18 try to -- try to know what we were facing.
 19 Q And so then was the end result of that effort
 20 what was then the basis for the pre remonstrance
 21 petition drive?
 22 A Yes, and so that process entailed -- it's very
 23 archaic, but one sheet of paper for every home
 24 in each of the annexation areas where we had the
 25 property tax ID, the address, the people who

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1 were listed officially by the city's REEDY
 2 report on the -- as property owners on that
 3 property. And then we had a place for them to
 4 sign that asserted that they intend to
 5 remonstrate against annexation should the city
 6 pass the ordinance for annexation.
 7 Q And so --
 8 A To that affect, I mean.
 9 Q Sure. Understood. So the tax ID number the
 10 property owner, that information was gathered so
 11 you could -- if someone at the city was looking
 12 at it they could validate that these are people
 13 who could be eligible to remonstrate --
 14 A That's right.
 15 Q -- that are voicing their opinion now?
 16 A That's right.
 17 Q So what was the process then for collecting all
 18 of those signatures?
 19 A It was just organic is the best way I can
 20 describe it. I then, you know, it's been a
 21 while, and there's so many different processes.
 22 But I do know I -- we had driveway events
 23 because for some of the people who had written
 24 in on Nextdoor.com, they opposed annexation. We
 25 contacted them or they contacted us -- I don't

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1 remember which -- talked on the phone, and then
 2 when they called, I would say, "Well, Sandy and
 3 I can come over to your driveway on Sunday night
 4 or afternoon, and we can collect signatures from
 5 your neighbors if you can tell them that we will
 6 be there for the preremonstration petition
 7 drive."
 8 Q So you would have to bring the specific single
 9 pieces of paper for that particular
 10 neighborhood?
 11 A Along with the separate sheet of paper that
 12 said -- that we hand filled out -- as far as
 13 what the report said would be the tax impact on
 14 that property so that people could be informed
 15 about what was happening with their property.
 16 Q Did anyone other than yourself and sandy go
 17 through the process of collecting these
 18 preremonstration signatures?
 19 A Yes.
 20 Q Who else participated?
 21 A Well, there were volunteers, like in, each
 22 annexation area. This is how we built the
 23 momentum for the remonstrations drive.
 24 Q I think I ask you this, and I think you started
 25 to give an answer and then we got sidetracked,

Page 23

1 but do you know when did the preremonstration
 2 petition drive officially conclude?
 3 A I think it was in September. Yeah, in September
 4 before the city council voted on the annexation
 5 ordinances. I think they voted on September 11
 6 and 21st or something like that.
 7 Q How about the September 15 and 22?
 8 A Something like that. That sounds right. They
 9 took one week apart. And so it concluded in
 10 September, the preremonstration petition drive
 11 because we wanted to convince them to vote no.
 12 Q How were the petitions delivered to the city
 13 council?
 14 A We determine as a group that -- and it wasn't my
 15 decision, okay; it was everyone's decision --
 16 that there had been significant distrust by the
 17 cancelation of the public portion of the
 18 meeting; that they didn't feel comfortable
 19 turning the petitions over to the city. And so
 20 we gave them a report of the totals.
 21 Q Do you still have the original petitions?
 22 A I'm not sure.
 23 Q Understanding you're not sure where they are
 24 currently; once they were all collected and this
 25 report was prepared to be given to the city

Page 24

1 council, did -- you had volunteers getting
 2 signatures so --
 3 A I mean, there were boxes full of them.
 4 Q Right. That's what I'm picturing. Because
 5 there were a lot of parcels.
 6 So once all the volunteers bring their
 7 signed petitions, they bring them to you or to
 8 Sandy? I mean, how did that work?
 9 A Well, Rita was -- Rita Barrow was primarily
 10 responsible for organizing the effort in -- on
 11 the west side of town -- annexation areas 1A, B,
 12 and C. And I took responsibility for 2, 3, 4,
 13 5.
 14 Q So then --
 15 A So in annexation area 4 there's one person --
 16 because it's a small annexation area -- there's
 17 one person who handled all of 4. In annexation
 18 area 3, there are a few people who handled
 19 annexation area 3. Annexation area 5, there are
 20 people who handled annexation area 5, but I
 21 believe, they all wound up on the counterpart of
 22 one man even though the second man was
 23 instrumental in going with him to get the doors
 24 opened when he knocked.
 25 Q Sure.

Page 25

1 A Yeah.
 2 Q So the distrust that you are referring to --
 3 A Yes.
 4 Q -- in canceling the -- are you referring to the
 5 August 4 meeting?
 6 A Yes.
 7 Q Were you present at the -- or did you intend to
 8 participate in the on site, in person-meeting --
 9 A I did. I intended to, but I did not go because
 10 I received a phone call from people -- and this
 11 happened all over the county -- that even though
 12 200 people showed up to speak, there must have
 13 been many more who never bothered to go down
 14 there because they receive a phone call after
 15 they heard that the in person component was
 16 canceled.
 17 Q And so your basis for saying "many more," is
 18 what? Things you heard from other people?
 19 A Yeah, they came over to -- we have regular
 20 office hours at 1010 South Walnut Street at the
 21 Perry township trustees office from 3 to 6 p.m.
 22 on Monday, Wednesday, and Friday and there was a
 23 community -- there developed a community of
 24 people who would come to us and, you know, it
 25 spread. And so we started receiving phone calls

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1 from people and people were pretty disgruntled.

2 Q Did you participate in the online --

3 A Yes.

4 Q -- portion of the meeting on August 4?

5 A Yes.

6 Q Did you sign up to comment?

7 A Yes. I don't know if I signed up, but I did

8 raise my hand and I commented.

9 Q So you were afforded the opportunity to speak up

10 to three minutes --

11 A Yes.

12 Q -- at the August 4, online meeting?

13 A Yes.

14 Q Do you know of anyone who was unable to speak at

15 August 4 meeting?

16 A I don't know have names of people, but I do know

17 of them.

18 Q How do you know of them?

19 A Because people told me, like, that they -- that

20 they don't have Zoom and they don't have that

21 software on their computer, or they don't have

22 internet connection; so they were unable to

23 participate.

24 I heard somebody had asked me whether or

25 not -- they were told that the library had a

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1 venue for them to participate. So I called the

2 library and I asked the library, "Are you able

3 to facility the public meeting for the city and

4 for residents to participate via Zoom?" and they

5 said, no, they were not able to.

6 Q Who did you speak to at the library?

7 A I don't remember the name, but I spoke to the

8 librarian and they referred me to a second

9 librarian and they answered the question

10 definitively that they did not have the

11 microphones and headphones and that they did not

12 have that capacity to hold the Zoom meeting for

13 the public on that day.

14 Q Did you stay in the Zoom meeting until it

15 concluded?

16 A I don't remember. I just don't remember.

17 Q You saw me ask other witnesses questions about

18 the continuation of that meeting on August 11;

19 did you attend that meaning?

20 A I think I probably -- if there was a meeting

21 that I knew of, I attended it. So I think I

22 probably attended that one.

23 Q Members of the community were able to speak at

24 that meeting?

25 A I just don't have that much -- one thing I do

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1 remember very specifically is that we had had a

2 public meeting at the fire station on Kennedy

3 Drive to discuss with concerned residents what

4 would be -- what the county determined the

5 impact of annexation would be on county

6 finances, and at that meeting, city council

7 member Sue Sgambelluri attended and Susan

8 Sandberg attended by Zoom, and they both

9 guaranteed, during that Kennedy Drive meeting,

10 that no matter what the August 4 meeting would

11 remain open until 9:00 p.m. as it had been

12 scheduled because people were worried about the

13 shift. Like, let's just say somebody got off of

14 work at 7, and could they still attend the

15 meeting at 8. And they were certified by Susan

16 Sandberg and Sue Sgambelluri that, yes, they

17 would be able to attend that the meeting would

18 remain open until 9 p.m. that night. And we

19 were surprised when they called the meeting at 7

20 and continued it to August 11.

21 Q When you say they called the meeting at 7, were

22 you present?

23 A I think I was -- I mean, I was down at 1010

24 South Walnut because I didn't have time to get

25 home to get on to my computer and be a little

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1 bit more comfortable, I guess; so I was sitting

2 there listening to the meeting, and I think

3 after I participated, I may have taken my

4 computer hooked up to my cell phone in my car as

5 I drove home. I don't think I disconnected from

6 the meeting.

7 Q And it's your recollection that the meeting

8 recessed at 7:00?

9 A Somewhere around there, yes.

10 Q Okay. So the -- what we were talking about was

11 the pre annexation petition report that was

12 submitted to the city council.

13 A Yes.

14 Q What's your recollection of the final tally of

15 percentages opposed to the annexation from that

16 pre petition process?

17 A Okay. In let's just keep in mind the scale.

18 Q Sure.

19 A You know, what we -- what happened in annexation

20 area 4, which is much smaller, was much

21 different than what happen in annexation area

22 1B.

23 Annexation area 4, we knew with certainty

24 that we had more than 65 percent of qualified

25 property owners who had no valid waiver on their

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1 property. We knew we had more than 65 percent.
 2 The same is true in annexation area 3. The same
 3 was true, I think, in annexation area 5, and the
 4 same was true in annexation area 2. And I think
 5 1C had like 91 percent or something like that.
 6 Areas 1A and 1B, were just a little bit
 7 short of 65 percent. That's my recollection.
 8 Q And so this is still, we're still talking about
 9 the preremonstration petitions?
 10 A People were just waking up.
 11 Q Did COVID prevent you or Sandy or any other
 12 volunteers from gathering preremonstration
 13 petitions?
 14 A It was a worry. I mean, it was under duress.
 15 We were very worried about it and that's why, in
 16 the summertime, it was possible to be outside on
 17 people's driveways, but we masked and we wear --
 18 I would wear gloves frequently and we had hand
 19 sanitizer and we were using protocols. But
 20 there were elderly people who would come in 1010
 21 South Walnut and they were very concerned about
 22 contracting COVID and they would tell stories
 23 about loved ones who were immunocompromised; so
 24 they were concerned about it.
 25 Q Sure. But these concerned citizens that you

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1 were interacting with on the pre-remonstrance
 2 petition drive ultimately came in and actually
 3 signed the petition; right?
 4 A Well --
 5 Q That's how you were able to have these
 6 conversations with them; right?
 7 A Yes. I mean, I think that's true. I'm not
 8 certain all of them signed for the remonstrance
 9 period. You know, I would get phone calls from
 10 people who were very, like -- one -- I'm just
 11 remembering specific one lady calling up, "My
 12 husband is sick. I'm sick, and I'm so afraid."
 13 I said, "Don't worry, ma'am. I can send someone
 14 to your door." And she said, "I want to sign.
 15 I want to sign. But how do I know when they
 16 come to my door that they're not contagious?"
 17 You know, it was very dire for her, and she
 18 was also -- as people get older, they are
 19 worried about identity theft, you know.
 20 Q Sure.
 21 A So they wondered if we were legitimate, is
 22 someone going to ask for their Social Security
 23 number and things like that. It was pretty hard
 24 on some of these older people.
 25 Q The specific situation you just described with

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1 this one caller that you remember, did someone
 2 go out and get their signature?
 3 A You know, I don't remember if that was the
 4 preremonstration petition drive or the
 5 remonstrance, actual remonstrance. I just
 6 don't remember at what time I received that
 7 phone call.
 8 Q But which ever petition drive or signature drive
 9 it was, did that person end up signing?
 10 A Yes, but I don't know if what they signed
 11 counted.
 12 Q Sure. I understand.
 13 A If they would subject themselves again.
 14 Q I got you. Did you ever do an analysis to
 15 compare who signed the pre-remonstrance petition
 16 with who actually signed a remonstrance?
 17 A I know Rita did in 1A and 1B, I think.
 18 Q Did you ever see the results of that analysis?
 19 A No.
 20 Q Do you know what kind of -- what form the
 21 analysis took? Is it a spreadsheet? Is it a --
 22 A I just I don't know. She had a different system
 23 than I had.
 24 Q And 1010 South Walnut, is that Rita's office?
 25 A No, that's the --

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1 Q That's the Perry township's?
 2 A Yes.
 3 Q And she's the Van Buren trustee?
 4 A She's the Van Buren trustee. So I appealed -- I
 5 made an appeal to the board of directors of the
 6 Perry Township trustee's office and asked if we
 7 could use of their public meeting room, and we
 8 were granted that authorization.
 9 Q Is the County Residents Against Annexation's
 10 sole source of revenue generation from
 11 donations?
 12 A Yes.
 13 Q Doesn't charge fees for anything?
 14 A No.
 15 Q Does the County Residents Against Annexation
 16 provide financial support of annexation --
 17 communities opposing annexation outside of this
 18 Bloomington annexation, or is that the only one?
 19 A We're only involved with Bloomington at this
 20 time.
 21 Q Were you involved in organizing -- so I'm going
 22 to focus on the remonstrance period now.
 23 Were you involved in organizing the
 24 signature gathering volunteers for the
 25 remonstrance period?

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1 A For areas 2, 3, 4, and 5. And also I helped out
 2 in 1A, B, and C.
 3 Q Was there anyone else from the County Residents
 4 Against Annexation whose primary responsibility
 5 was organizing 1A and 1B?
 6 A Rite Barrow, Colby Wicker.
 7 Q Was there any kind of log or roster of all the
 8 people who had volunteered over the course of
 9 the remonstrance period?
 10 A I didn't keep a log. I got -- it was like
 11 birding, I get a call here; I get a call there.
 12 Q Do you know how many over the course of the
 13 whole remonstrance period signature gathering
 14 volunteers there were in areas 1A and 1B?
 15 A 1A and 1B; I'd estimate about 25 or 30.
 16 Q And that's in the two areas combined?
 17 A Possibly.
 18 Q Are you able to give an estimate for how many in
 19 1A and how many, separately, in 1B?
 20 A No. I'd say all together, across all the areas,
 21 there were more than 100 volunteers.
 22 Q I think you may have said this, but I want to
 23 make sure. Did you collect any signatures on
 24 the remonstrance petitions?
 25 A No.

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1 Q During the remonstrative period, did you speak
 2 with the auditor about potentially extending the
 3 90-day period?
 4 A Yes.
 5 Q So this is Cathy Smith?
 6 A Yes.
 7 Q How many conversations along those lines did you
 8 have with Cathy Smith?
 9 A I would estimate about three.
 10 Q And when did these -- what's the time frame of
 11 when these conversations occurred?
 12 A Before, during, and after the remonstrance
 13 period.
 14 Q Could you distinguish, if we went through them
 15 one at a time, would you be able to distinguish
 16 between the three conversations? Or is it kind
 17 of --
 18 A No, because I also asked the county attorney. I
 19 also asked the county commissioner. I asked
 20 county commissioners. I asked many people.
 21 Q Did you ever asked the city council?
 22 A The city council was -- Julie Thomas asked the
 23 city council when she made her -- it's not --
 24 technically, you're not allowed to ask questions
 25 of the city council. So she advised them, as a

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1 commissioner, that COVID would gravely harm the
 2 remonstrance effort. And she advised them that
 3 it was a terrible time to do this, when people
 4 could not meet; and that it was very ill advised
 5 and that it would place our community at risk
 6 for higher infection rates. Rita Barrow did as
 7 well. She advised the city council of that
 8 during her testimony.
 9 Q Are you aware of any studies conducted by anyone
 10 in Monroe County to determine whether there was
 11 an association between the remonstrance period
 12 and the increase in COVID?
 13 A Really, I don't even know how anybody could --
 14 okay. So I don't know the question then.
 15 Q Sure. So we know -- for example, we know that
 16 the Omicron variant arrived sometime roughly
 17 December/January, at least in Indiana, in 2021
 18 to 2022. So we know there's an increase in
 19 reported cases during that period of time.
 20 What I'm asking is whether anybody -- are
 21 you aware of anybody doing an analysis where
 22 they try to control for the Omicron virus
 23 variant, but nevertheless determine whether the
 24 remonstrance activity of having these meetings,
 25 gathering signatures, had a direct correlation

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1 to increased COVID counts in Monroe County?
 2 A No, I don't believe that that was done. And I
 3 don't think you could disambiguate that kind of
 4 data.
 5 Q Yeah, I'm not -- I'm a history major and I went
 6 to law school. So I wouldn't be the person to
 7 do it. Somebody could at least try to figure it
 8 out.
 9 A Yeah, because we don't even have records of when
 10 our public meetings were. So, you know, our
 11 public -- we met at the fairgrounds, we had
 12 driveway events, but I don't have a record of
 13 every driveway event I held; so there wouldn't
 14 be able to be a causal relationship. We were
 15 just thrown into the boiling water and had to do
 16 it.
 17 Q Sure. Let's go back to your conversations with
 18 Cathy Smith in terms of -- what did you talk
 19 about with her about extending the remonstrance
 20 period?
 21 A Just how difficult this was to do during a
 22 pandemic and that it placed the community at
 23 risk and that it didn't seem fair that the
 24 community would be placed in jeopardy, jeopardy
 25 that the city council itself would not place

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1 themselves in. And could we ask for an
 2 extension? Could she contact some official over
 3 this process who could grant an extension?
 4 Q What did she say?
 5 A She said she didn't think it was possible.
 6 Q Do you know if -- you talked to her, you said
 7 three times before, during, and after; did she
 8 ever say, "Hey, I looked into it. I talked to
 9 the county lawyer," anything like -- did she --
 10 A She did not.
 11 Q -- reveal to you that she did any investigation
 12 to find out if she could or could not?
 13 A I don't remember. I just -- every person I
 14 asked basically said, "No, that's not an
 15 option."
 16 Q Was there a discussion amongst your group at the
 17 County Residents Against Annexation about
 18 seeking judicial intervention? Getting a court
 19 to --
 20 A We didn't have money for that.
 21 Q Was there a discussion about doing that?
 22 A That's why we asked the county attorney to, you
 23 know, whether or not he could help us do that.
 24 Q To see if the county attorney could initiate
 25 some remediation?

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1 A Yes, yes. Or an injunction. I specifically
 2 asked for an injunction.
 3 Q What did the attorney say?
 4 A They said, "No, it wouldn't be possible."
 5 Q You mentioned talking to the county
 6 commissioners; was it a similar experience with
 7 them?
 8 A Yes.
 9 Q They said, "No, it wouldn't be possible"?
 10 A I mean, they checked into it and they thought it
 11 wasn't possible. That was my understanding of
 12 what transpired. So it became not an open
 13 avenue, so to speak.
 14 Q Was Colby Wicker ever the president of County
 15 Residents Against Annexation?
 16 A Yes, yes. He's a -- you know, he's a nice young
 17 man, and I don't need anything else on my resume
 18 and he could use something. And we weren't
 19 involved in litigation at that time. So I
 20 thought give him a shot and a title.
 21 Q Have you ever seen his LinkedIn profile?
 22 A I have not.
 23 MR. MCNEIL: This is going to be
 24 Exhibit 16.
 25

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1 (Deposition Exhibit 16 marked for
 2 identification.)
 3 Q Is that picture there, Mr. Wicker?
 4 A It sure is.
 5 Q If you look on the second page, under
 6 experience; the first heading is "President
 7 County Residents Against Annexation."
 8 I'm going to ask you a question about
 9 something he says. I'm going to preface it --
 10 first, I'll let you read it. And then second,
 11 I'm going to preface it with saying I know you
 12 didn't write this; so you're not inside his
 13 head.
 14 Let me know when you're finished reading
 15 it.
 16 A Yeah.
 17 Q So he says, near the second to last sentence of
 18 that entry, "Over two months we collected
 19 thousands of petitions requesting the city
 20 council to vote the proposal down." Do you
 21 believe that's a reference to the
 22 pre-remonstrations petitions?
 23 A Yes.
 24 Q Especially since he's -- in the next sentence he
 25 say, "We are now pursuing the legal process of

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1 remonstrations."
 2 A Yes.
 3 Q On the second -- third page, did he work in the
 4 Van Buren Township trustee's office?
 5 A I don't know. I mean, you know, that's not my
 6 jurisdiction.
 7 Q Understood. Did you ever hear Mr. Wicker
 8 referred to as the "Annexation Czar"?
 9 A I would say he's taking the ball and running
 10 with it.
 11 Q I mean, is that something you heard him referred
 12 to as?
 13 A No, no. But ...
 14 Q Was it the County Residents Against Annexation,
 15 the not-for-profit, that collected thousands of
 16 petitions requesting the city council to vote
 17 the proposal down?
 18 A County Residents Against Annexation was formed
 19 in August, August 20, 2021, and we collected
 20 those pre-remonstrations petitions and prepared
 21 to collect those pre-remonstrations petitions
 22 from May through September -- you know, part way
 23 into September.
 24 So I don't know how to answer that
 25 question. You know, it seemed like it just

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1 coalesced and bubbled up from -- County
 2 Residents Against Annexation I don't think was
 3 called County Residents Against Annexation right
 4 away. It was like, you know, when --
 5 Q Right.
 6 A -- yeah. Bubbled up.
 7 Q So whenever it was formed with the state.
 8 So let me ask --
 9 A It didn't have a name.
 10 Q Let me ask it this way; the report that
 11 summarized the petitions that was submitted to
 12 the city council, was that report presented by
 13 the County Residents Against Annexation or was
 14 it -- I mean how was it --
 15 A I think I did, and I did it by conferring with
 16 the volunteers throughout the annexation areas.
 17 I talked with them about what should be our
 18 reporting mechanism. And when we had consensus,
 19 and I gave the report orally at the public
 20 meeting, I think. I don't remember if I made a
 21 written report or not.
 22 Q So the oral report you provided, was it, "I'm
 23 Margaret Clements of the County Residents
 24 Against Annexation, and here's my report"?
 25 A I don't remember exactly what, exactly, I did.

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1 Q But that was reported at a public meeting at the
 2 city council?
 3 A Yes. And I don't know if it was reported
 4 elsewhere. But I do know I met individually
 5 with one or -- with a few city council members.
 6 Q Was it at one of the two meeting in September of
 7 2021?
 8 A I don't remember.
 9 Q Who is Ellen Sifin?
 10 A She's a lady who lives out on Will Sowders Road.
 11 And she -- she basically was -- she called. She
 12 wanted to get involved, and she really -- trying
 13 to understand the REEDY Report and trying to
 14 understand what we were facing, she analyzed, I
 15 guess, the differences between various data
 16 bases and advised me on that. She was looking
 17 at the validity of waivers. She was just a real
 18 big help.
 19 Q Rhonda Gray testified about three evenings in
 20 December at the fairgrounds where there was a
 21 signing event. Were you involved in organizing
 22 events?
 23 A Rita pretty much organized anything having to do
 24 with the fairgrounds because that's in her
 25 township, but I attended when I didn't have a

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1 conflicting evening meeting. I think I attended
 2 90 percent of the events held at the fairgrounds
 3 or at the Van Buren fire department just to be
 4 of help and support.
 5 Q Have you had any conversations with Rita without
 6 lawyers involved about whether she would be
 7 willing to sign an affidavit for this case?
 8 A I don't -- well, as far as this particular part
 9 of this case, we were focused on trying to
 10 request additional time; so we were looking for
 11 people, you know, an extra -- because of the
 12 pandemic, and so we were searching for people
 13 who actually collected signatures and who had
 14 something direct to say about that.
 15 Q Okay.
 16 A And so Rita did not qualify for that.
 17 Q Was there a meeting? Or how was it communicated
 18 that you were looking for affidavits or people
 19 with those experiences to consider submitting an
 20 affidavit?
 21 A I would call the people who had taken a lot of
 22 counterparts and a lot of signatures, "In your
 23 time in collecting signatures, did you ever
 24 encounter anyone who wouldn't open the door, or
 25 would not -- did they ever tell you that they

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1 did not remonstrate because of COVID."
 2 Q So you were doing the legwork to identify
 3 potential -- people with information that may
 4 potentially lead to an affidavit?
 5 A We got into the tentacles of the octopus and
 6 spread out into the areas as far as finding that
 7 information.
 8 MR. MCNEIL: I want to go through your
 9 affidavit, but it seems like a good moment to
 10 take a 5-minute break if that's okay with
 11 everyone.
 12 (A recess was taken between 4:38 p.m. and
 13 4:50 p.m.)
 14 BY MR. MCNEIL
 15 Q Ms. Clements, we're back on the record after a
 16 break. And couple of follow-up questions on
 17 things we were talking about before the break.
 18 You described conversations you had with
 19 county officials including the auditor, the
 20 county attorney, and the county commissioner
 21 about whether you could extend the remonstrations
 22 period. What form were those communications in?
 23 Phone? Email? In person?
 24 A I think in person, phone, and text I believe.
 25 Q Who do you believe you texted with about

<p style="text-align: right;">Page 46</p> <p>1 requesting or talking -- exploring whether you 2 could extend the remonstrance period? 3 A I don't remember. I know that I went in to the 4 legal office and spoke with someone there as 5 well. You know, I do know that. 6 Q Whatever text messaging you would have engaged 7 in about that topic, do you still have those 8 messages? 9 A I don't know. 10 Q I'm not asking you to do this now, but if you 11 were requested to look on your -- either your 12 computer or your phone to see if those text 13 messages were still there, there's no reason you 14 couldn't do that; right. 15 A Yeah, I would look, yeah. 16 Q And did you talk to any attorney other than one 17 of the county attorneys about -- this is during 18 the remonstrance period -- about whether that 19 period could be extended? 20 A I did. 21 Q Can you identify who that attorney was? 22 A I think Margie Rice. 23 Q Did you consider that to be an attorney-client 24 communication? 25 A I'm not sure.</p>	<p style="text-align: right;">Page 48</p> <p>1 notification that was distributed. 2 Q Right. But particularly, with respect to the 3 90-day remonstrance period, were you aware of 4 anybody who during that 90-day period made a 5 court filing seeking a declaration of an 6 emergency? 7 A For the purposes of extending the remonstrance? 8 Q Yes. 9 A No, but I do know that there were emergency 10 orders in general that were all over the county 11 and that it effected day-to-day business and it 12 effected government operations and for business 13 owners, government, et cetera. 14 Q Yeah. Let's talk about -- one other question 15 before I go there. You mentioned -- 16 A And the mayor frequently would -- on his public 17 speeches, he would frequently say that, "we're 18 in a pandemic. We are in COVID. This is very 19 dangerous. Stay home." He was frequently on 20 the radio and in the newspaper advice the 21 community to stay home because we're in a 22 pandemic. 23 Q And the time when the mayor spoke publicly about 24 that, there would be a record of that somewhere 25 so we could identify the dates where he made</p>
<p style="text-align: right;">Page 47</p> <p>1 Q Were you asking for legal advice? 2 A Was I myself asking for legal advice? 3 Q Yeah. 4 A No. But I was seeking legal advice as to 5 whether or not the period could be extended. 6 Q Yeah. So you were -- where you speaking with 7 Maggie Rice in the context -- 8 A Margie. 9 Q Sorry, Margie Rice in the context of exploring 10 whether there were legal options to extend the 11 remonstrance period? 12 Yes? 13 A Yes. 14 Q I think that qualifies as a privileged 15 communication; so I won't ask you what you 16 talked about or what she said. 17 End result there was during the 18 remonstrance period, whether it was the County 19 Residents Against Annexation or anybody 20 individually, you are not aware of anybody 21 making a legal filing requesting a declaration 22 of an emergency and extending the remonstrance 23 period, are you? 24 A I never heard of anybody making a declaration of 25 emergency other than the city in that</p>	<p style="text-align: right;">Page 49</p> <p>1 those statements? 2 A Yes. 3 Q And when people would -- you mentioned people 4 would call you, elderly people, who were 5 concerned about the consequence of annexation if 6 it were to occur on their taxes or their ability 7 to afford where they live. Did they call -- 8 what number did they call? Did they call your 9 cell phone? 10 A My cell phone. 11 Q Were you advertising your cell phone as "If you 12 have questions about annexation, you can call 13 this number"? 14 A I did put -- if somebody wanted to volunteer, 15 they could call me and I could tell them how to 16 proceed. 17 Q Right. But like an elderly member of the 18 community -- 19 A They got my phone number from word of mouth. 20 Q As far as you know? 21 A Yes. 22 Q Does the County Residents Against Annexation 23 have a website? 24 A We finally do. About two weeks ago, we got one 25 up. Three weeks ago. Something like that.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q That did not exist during that remonstrance 2 period? 3 A No. Maybe it was one month ago. 4 Q All right. So here is -- I'm going to give you 5 Exhibit 17, which is an affidavit of Margaret 6 Clements, which is you; correct? 7 (Deposition Exhibit 17 marked for 8 identification.) 9 A Yes. 10 MR. BEGGS: Even if pronounced incorrectly. 11 MR. MCNEIL: I'm doing it wrong, aren't I? 12 Clements? 13 THE WITNESS: Yes, are you speaking French, 14 a French accent? 15 MR. MCNEIL: The emphasis is on the first. 16 THE WITNESS: Clements. 17 MR. BEGGS: Emphasis on the first syllable. 18 MR. MCNEIL: My Greek professor in college 19 used to say that all the time. I don't know 20 French, but I can do some greek. 21 BY MR. MCNEIL 22 Q So did you write this, or did someone assist you 23 in putting this together? 24 A I wrote parts of it and basically it's notes 25 that I made in various emails that are subject</p>	<p style="text-align: right;">Page 52</p> <p>1 issue with my machine. 2 (Off the record.) 3 BY MR. MCNEIL 4 Q So I'm afraid to say it Ms. Clements; is that 5 right? 6 A That's good. 7 Q Looking at Exhibit 17, I'm going to walk through 8 some of these paragraphs here. 9 If you look at paragraph Number 3, you say, 10 "As of May 11, 2022, the City of Bloomington 11 Showers Building limited and prohibited public 12 access due to concerns about the spread of 13 COVID-19." And then there's reference to a 14 photograph as Exhibit A to the affidavit? 15 A Yes. 16 Q Did you take that photograph? 17 A Yes. 18 Q Did you take that photograph on May 11, 2022? 19 A Yes. 20 Q Was that sign present in October of 2021? And 21 let me -- hold on there's a couple of -- before 22 I ask that. So see in the bottom right-hand 23 corner, there's a number, 72? 24 A Yes. 25 Q So you took that picture?</p>
<p style="text-align: right;">Page 51</p> <p>1 to attorney-client privilege. 2 Q Right. So your legal counsel assisted you in 3 putting this together? 4 A Yes, in this format. 5 Q If you look on the third page, is that your 6 signature? 7 A Yes. 8 Q Do you see where it's signed underneath the 9 affirmation of subject penalties of perjury. 10 A Yes. 11 Q So you knew that at the time you signed it? 12 A Yes. 13 Q And you reviewed the affidavit before you signed 14 it? 15 A Yes. 16 Q And you were comfortable that the statements 17 were true? 18 A Yes. 19 Q And since you sign it and looking at it in 20 between June 4 of 2022 and today, are there any 21 changes or anything that would need to be 22 corrected? 23 A I can't -- not to the best of my knowledge, no. 24 THE REPORTER: I'm sorry to interrupt, 25 counsel. Can we take one second? I'm having an</p>	<p style="text-align: right;">Page 53</p> <p>1 A Yes. 2 Q Go to page 73. 3 A Yes. 4 Q You took that picture? 5 A Yes. 6 Q We'll stop there. Where is the sign that's 7 identified -- or depicted in page 72 located at 8 city hall? 9 A It's on the landing of the -- I believe this one 10 is on the landing of the stairway between the 11 first floor and second floor. 12 Q So to access this sign, you have to enter city 13 hall, go up the stairs. 14 A Halfway. 15 Q Halfway, and then you took the picture. 16 A I believe that's where that is. 17 Q And then on page 73, there's a sign. Is that on 18 a door? 19 A Yeah, that's in the Showers Building because the 20 door was locked and the lights were off showing 21 that that particular office was closed during 22 normal business hours for that HAND Department. 23 Q What's the HAND Department? 24 A I'm not sure. 25 MR. BEGGS: These guys next to you sure</p>

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1 know.

2 Q Was the HAND Department where those -- the sign

3 on the door is located, was that an area that

4 was in use for -- or used for the August 4,

5 2021, meeting?

6 A No, it was across the hall from that, I believe.

7 Q Were there other offices within the city -- city

8 hall that were open and operating when you were

9 there taking these pictures?

10 A I don't know -- I mean, I don't know the extent

11 of the openness of the offices. There were

12 signs up saying, "Don't go beyond this point."

13 Q So looking at page 72 now. See the "Welcome to

14 city hall," picture that's on the landing

15 between the first floor and second floor, was

16 that sign present in that location during the

17 remonstrance period?

18 A I believe it was, yes. I believe it was.

19 Q You're aware that people could sign a

20 remonstrance petition at city hall?

21 A I was told that.

22 Q By whom?

23 A By the auditor. She went there herself.

24 Q Did you ever go to city hall during the

25 remonstrance period for the purpose of viewing

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1 what the petition signing process was at city

2 hall?

3 A Myself, for that particular purpose, no.

4 Q And are you aware of people in any of the

5 annexation areas who went to city hall to sign

6 the remonstrance petition?

7 A We heard today from Barbara, she went there.

8 Q Did you know that before today that people --

9 did you know of people that went to city hall to

10 sign their remonstrance petition?

11 A I knew that some people went there.

12 Q Do you have any knowledge of anyone who

13 attempted to sign the petition, the remonstrance

14 petition, at city hall but were turned away due

15 to inaccessibility of the building?

16 A I know that some people were -- when seeing the

17 sign on the doors and in the lobby, they -- I

18 don't have a name or anything, but some people

19 thought that the city hall was not really

20 available for them.

21 Q What's the basis? You said you don't have

22 names; what's the basis for your information

23 there?

24 A I think I received a phone call about that.

25 Q From who? Or you don't remember?

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1 A I just don't remember.

2 Q And that was during the 90-day remonstrance

3 period?

4 A Yes.

5 Q Let's look at the sign again on page 72. Do you

6 know if there was a sign like that at the front

7 entrance to City hall?

8 A It was right in the -- around the lobby area.

9 Q This sign was, or a sign like it?

10 A A sign like that.

11 Q Did you take a picture of that sign?

12 A I think I did.

13 Q Is it in your affidavit?

14 A Let me look here. There's a chain across the

15 hallway and a sign that says, "Stop. Do not go

16 beyond this point."

17 Q Okay. I don't see that picture in your

18 affidavit. So you might have that somewhere on

19 your phone or on a camera.

20 A Yes, yes.

21 Q Looking at this sign on page 72, I want to walk

22 through exactly what it says. "Welcome to City

23 Hall."

24 Do you see that?

25 A Yes.

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1 Q "All customer services are now available here in

2 the atrium."

3 A Yes.

4 Q "Please check in at the front desk and the

5 assistance you need will come to you."

6 Do you see that?

7 A Yes.

8 Q So you heard Ms. Leininger's testimony about how

9 someone came down, someone from the legal office

10 came down with the petition --

11 A Yes.

12 Q -- for her to sign?

13 A Yes. And it says, "Stop. Employees only beyond

14 this point."

15 Q And then it's repeated in Spanish; correct?

16 A Yes.

17 Q And if you go to the next picture, page 73, the

18 HAND Center -- the HAND office.

19 I understand that when you took this

20 picture, the doors were locked and the lights

21 were off; right?

22 A Yes.

23 Q The sign itself says, "Please, before you enter,

24 if your business can be accomplished on line or

25 by telephone, please use those options first."

<p style="text-align: right;">Page 58</p> <p>1 A Yes.</p> <p>2 Q Are you aware of whether the HAND Center 3 office -- or HAND Office, was ever used as a 4 remonstrance signature location?</p> <p>5 A I am not aware.</p> <p>6 Q The next -- paragraph 4 of your affidavit says 7 on page 7 in the bottom right-hand corner says, 8 "City of Bloomington prohibition on public 9 access to the Showers Building is also in effect 10 October 8, 2021 and January 6, 2022." So that's 11 the remonstrance period; right?</p> <p>12 A Yes.</p> <p>13 Q Did you personally observe a prohibition on 14 public access to the Showers Building?</p> <p>15 A Yes, I went into the Showers Building myself and 16 I wasn't free to move around the place. I was 17 stopped at the front desk, and I wasn't able to 18 go knock on a door.</p> <p>19 Q Sure. And this was during that October 8 to 20 January 6 time period?</p> <p>21 A Yes.</p> <p>22 Q And if you had been there to sign a remonstrance 23 petition though, you understand that someone 24 would have contacted the legal department and 25 that petition would have been brought to you?</p>	<p style="text-align: right;">Page 60</p> <p>1 A It's the same sign. I compared the sign.</p> <p>2 Q I understand the sign is the same. I'm asking 3 you to confirm that Exhibit B is actually the 4 picture that you took on May 27, 2022.</p> <p>5 A I can't tell because the sign is, you know --</p> <p>6 Q You're not sure?</p> <p>7 A Well, it's a picture of the same thing.</p> <p>8 Q No, I understand.</p> <p>9 A Yes, I believe is it. I believe is it.</p> <p>10 Q So the picture -- the other picture you took of 11 the same sign --</p> <p>12 A Yes.</p> <p>13 Q -- you believe you took before October 8, 2021?</p> <p>14 A No, I think it was during the remonstrance 15 period.</p> <p>16 Q Okay. So sometime between October 8, '21 and 17 January 6 of '22?</p> <p>18 A Yes.</p> <p>19 Q Do you still have that picture?</p> <p>20 A I would have to check.</p> <p>21 Q Did you take this with a cell phone or camera?</p> <p>22 A Cell phone.</p> <p>23 Q What kind of cell phone do you have?</p> <p>24 A I have an iPhone.</p> <p>25 Q Do you have the same iPhone now that you had in</p>
<p style="text-align: right;">Page 59</p> <p>1 A I have no idea if that would have happened. I 2 don't know if they had the front desk manned or 3 not.</p> <p>4 Q Looking at paragraph 5, so you refer to 5 Exhibit B, which relates to the City of 6 Bloomington utility office.</p> <p>7 Did you understand that the utility office 8 was a location for an after hours petition -- 9 remonstrance signing location during a period of 10 time in October?</p> <p>11 A I think so.</p> <p>12 Q Is that why you took a picture of the utility 13 office?</p> <p>14 A Yes.</p> <p>15 Q This paragraph 5 has a date of May 27, 2022. Do 16 you see that?</p> <p>17 A Yes.</p> <p>18 Q Is that the date that the picture on Exhibit B 19 was taken?</p> <p>20 A Yes, I took that picture twice. Once before the 21 remonstrance period and then I was surprised to 22 still see it up on May 27.</p> <p>23 Q So the picture that's in Exhibit B of your 24 affidavit is the one that you took on May 27; 25 correct?</p>	<p style="text-align: right;">Page 61</p> <p>1 October of 2021?</p> <p>2 A Yes.</p> <p>3 Q Let's look at the sign on the utility board; 4 Exhibit B, "The service center is closed to walk 5 in visitors."</p> <p>6 Do you see that?</p> <p>7 A Could you rephrase -- repeat the question?</p> <p>8 Q Yeah. Looking at Exhibit B, looking at the 9 sign, it says "The service center is closed to 10 walk in visitors."</p> <p>11 A Yes.</p> <p>12 Q Do you see that? "Please do not knock." 13 Do you see that?</p> <p>14 A Yes.</p> <p>15 Q And there's a phone number, "Have a delivery, 16 call this number. Here for a meeting, call this 17 number," and it's all the same number.</p> <p>18 A Yes.</p> <p>19 Q And it says, "All CBU services are still 20 available," do you know what the CBU?</p> <p>21 A City of Bloomington Utilities.</p> <p>22 Q And self serve quarters are open to complete 23 paperwork and drop off payments. Did you -- 24 when you pay your utility bills, are you on the 25 City of Bloomington utilities?</p>

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1 A I am not.
 2 Q Before you went to the utility office to take
 3 these pictures, had you ever been to the utility
 4 office?
 5 A I have been there before.
 6 Q And then there's a couple of bullet points there
 7 about forms and dropping off payments in the
 8 drop box. And then it says, "For any other
 9 questions or concerns including information
 10 about financial assistance, call our customer
 11 service team," and then there's a phone number.
 12 Do you see all that?
 13 A Uh-huh.
 14 Q Do you -- do you know -- let me ask it this way.
 15 Did you go to the utility office during
 16 that time period in October where the utility
 17 building was available for an evening hour
 18 remonstrance signing?
 19 A I did not go in the evening.
 20 Q Right. Let me be more specific. So from
 21 October 18 through October 22 from 5 to 9 p.m.
 22 remonstrators were able to sign petitions
 23 witnessed by city officials at the utilities
 24 department did you --
 25 A Go at that time, no.

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1 Q So do you have any firsthand information about
 2 what the procedure was for getting -- for
 3 signing a remonstrance petition at the utility
 4 office during that week in November?
 5 A I do not. I mean, I assume it's the same one
 6 that the auditor directed, the same process.
 7 Q I'm going to give you now and mark Exhibit 18.
 8 Take a moment and look this over, this
 9 Exhibit 18.
 10 Have you ever seen this before?
 11 (Deposition Exhibit 18 marked for
 12 identification.)
 13 A I have not.
 14 Q So the information on Exhibit 18 is titled
 15 "Information for Annexation Remonstrance" and
 16 right above that it says "Evening hours." If
 17 you look at Number 6 in particular, it
 18 identifies the times when remonstrance petitions
 19 would be available at the utility office.
 20 A Yes.
 21 Q So I appreciate that the photograph in Exhibit B
 22 was taken May 27, 2022, and you have another
 23 picture of the utility office during the
 24 remonstrance period, do you -- did you ever
 25 observe Exhibit 18 posted on --

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1 A I've never seen this before.
 2 Q So you don't know one way or the other if it was
 3 on the utility door -- utility office door from
 4 October 18 to October 22?
 5 A I do not.
 6 Q I am going to come back to your affidavit in a
 7 minute, but I want to ask you some other
 8 questions about something else first.
 9 Did you attend the remonstrance closure
 10 events --
 11 A Yes.
 12 Q And that was Thursday January 6?
 13 A Yes.
 14 Q At the courthouse building?
 15 A Yes.
 16 Q We looked at Exhibit 4 with the other witnesses
 17 and identified the auditor Cathy Smith there.
 18 (Deposition Exhibit 4 previously marked for
 19 identification.)
 20 A Yes.
 21 Q Where you present when she spoke?
 22 A Yes.
 23 Q Do you remember what she said?
 24 A Well, she that thanked her staff because it was
 25 really hard on her staff to do this

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1 remonstrance. And she, you know, marked the
 2 closure of the event. And I think that was
 3 pretty much it.
 4 Q Did she say -- do you understand that the
 5 auditor lived in one of the annexation
 6 territories?
 7 A She had said that in other venues. You know, I
 8 think that was well known.
 9 Q Did she discuss that at all during the --
 10 A I can't remember. I can't remember.
 11 Q You said it was well known and discussed in
 12 other venues. Had you ever heard her say that?
 13 A Yes, I have heard her say that, that she lives
 14 in an annexation area.
 15 Q Did she ever express her view whether she was
 16 for or against the annexation in one of these
 17 other venues?
 18 A What I remember her saying is that she is the
 19 auditor and she is impartial and that she was
 20 going to do whatever -- she's going to certify
 21 however the people's remonstrance was
 22 submitted.
 23 Q Did you ever talk with her just one-on-one or in
 24 a small group setting about the fact that she
 25 was in one of the annexation territories and was

<p style="text-align: right;">Page 66</p> <p>1 in this role where she would have to be 2 certifying the remonstrance process? 3 A No, about that specifically, that I remember. 4 It wasn't the focus of the conversation. 5 Q And did you speak at the closure event? 6 A Yes. 7 Q Did you speak from prepared remarks, or did you 8 just speak extemporaneously? 9 A I prepared some remarks just to speak. 10 Q I'm going to give you Exhibit 19. 11 (Deposition Exhibit 19 marked for 12 identification.) 13 A Yes. 14 Q What is Exhibit 19? 15 A This is a Facebook post from a blog called the 16 Dissident Democrat. 17 Q Does this represent comments you made at the 18 closure meeting? 19 A I would have to look this over, you know. 20 Q Please, I'll gladly afford you that opportunity 21 if you would just look it over and tell me if 22 you recognize the source of these remarks. 23 THE WITNESS: I wonder if I could speak 24 with you, Bill? 25 MR. BEGGS: You need to answer his</p>	<p style="text-align: right;">Page 68</p> <p>1 Facebook. 2 Q Sure. Did you send him your remarks? 3 A He asked for them. 4 Q Was he at the closure event? 5 A I don't remember. 6 Q Is this a fair representation of what you said? 7 A I think so, yes. 8 Q You said that -- you had some figures in 9 there -- 10 A Yes. 11 Q -- as of January 5, 2022. Where did those 12 figures come from? 13 A They came from the -- the auditor. The auditor 14 had those figures of the -- from her -- from the 15 turned in remonstrance counterparts. 16 Q And these signatures were raw signatures before 17 any -- 18 A Yes. 19 Q -- analysis of waivers or duplications or 20 anything like that? 21 A Yes. It was up to her to certify them and that 22 took some time after. 23 Q Right. But as of January 5, you were reporting 24 that area 1A had 1,092 signatures -- 25 A Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 question. Sure, we can take a break unless 2 there's a question. 3 MR. MCNEIL: I think I just asked her to 4 read. Is that the last thing I said? 5 (The requested text was read by the 6 reporter.) 7 MR. MCNEIL: Yeah, that's fine we can take 8 a break. 9 BY MR. MCNEIL 10 Q So Margaret. 11 A Yes. 12 Q You had a chance to review Exhibit 19? 13 A Yes. 14 Q Do you recognize the content or the source of 15 the content? 16 A Looks like some prepared remarks that I had 17 made. 18 Q Were these remarks that you made at the 19 January 6 closure event? 20 A Yes. 21 Q What is the Dissident Democrat? 22 A That is something that is run by a guy. There's 23 a guy by the name of Peter Dorfman. He has a 24 blog that he spearheads on -- I think it's a 25 blog that's independent of Facebook and also on</p>	<p style="text-align: right;">Page 69</p> <p>1 Q -- that had been gatherer, collected from 2 whatever means through volunteers or people 3 coming to the city hall or whatever to sign; 4 right? 5 A That's what we had a report of, yes. 6 Q And when you say "Only 962 signatures were 7 needed," is that to get to the 65 percent? 8 A Yes. 9 Q And then in the area 1B, you report there was 10 1,196 signatures. And were those -- that's the 11 data from the auditor? 12 A Yes. 13 Q And again the 1,073 referenced there is the 14 65 percent threshold? 15 A Yes, those were her -- something -- yes. 16 Q And so you have information for 1C, area 2, area 17 3, 4, 5; you're reporting on the number of 18 signatures from each of these areas? 19 A Yes. 20 Q So this was -- how many people were at the 21 cancellation event? 22 A There was -- there were representatives from 23 every area and a couple of -- some officials 24 like the three commissioners were there. 25 Q So like 15? 20? 50?</p>

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1 A No, close -- it was about 20, I think. 15 or 20
 2 I guess. You know, I just don't remember
 3 everyone had on a mask.
 4 Q Sure. Was the atmosphere kind of exhausted
 5 celebration?
 6 A No, not really. It was just bureaucratic final
 7 turn in the paperwork.
 8 Q Okay. So area 1A and 1B are the two that didn't
 9 have the 65 percent once everything was
 10 certified; correct?
 11 A Yes.
 12 Q And at least raw signatures, we're looking at
 13 about 2,288 raw signatures if you add these two
 14 together?
 15 A Oh, in 1A and 1B?
 16 Q Yeah.
 17 A That sounds about right I guess.
 18 Q And those 2,288 signatures were collected from
 19 October 8, 2021 through January 6, 2022?
 20 A Yes.
 21 Q And those signatures were collected in the
 22 conditions that existed at the time; right?
 23 So wherever we were with COVID, COVID
 24 mitigation, COVID variants 2,288 signatures were
 25 collected in those two areas alone; right?

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1 A Yes.
 2 Q And as of January 5, 2022, when you were
 3 reporting on these figures, did you have
 4 personal knowledge of any specific individual
 5 who wanted to sign an annexation remonstrance
 6 petition but was prevented from doing so because
 7 of COVID?
 8 A In 1A and 1B?
 9 Q Yes.
 10 A Do I have knowledge now or at that time?
 11 Q At that time.
 12 A I just have to think. I would have to say -- I
 13 would have to say at that time -- okay, but that
 14 wasn't my area; that's the problem. But I
 15 believe that I knew people who wanted to sign
 16 but were afraid to go out due to COVID.
 17 Q Who?
 18 A I don't know.
 19 Q What about now?
 20 A Now, do I know, yes.
 21 Q Who do you know of now?
 22 A I know of Joyce Martin that she was not -- she
 23 did not sign because of COVID.
 24 Q And that's based on information that she shared
 25 with you or information you read in an

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1 affidavit?
 2 A Yes.
 3 Q Anyone else?
 4 A I can't name them but, yes, I'm aware of people
 5 that did not sign because of COVID. And also --
 6 yes.
 7 Q Did you work with Russell Nunn in gathering his
 8 affidavit?
 9 A I did not. I was not involved with him at any
 10 significant level.
 11 Q Do you know who was?
 12 A I do not. I may have spoken with him once on
 13 the phone, but I don't remember specifically.
 14 Q Let's go back to your affidavit here.
 15 Exhibit 17. Starting at paragraph 7; so it's
 16 page 70 in the bottom right-hand corner.
 17 A Yes.
 18 Q This paragraph 7, 8, 9 refer to the city the
 19 mayor's budget goal report; correct?
 20 A Yes.
 21 Q Do you know what the purpose of the mayor's
 22 report was?
 23 A He's obliged, I believe, to give a report of the
 24 budget goals and whether or not they were met
 25 and to what extent to the city council once a

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1 year.
 2 Q Do you know who prepared the budget report?
 3 A I've read it, but I don't have it with me; so I
 4 don't know who prepared it.
 5 Q This was a document that was generated if you
 6 look at Exhibit T to your affidavit, the cover
 7 page.
 8 A Yes.
 9 Q The office of the mayor and City of Bloomington.
 10 A Yes.
 11 Q And then the second page.
 12 A Yes.
 13 Q The first page after the cover page, it's the
 14 mayor's cover letter to the city council
 15 members.
 16 A Yes.
 17 Q When you identify in your affidavit paragraph 9,
 18 says "as indicated on page three of the budget
 19 goal report 20.3 percent of the city's budget
 20 goals were not met directly due to COVID-19."
 21 Do you see that?
 22 A Yes.
 23 Q Do you know which budget goals were not met
 24 directly?
 25 A They're broken down in the Pole report.

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1 interested in the event of this action, and am not
 2 in the employ of the attorneys for any party.
 3 IN WITNESS WHEREOF, I have hereunto set my
 4 hand and affixed my notarial seal on this 22nd
 5 day of August 2022.


 COLLEEN BRADY

9
 10
 11 Seal, Notary Public My Commission Expires:
 State of Indiana March 8, 2029

12
 13 Colleen Brady County of Residence:
 Commission No. NP073223 Monroe

14
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1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS

2
 3 ASSIGNMENT REFERENCE NO: 5354039
 CASE NAME: County Residents Against Annexation, Inc., et al.
 v. City Of Bloomington, Indiana, et al.
 DATE OF DEPOSITION: 8/4/2022

4 WITNESS' NAME: Margaret Clements
 5 In accordance with the Rules of Civil
 6 Procedure, I have read the entire transcript of
 7 my testimony or it has been read to me.
 8 I have made no changes to the testimony
 9 as transcribed by the court reporter.

10
 11 _____
 12 Date Margaret Clements

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

17
 18 They have read the transcript;
 19 They signed the foregoing Sworn
 Statement; and
 20 Their execution of this Statement is of
 21 their free act and deed.

22
 23 I have affixed my name and official seal
 24 this _____ day of _____, 20____.

25

 Notary Public

 Commission Expiration Date

Page 79

1 Veritext Legal Solutions
 1100 Superior Ave
 Suite 1820
 Cleveland, Ohio 44114
 Phone: 216-523-1313

2
 3
 4 August 22, 2022
 5
 6 To: William J. Beggs, Esq.

7 Case Name: County Residents Against Annexation, Inc., et al. v. City
 8 Of Bloomington, Indiana, et al.
 9 Veritext Reference Number: 5354039
 10 Witness: Margaret Clements Deposition Date: 8/4/2022

11 Dear Sir/Madam:

12 Enclosed please find a deposition transcript. Please have the witness
 13 review the transcript and note any changes or corrections on the
 14 included errata sheet, indicating the page, line number, change, and
 15 the reason for the change. Have the witness' signature notarized and
 16 forward the completed page(s) back to us at the Production address
 17 shown
 18 above, or email to production-midwest@veritext.com.

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

21 Sincerely,
 22
 23 Production Department
 24
 25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS

2
 3 ASSIGNMENT REFERENCE NO: 5354039
 CASE NAME: County Residents Against Annexation, Inc., et al.
 v. City Of Bloomington, Indiana, et al.
 DATE OF DEPOSITION: 8/4/2022

4 WITNESS' NAME: Margaret Clements
 5 In accordance with the Rules of Civil
 6 Procedure, I have read the entire transcript of
 7 my testimony or it has been read to me.
 8 I have listed my changes on the attached
 9 Errata Sheet, listing page and line numbers as
 10 well as the reason(s) for the change(s).
 11 I request that these changes be entered
 12 as part of the record of my testimony.

13
 14 I have executed the Errata Sheet, as well
 15 as this Certificate, and request and authorize
 16 that both be appended to the transcript of my
 17 testimony and be incorporated therein.

18
 19 _____
 20 Date Margaret Clements

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

25
 26 They have read the transcript;
 27 They have listed all of their corrections
 in the appended Errata Sheet;
 28 They signed the foregoing Sworn
 Statement; and
 29 Their execution of this Statement is of
 30 their free act and deed.

31
 32 I have affixed my name and official seal
 33 this _____ day of _____, 20____.

34
 35 _____
 36 Notary Public
 37 _____
 38 Commission Expiration Date

1 ERRATA SHEET
2 VERITEXT LEGAL SOLUTIONS MIDWEST

3 ASSIGNMENT NO: 5354039

4 PAGE/LINE(S) / CHANGE /REASON

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 Date _____ Margaret Clements

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____

Notary Public

24

25 _____
Commission Expiration Date

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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

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

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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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