

1 STATE OF INDIANA)
) SS:
2 COUNTY OF MONROE)
3

4 IN THE CIRCUIT COURT OF MONROE COUNTY

5 CAUSE NO. 53C06-2203-PL-509

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

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-vs-

THE COMMON COUNCIL of the City of)
16 Bloomington, Monroe County, Indiana,)
 CITY OF BLOOMINGTON, Monroe County,)
17 Indiana,)
 JOHN HAMILTON in his official capacity as)
18 Mayor of Bloomington, Monroe County,)
 Indiana, and CATHERINE SMITH in her)
19 official capacity as Auditor of Monroe)
 County, Indiana,)

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25)

DEPOSITION OF MAX STIER

The deposition upon oral examination of MAX
STIER, a witness produced and sworn before me,
Colleen Brady, Notary Public in and for the County
of Monroe, State of Indiana, taken on behalf of the

Page 2	<p>1 Petitioners, at the offices of Bloomington City Hall, 401 North Morton Street, Room 225,</p> <p>2 Bloomington, Monroe County, Indiana, on the 27th day of March 2024, at 11:38 a.m., pursuant to</p> <p>3 the Indiana Rules of Trial Procedure with written notice as to time and place thereof.</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 4	<p>1 INDEX OF EXAMINATION</p> <p>2 Page</p> <p>3 DIRECT EXAMINATION 7</p> <p>4 Questions by Ryan M. Heeb</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	<p>1 APPEARANCES</p> <p>2 FOR THE PETITIONERS:</p> <p>3 Ryan M. Heeb</p> <p>4 BUNGER & ROBERTSON</p> <p>5 211 South College Avenue</p> <p>6 Bloomington, IN 47404</p> <p>7 812.332.9295</p> <p>8 rheeb@lawbr.com</p> <p>9</p> <p>10 William J. Beggs</p> <p>11 BUNGER & ROBERTSON</p> <p>12 211 South College Avenue</p> <p>13 Bloomington, IN 47404</p> <p>14 812.332.9295</p> <p>15 wjbeggs@lawbr.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 5	<p>1 INDEX OF EXHIBITS</p> <p>2 Page</p> <p>3 Deposition Exhibit No.:</p> <p>4 Exhibit 80 - Email, dated 4/27/202327</p> <p>5 Exhibit 81 - Email, dated 7/7/2023,36</p> <p>6 BLOOMINGTON_157727 and 728</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 INDEX OF EXHIBITS

2 Page

3 Previously Marked Exhibits:

4 Exhibit 75 - Subpoena duces tecum16

5 Exhibit 76 - Email, dated 5/26/2023,33

6 Exhibit 77 - Density analysis document,40

7 BLOOMINGTON_071113 and 114

8 Exhibit 78 - 2023 Urbanization Summary,48

9 Bloomington_189802

10 Exhibit 79 - Annexation Frequently Asked49

11 Questions document, dated

12 10/22/2021

13 INDEX OF CERTIFIED QUESTIONS

14 Page Line

15 30 15

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1 Third, the subpoena duces tecum required a

2 15-day waiting period under Trial Rule 34(C)

3 before service on a non-party.

4 Fourth, given that the witness is an

5 employee of a party, no subpoenas were required.

6 Simple notices would have sufficed.

7 Fifth, in the event the subpoena duces

8 tecum were both proper and necessary, the

9 subpoena still must allow the responding person

10 30 days to respond under Trial Rule 34(C), which

11 cross references Trial Rule 34(B), which sets

12 forth the time to respond.

13 Sixth, the document requests ask for

14 exhibits, documents, and datasets for which --

15 on which the witnesses will give or base

16 testimony at trial. The witnesses will not be

17 determining what questions they will be asked at

18 trial, nor will they decide which items will be

19 offered as exhibits at trial. Counsel does

20 that. The decisions about what questions will

21 be asked and which exhibits will be offered have

22 not yet been made in our mental impression based

23 work-product, subject only to disclosure

24 requirements under the controlling case

25 management order.

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1 (Time noted: 11:38 a.m.)

2 MAX STIER,

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 RYAN M. HEEB:

9 Q Will you please state your name for the record?

10 A Max Stier.

11 MR. UNGER: I'm sorry, before we get going,

12 I want to state a preliminary objection for the

13 record.

14 We received, on Monday afternoon -- we,

15 being counsel for the city -- received subpoena

16 duces tecum for the witness. They were

17 procedurally defective for several reasons.

18 First, no notice of deposition exists for

19 the witness's deposition. A notice of

20 deposition is a prerequisite to issue in a

21 deposition subpoena under Trial Rule 45(D).

22 Second, we as counsel for the city, never

23 agreed to accept service of non-party subpoenas

24 sent to city employee. To our knowledge, the

25 subpoenas have not been served on the witnesses.

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1 Even so, the city is presenting the witness

2 for deposition today, March 27, as agreed. Also

3 subject to the sixth item that I've already

4 discussed, I've already provided you with a

5 flash drive of the documents from Bloomington's

6 production responsive to the documents requested

7 to the subpoena duces tecum. Those records are

8 a reproduction of the same materials that were

9 sent in to you in December and again on March 7

10 in UAV video files. There is also one map that

11 had A appended to the Bates number, correction

12 relates to the legend and zoning classification

13 in Area 1B. The map is otherwise unchanged. A

14 copy of the corrected map was provided by email

15 today and is also in the thumb drive that's been

16 provided.

17 Subject to those objections, we have made

18 the witness available still.

19 MR. HEEB: And so there is no objection to

20 continuing with the deposition?

21 MR. UNGER: No objection to continuing with

22 the deposition.

23 MR. HEEB: Okay. Thank you.

24 BY MR. HEEB

25 Q Mr. Stier, my name a Ryan Heeb. I'm one of the

<p style="text-align: right;">Page 10</p> <p>1 petitioners -- excuse me -- one of the attorneys 2 who represent the petitioners in the annexation 3 litigation that is currently ongoing. 4 Do you understand that you are giving 5 testimony under oath and it's just as important 6 to tell the truth here today as if you would 7 before a judge in a courtroom? 8 A Yep. 9 Q And do you understand today that what you say 10 may be, later, brought out in evidence at trial? 11 A Yes. 12 Q Have you ever given a deposition before? 13 A I have not. 14 Q I'm going to keep going through a couple of 15 ground rules here to help us better conduct this 16 deposition. 17 If I ask a question and you answer it, is 18 it fair for us to assume that you understood my 19 questions as asked? 20 A Yeah, if -- unless I ask for more clarification. 21 Q That brings me to my second point. If for some 22 reason you do not understand my question, will 23 you ask me to rephrase it? 24 A Yes. 25 Q And the court reporter here is transcribing</p>	<p style="text-align: right;">Page 12</p> <p>1 A Reviewed the material that I worked on related 2 to the deposition. 3 Q What material did you review that you worked on 4 related to the deposition? 5 A Specifically, the maps. That was my, kind of, 6 area that I participated in. 7 Q What maps? 8 A The annexation related maps, I think, that were 9 provided. Yeah, it was a big series of maps. 10 All different subject but, yeah. 11 Q Can you list the subjects for me? 12 A Not -- I don't -- not without the files in front 13 of me. There's a bunch of maps. But just, 14 generally, you know, related to annexation. 15 Some supporting maps. 16 Q What else did you do to prepare for the 17 deposition? 18 A Not much besides reviewing the material I, you 19 know, participated in creating. 20 Q Did you have a meeting with Meghan Blair? 21 A We have meetings all the time, yeah. 22 Q Did you meet with Meghan Blair to prepare for 23 the deposition? 24 A I'm sure the deposition came up and mostly to 25 discuss, you know, what we had done. You know,</p>
<p style="text-align: right;">Page 11</p> <p>1 everything you and I are saying, so it's very 2 important that you and I don't talk over each 3 other. Let me ask my question, and I'll let you 4 answer your question -- answer the question. 5 Okay? 6 A Uh-huh. 7 Q It's also important that you provide verbal 8 responses to my questions. Verbal yes's and 9 no's. Not "Uh-huh" or "Uh-uh," and not shakes 10 of the head or nods of the head. Okay? 11 A Yes. 12 Q And if for some reason I say "Is that a yes? Is 13 that a no," I'm not trying to be mean. I'm just 14 trying to make sure we have a clean record. 15 Okay? 16 A Yes. 17 Q It's okay for you to take breaks throughout the 18 deposition, but I just ask you answer my 19 question before you take that break. Okay? 20 A Yes. 21 Q What have you done today to prepare for this 22 deposition? 23 A Today? I haven't done anything today. 24 Q Prior to today, what have you done to prepare 25 for this deposition?</p>	<p style="text-align: right;">Page 13</p> <p>1 the stuff she had worked on and the maps I had 2 made. 3 Q Tell me a little bit more about those 4 discussions you had with Ms. Blair. 5 MR. UNGER: I do want to object to the 6 extent it gets into any discussions that 7 included legal counsel. If you can answer 8 without getting into discussions with legal 9 counsel, you can answer. 10 A Yeah. Mostly just reviewing the subject matter. 11 So, you know, what the maps were about just 12 'cause we had done them a few months ago -- 13 maybe a couple of months ago. 14 So just to, like, refresh myself on, you 15 know, the map that was created, what the subject 16 was and what, if any, decisions we made about 17 the maps. 18 Q Do you recall those decisions you made about the 19 maps? 20 A I mean, they were mostly, you know -- in terms 21 of specifically for the maps, they're about, you 22 know, just trying to convey information. So 23 stuff about colors and, you know, what labels 24 we're using. 25 Q I want to circle back. Can you generally</p>

<p style="text-align: right;">Page 14</p> <p>1 describe the topics for these maps you created?</p> <p>2 A The maps are all kind of supporting information.</p> <p>3 So, you know, a lot of spatial -- spatial data,</p> <p>4 you know. They are not really analysis. It's</p> <p>5 mostly just, you know, what is where in the city</p> <p>6 and in the annexation areas, trying to</p> <p>7 highlight, you know, the spatial data.</p> <p>8 Q Right. What I'm trying to understand is, in my</p> <p>9 mind, you've produced a bunch of maps that</p> <p>10 depict a bunch of different topics.</p> <p>11 A Right.</p> <p>12 Q Is that fair?</p> <p>13 A Yes.</p> <p>14 Q What are those topics?</p> <p>15 A I mean, again, without seeing all the maps,</p> <p>16 because there were so many, I mean, it's stuff</p> <p>17 like the county's zoning districts. Stuff like</p> <p>18 the, I think -- was it the sewer system? -- you</p> <p>19 know, City of Bloomington's sewers, you know, in</p> <p>20 those vein. Again, without seeing the whole</p> <p>21 list ...</p> <p>22 We did just generally what the annexation</p> <p>23 areas are; where's the city boundary. Those</p> <p>24 kind of things. Just broad overview maps. A</p> <p>25 lot of it is reflecting the county's parcel</p>	<p style="text-align: right;">Page 16</p> <p>1 A I think so, yes.</p> <p>2 Q Have we talked about all the documents and</p> <p>3 things you reviewed to prepare for this</p> <p>4 deposition?</p> <p>5 A Yes.</p> <p>6 (Deposition Exhibit 75 previously marked</p> <p>7 for identification.)</p> <p>8 Q I'm going to hand you what's been marked as --</p> <p>9 hand you what's been marked as Exhibit 75. Take</p> <p>10 a look at that document, sir.</p> <p>11 Have you ever seen Exhibit 75 before?</p> <p>12 A No.</p> <p>13 Q I'll represent to you this a subpoena duces</p> <p>14 tecum that we served upon the City of</p> <p>15 Bloomington's counsel in this matter. I want to</p> <p>16 go to the second page and Item 1.</p> <p>17 Have you brought with you today, sir, true</p> <p>18 and accurate copies of each and every exhibit</p> <p>19 for which you will give testimony at trial</p> <p>20 sponsoring, authenticating, or referencing such</p> <p>21 exhibit?</p> <p>22 MR. UNGER: I'm going to object, again, and</p> <p>23 refer back to the original objection I made.</p> <p>24 Q You can go ahead and answer.</p> <p>25 A I have not brought anything.</p>
<p style="text-align: right;">Page 15</p> <p>1 data, either the land use or the zoning, just to</p> <p>2 kind of get an idea of those annexation areas.</p> <p>3 Q Is there a list of all the maps you have</p> <p>4 produced for annexation somewhere?</p> <p>5 A I mean, the list provided -- you know, that set</p> <p>6 of documents provided are the maps we created.</p> <p>7 Q And I appreciate that, but I don't think that</p> <p>8 responded to my question.</p> <p>9 Is there one document that lists all of the</p> <p>10 maps that you have produced?</p> <p>11 A No, actually, probably not. I mean, we shared</p> <p>12 them in a folder. I could do a screenshot of</p> <p>13 the folder but, no, we didn't produce a</p> <p>14 separate -- or, really, I did not produce a</p> <p>15 separate document that is a list of the maps.</p> <p>16 Q Could you produce a screenshot of that folder to</p> <p>17 your counsel to produce for us?</p> <p>18 A I think -- yeah, I mean, it's Google Drive.</p> <p>19 Yeah, I'm sure we could. It's everything we</p> <p>20 have.</p> <p>21 MR. HEEB: And, Steve, you can --</p> <p>22 MR. UNGER: Subject to review and potential</p> <p>23 objections, I don't see any reason why not.</p> <p>24 Q Okay. Have we talked about everything you did</p> <p>25 to prepare for this deposition?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q Did you bring true and accurate copies of each</p> <p>2 and every document, dataset, or other such item</p> <p>3 upon which you base any testimony you will give</p> <p>4 at trial in this matter?</p> <p>5 MR. UNGER: Same objection. Refer to my</p> <p>6 original objection.</p> <p>7 Q You can answer.</p> <p>8 A I have not. Yeah, I haven't brought anything.</p> <p>9 Q Did you help compile documents to respond to</p> <p>10 Exhibit 75?</p> <p>11 MR. UNGER: Same objection.</p> <p>12 A I helped create documents.</p> <p>13 Q So you didn't work with someone on responding to</p> <p>14 a subpoena duces tecum?</p> <p>15 A No.</p> <p>16 Q Do you know whether or not any documents were</p> <p>17 withheld that were responsive to the subpoena</p> <p>18 duces tecum?</p> <p>19 MR. UNGER: Same objection.</p> <p>20 Q You can answer.</p> <p>21 A I do not know.</p> <p>22 Q Mr. Stier, what is your title?</p> <p>23 A GIS specialist.</p> <p>24 Q What is your job description?</p> <p>25 A There's probably a written down job description</p>

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1 but, generally, what I do is I'm part of the
 2 team that maintains the GIS -- which is
 3 Geographic Information Systems -- for the city.
 4 So it's, like, any spatial data and kind of
 5 related data. We help maintain other
 6 department's -- mostly other department's data.
 7 We produce maps. That kind of stuff.
 8 Q Prior to holding your position as GIS
 9 specialist, what other positions have you held
 10 within the GIS division?
 11 A In the city? None. I've been a specialist the
 12 entire time I've been here.
 13 Q Prior to working for the city, where did you
 14 work?
 15 A I worked for the state of Indiana for, maybe, a
 16 year as a, sort of, part-time position. About
 17 30 hours a week, I think, technically.
 18 Q Doing what?
 19 A GIS. I'm not sure what the title was at that
 20 point but GIS.
 21 Q When did you start working for the city?
 22 A 2013. So 10 years ago.
 23 Q Prior to working for the state, who did you work
 24 for?
 25 A I worked for an architecture -- archaeological

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1 firm called Goodwin and Associates doing GIS.
 2 Well, I guess I was an archaeologist and I
 3 started doing GIS kind of toward the end of my
 4 time there. Just helped me get started in the
 5 GIS field.
 6 Q And I guess that kind of brings me to my next
 7 question here.
 8 Can you describe your educational
 9 background for me?
 10 A Yeah. I went to Ohio University. I got my
 11 bachelor's in anthropology and a minor in
 12 history. That's pretty much it. I did some GIS
 13 courses for -- it was, like, a Penn State online
 14 program while I was doing archeology.
 15 Q Is that bachelor's the highest level --
 16 A Yes.
 17 Q -- that you obtained?
 18 A Yep.
 19 Q Did you obtain any type of certificate or other
 20 such certification for the GIS course with Penn
 21 State that you took?
 22 A No. They might have -- they probably sent us an
 23 email that was like a -- no. There's, like, a
 24 thing called a -- there is a GIS certification
 25 credential; it wasn't that. It was just -- I

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1 don't know if they called it a certificate but
 2 it was just some -- I don't have a piece of
 3 paper, certainly, no. And I don't use it on my
 4 resume or anything like that.
 5 Q You just took some classes?
 6 A Yeah. Kind of a refresher as I wanted to get
 7 into the field. Just to have something on my
 8 resume that I did those courses.
 9 Q Have you ever taken any courses in demography?
 10 A No.
 11 Q Do you have any special training in demography?
 12 A Demography, no, I don't.
 13 Q I asked you if you've ever given a deposition.
 14 Have you ever testified at trial before?
 15 A I have not.
 16 Q You touched on this briefly, but what projects
 17 did you work on for the city's attempt to annex
 18 certain areas outside the City of Bloomington?
 19 A I worked on the mapping of the -- you know, in
 20 this -- the data that we, you know, kind of -- I
 21 produced the maps for the data. I mean, it's
 22 not really the data that Meghan produced. It's
 23 mostly related maps.
 24 And then in prior annexation, I had -- you
 25 know, the annexation stuff has been going on a

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1 long time. I don't think I produced any of the
 2 maps but I was definitely aware of the projects,
 3 but I think Meghan's predecessor, Laura Haley,
 4 did all that stuff as far as I remember.
 5 Q Is it fair to say that Meghan Blair did the
 6 analysis and then you performed the mapping of
 7 Meghan's analysis?
 8 A It's definitely fair to say she performed the
 9 analysis. The maps don't really reflect her
 10 analysis. You know, she did a lot of the stuff
 11 about population density, you know, all that
 12 kind of stuff. We didn't really map that
 13 information. She made some of the decisions
 14 about how to classify residential versus
 15 commercial -- I think was one of the maps -- I
 16 certainly mapped that stuff.
 17 But, no. The analysis she did, we didn't
 18 really reflect visually, geospatially, in a map.
 19 Q Did you perform a population density analysis
 20 for Area 1A or 1B?
 21 A I did not, no.
 22 Q Did you perform a subdivision analysis for Area
 23 1A or 1B?
 24 A No.
 25 Q Who is Laura Haley?

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1 A She's the previous GIS -- I don't know --
 2 manager, I don't remember. Whatever Meghan's
 3 position is, is what Laura did.
 4 Q Did Ms. Haley perform a population density
 5 analysis for Area 1A or 1B?
 6 A I presume so, previously. Again, I didn't
 7 really do the annexation analysis work back
 8 then, but she did all the annexation stuff. So
 9 if there was an analysis performed, it would
 10 have been from her, I assume.
 11 Q Did she perform a subdivision analysis for Area
 12 1A and 1B?
 13 A I don't know. I guess I can't really speak to
 14 the specific analysis she would have done but
 15 what analysis happened, it would have been
 16 something she did.
 17 Q Are you still in contact with Ms. Haley?
 18 A No, actually.
 19 Q Do you know her phone number?
 20 A Not off the top of my head. I mean, it's
 21 probably buried somewhere in, like, an old
 22 email. Although, I don't even know her cell
 23 phone number. It was her -- I only contacted
 24 her through, you know, her work phone.
 25 Q This probably is asking the obvious, but are you

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1 familiar with the City of Bloomington's
 2 attempted annexation of certain areas?
 3 A Yeah, generally.
 4 Q Do you live in any area in which the city is
 5 attempting to annex?
 6 A No.
 7 Q Are you in favor of or opposed to annexation?
 8 A I do not really have an opinion on it since it
 9 doesn't really impact me. The only think I
 10 think about is, like, mechanically -- because of
 11 my role -- what it would entail for my
 12 day-to-day job.
 13 Q Sure.
 14 A But, no, I don't really have an opinion on it to
 15 be honest.
 16 Q We're going to be talking about proposed areas
 17 for annexation 1A, 1B; do you know where either
 18 of these areas are located?
 19 A Yes.
 20 Q Where's Area 1A located?
 21 A West of the city.
 22 Q What about 1B?
 23 A Southwest, south.
 24 Q Are you familiar with the Indiana annexation
 25 statutes?

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1 A No, not in any detail.
 2 Q So you've never read them?
 3 A No, certainly not.
 4 Q You said you did not perform a population
 5 density analysis for Area 1A; correct?
 6 A No. I think at most, you know, Meghan and I
 7 might have talked about the methodology. But I
 8 certainly didn't crunch the numbers, as they
 9 say.
 10 Q Can you tell me about that conversation you had
 11 with her about the methodology?
 12 A You know, we just talked about what a
 13 methodology to perform population density is,
 14 considering, you know, the boundaries and the
 15 geometries involved. And I just basically
 16 agreed with what she had done -- what she was
 17 considering to do and what she did.
 18 Q What was she considering to do?
 19 A You know, I don't -- I'm not as familiar with it
 20 because I didn't do it. I'm sure she could go
 21 into more detail. But you kind of get the
 22 population of whatever geometry you have -- so,
 23 like, block groups, for example -- and you kind
 24 of get a percentage of how much of that falls
 25 into the annexation areas and that kind of gives

Page 25

1 you an idea.
 2 Because the boundaries, you know, aren't
 3 coincident with the -- or they don't align with
 4 the other, like, block groups, for example. You
 5 have to cut them up a little bit to try to get
 6 that percentage. Stuff like that.
 7 Q Can you tell me what you mean by you have to cut
 8 them up a little bit to get that percentage?
 9 A You know, if you have a block group that has 100
 10 people and only 50 percent of it actually falls
 11 within the annexation area, in order to
 12 determine kind of how much population you add to
 13 the total of the annexation area, you kind of
 14 weight that based on that percentage area that
 15 falls in there.
 16 Q To come up with a rough calculation?
 17 A Yeah, yeah. You know, it's the best method you
 18 can -- that we have. Yeah, the method, I think,
 19 is sound certainly.
 20 Q You did not perform a population density
 21 analysis for Area 1B?
 22 A Correct.
 23 Q Aside from Ms. Blair and Ms. Haley, are you
 24 aware of anyone else performing a population
 25 density analysis for either Area 1A or 1B?

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1 A No.

2 Q Do you know what data was used to perform the

3 population density analysis?

4 A Yeah. I assume the census data. 2020 Decennial

5 Census. And then it also relies on the polygons

6 that we use; so, like the annexation area

7 boundary and those block groups. I think there

8 was the block groups. I don't know that for --

9 I can't remember for sure. I assume so. Yeah,

10 the census to get the figures.

11 Q No other data for population figure?

12 A No -- I mean, not -- yeah, not to get the

13 population numbers, no.

14 Q What tools were used to perform this analysis?

15 Do you know?

16 A We use a software called Esri Arc Map Pro --

17 ArcGIS Pro, sorry. It's the industry standard

18 for GIS.

19 Q Did the GIS division do a count of how many

20 people live in Area 1A or 1B, house-to-house

21 count?

22 A No.

23 Q Do you know how many people live in Area 1A?

24 A I can get you the figures based on the census.

25 You know, that percentage area calculation is a

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1 way to know how many people are in Area 1A,

2 yeah.

3 Q Are there other ways to know?

4 A Probably, but that's the way I know to count

5 population in a -- especially in an area that is

6 not, again -- I mean, that is not the same

7 boundary as a census division is doing that area

8 calculation percentage.

9 Q So census blocks are not the same boundaries as

10 the proposed annexation areas?

11 A Correct. Like, you can't build the census

12 area -- you can't build the annexation area with

13 a bunch of census boundaries.

14 Q Why do you say that?

15 A They cross. You know, there's a division in the

16 middle in a census boundary made by the

17 annexation area. I think the annexation is a

18 subset of parcels rather than census divisions.

19 Q Do you know what data Ms. Haley used to perform

20 her population density analysis?

21 A Not off the top of my head, no, I do not. It

22 was, I assume, a census related thing, but I

23 can't say for sure.

24 (Deposition Exhibit 80 marked for

25 identification.)

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1 Q I apologize, can you pronounce your last name

2 for me?

3 A Stire.

4 Q Mr. Stier, can you -- I'm handing you what's

5 been marked as Exhibit 80. Can you please take

6 a look at that document?

7 A Sure.

8 Q What is Exhibit 80?

9 A This is a weekly report I produce.

10 Q Please turn to the third page of Exhibit 80. Do

11 you see that first bullet point that is there on

12 the third page of Exhibit 80?

13 A Yes.

14 Q Can you tell me why this meeting was

15 interesting, as you say, "not necessarily in a

16 good way"?

17 MR. UNGER: I want to object. It's

18 referring to a meeting with Mike Rouker, legal

19 counsel for the city of Bloomington. I object

20 to any questions relating to meetings with

21 legal.

22 MR. HEEB: I'm just asking questions about

23 this email that he sent to Ms. Blair.

24 MR. UNGER: Which, again, I object about

25 emails concerning legal communications with --

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1 or communications with and meetings with city

2 legal --

3 MR. HEEB: Well, this is --

4 MR. UNGER: -- protected by attorney-client

5 privilege.

6 MR. HEEB: Well, this is produced --

7 MR. UNGER: Whether it's produced or not,

8 if it's protected by attorney-client privilege,

9 you have an obligation to notify me that there

10 was an email that was included attorney-client

11 privilege, and we have a right to draw that

12 back.

13 MR. HEEB: What in this is attorney-client

14 privilege though?

15 MR. UNGER: You're asking about a meeting

16 with Mike Rouker, the city attorney.

17 MR. HEEB: No, I'm asking about his report

18 to Ms. Blair.

19 MR. UNGER: I'm sorry, can you refer to

20 which -- where you're talking about?

21 MR. HEEB: Yeah. Exhibit 80 is an email

22 from Mr. Stier to Ms. Blair.

23 MR. UNGER: I'm sorry, can you clarify, are

24 you asking about a meeting he had with Mike

25 Rouker?

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1 MR. HEEB: I'm asking about this email.
 2 MR. UNGER: Which is about a discussion he
 3 had with Mike Rouker.
 4 MR. HEEB: No --
 5 MR. UNGER: Is that what you're asking
 6 about?
 7 MR. HEEB: No, I'm asking about --
 8 MR. UNGER: Okay. I'm sorry, if you can --
 9 if you can answer without -- why don't you reask
 10 your question and I'll make sure I'm clear.
 11 But, certainly, if you can answer without
 12 talking -- disclosing discussions you had with
 13 Mike Rouker, the witness can answer.
 14 BY MR. HEEB
 15 Q Why did you tell Ms. Blair, that the meeting was
 16 interesting "not necessarily in a good way"?
 17 MR. UNGER: I'm going to object to the
 18 extent you're asking about a meeting that he had
 19 with Mr. Rouker.
 20 MR. HEEB: Okay. But I can ask him why he
 21 said that.
 22 MR. UNGER: If you can answer without
 23 revealing any of the communications or
 24 discussions you had with Mr. Rouker, the witness
 25 can answer. Otherwise, I instruct the witness

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1 not to answer.
 2 A Yeah, I don't think I can characterize -- I
 3 think I would have to characterize that meeting
 4 to explain that sentiment.
 5 MR. HEEB: Will you please certify that
 6 question?
 7 BY MR. HEEB
 8 Q In that same paragraph, you reference analysis
 9 that Laura did in 2021.
 10 What analysis did Laura do in 2021?
 11 A Just preparation -- annexation related analysis.
 12 Q Did you do a population density analysis?
 13 A I did not, no.
 14 Q Did Laura?
 15 A I don't know. It was whatever annexation
 16 related stuff there was. I don't have her file
 17 so I can't say exactly what she did.
 18 Q Why did you say Laura would be -- why did you
 19 say you don't think Laura would be a candidate
 20 to be a witness at this stage?
 21 MR. UNGER: Objection to the extent it
 22 involves discussions you've had with legal
 23 counsel. If you can answer the question without
 24 referring to -- relying on discussions that you
 25 had with legal counsel, you can answer.

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1 Otherwise, I instruct the witness not to answer.
 2 MR. HEEB: Certify the question please.
 3 MR. BEGGS: Did you refuse to answer?
 4 A She didn't work at the city anymore, at that
 5 point, when I wrote this email.
 6 Q Also in the same paragraph, you say you'd
 7 "probably go through the work Laura had done so
 8 I can have a plan to just re-run her methods."
 9 What methods did you re-run?
 10 A I didn't end up re-running them. I probably --
 11 I didn't get to this stuff. This was the stuff
 12 Meghan ended up working on. So, yeah.
 13 Q You didn't re-run a population density analysis
 14 or subdivision analysis?
 15 A No, that fell into Meghan's responsibility.
 16 Q After you sent this April 27, 2023 email, did
 17 you meet with Meghan Blair?
 18 A We meet every Monday, at least. We meet
 19 multiple times a week.
 20 Q Looks like you're referencing a meeting in
 21 person on Wednesday. Looks like that would be
 22 probably early May of 2023.
 23 Do you recall that meeting with Meghan
 24 Blair?
 25 A No, I don't.

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1 (Deposition Exhibit 76 previously marked
 2 for identification.)
 3 Q Mr. Stier, I'm handing you what's been marked as
 4 Exhibit 76. Would you please take a look at
 5 that document.
 6 What is Exhibit 76?
 7 A This is a weekly report that Meghan produced.
 8 Q Looks like you were cc'd on this document.
 9 A Right.
 10 Q So have you ever seen this before?
 11 A Probably. These are intended to go to our
 12 manager. I sometimes review them. I can't say
 13 for sure whether I reviewed this specific one.
 14 Q Can you go to the third page of Exhibit 76?
 15 A Yes.
 16 Q And the OOTM Staff Viewer. And then in
 17 parentheses, it says Max.
 18 Is that referencing you?
 19 A Yes.
 20 Q And then on the second bullet point,
 21 "Urbanization and annexation areas map request."
 22 Do you see that?
 23 A Yep.
 24 Q What was that request?
 25 A So we -- The Office of the Mayor, OOTM Staff

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1 Viewer is a web application that we produced,
2 and, you know, I can't say exactly but my -- I'm
3 assuming that they wanted the annexation areas
4 to be added to their staff viewer.
5 Q Looks like the sub-bullet point above that, "We
6 plan on including all the census," do you see
7 that line?
8 A Yes.
9 Q What census is referenced there?
10 A I mean, if this is from -- yeah, it would have
11 been 2020 Census related data.
12 Q What about ACS? What does that stand for?
13 A It's called the American Community Survey. That
14 is something produced by the census. The U.S.
15 Census is the American Community Survey produces
16 that, yeah.
17 Q And "EJ Screen"?
18 A That's an Environmental Justice thing. This is
19 not -- some of this stuff is -- so the EJ
20 Screen, specifically, is a dataset that another
21 department asked us to add to their map. The
22 MPO office asked us to add the EJ Screen data.
23 Really, the Environmental Justice.
24 Q Did you say "MPO"?
25 A MPO. Sorry, yes, MPO.

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1 Q What does that stand for?
2 A Municipal Planning Organization.
3 Q And "Qualified," what is that?
4 A I can't remember what that means.
5 Q What about "Urban areas"?
6 A Again, maybe the county has an urbanization -- I
7 don't know. There's a -- it could mean a few
8 things, to be honest. It's not very clear.
9 The county has an urbanization related
10 polygon. I think, that, you know, U.S.
11 transportation has, like, an urbanization
12 related boundary. Something like that.
13 Q Go to the second to last page of Exhibit 76.
14 A Yes.
15 Q And under "Max," is that you?
16 A Yes.
17 Q Says "Annexation analysis." Why does it say
18 that there?
19 A It was kind of shorthand for this related
20 project. So my, you know, just -- this is kind
21 of a list of projected tasks for the upcoming
22 week or in the future. So we had, like, kind of
23 a standing -- you know, as I was preparing maps
24 for the annexation, that was my line item, I
25 assume, for my role in the analysis, maps.

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1 Stuff like that.
2 Q Under the first sub point under your name. It
3 says "Parcel analysis calculations."
4 A Yes.
5 Q What is that?
6 A I have no -- I don't remember what that is
7 referring to.
8 Q Is it related to annexation?
9 A I can't say if that's the case. Because it's
10 referencing a static map, it sounds like, no,
11 it's probably something else.
12 Oh, you know, I think that might be related
13 to a different project. It's hard -- I can't
14 say for sure. I could probably guess, but I
15 might be wrong about what project it is related
16 to. I'm going to say it's definitely not
17 annexation. It would have been specific there
18 if it was.
19 (Deposition Exhibit 81 marked for
20 identification.)
21 Q I'm going to hand you what is marked as
22 Exhibit 81. Will you please take a look at that
23 document?
24 A Uh-huh.
25 Q What is Exhibit 81?

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1 A Another weekly report.
2 Q Please go to the second page of Exhibit 81,
3 under "Annexation Analysis." There it looks
4 like you said "I worked on recreating the
5 population estimate annexation analysis
6 workflow." What is that?
7 A Kind of just working on the methodology. So
8 discussing the strategy for, you know, the
9 analysis. The population estimate analysis.
10 Q Tell me about that discussion.
11 A I don't remember details of the discussion, but
12 kind of the stuff we talked about earlier,
13 method to get a population estimate for a census
14 area that is not -- doesn't have the same
15 boundary as the -- as the annexation area in
16 this case.
17 Q That next part of the sentence "Once I was
18 working with the same source data," what source
19 data?
20 A Probably the -- if it's from 2019 data, it's
21 older census data. I don't know, specifically,
22 what the data source was off the top of my head.
23 I don't have it here, but it was, again, an
24 older dataset.
25 Q Says "Same source data I did get the same

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1 results for that category for 2019 data."
 2 Can you explain that to me?
 3 A Yeah. We were probably testing a methodology.
 4 It was probably a part of that discussion about
 5 what would be a good workflow. So we probably
 6 pulled some census data, old census data, to try
 7 to test it to see if it worked.
 8 Q Okay. Based on this analysis, how many people
 9 lived in Area 1A?
 10 A I can't -- I don't know.
 11 Q What about for 1B?
 12 A I do not know.
 13 Q Is this the only time you performed a population
 14 estimate?
 15 A I don't know. I mean, this is more of a
 16 workflow kind of trial/study. I would never,
 17 you know, say this was a population estimate
 18 calculation. It was mostly a trial just to see
 19 if the mechanics of the workflow worked.
 20 Q Can you kind of walk me through that? 'Cause
 21 what you just said seems very in tune with what
 22 you do on GIS so I'm not as familiar.
 23 Explain what you mean by that.
 24 A Sure. Again, we had this methodology to figure
 25 out the percentage of population and a way to

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1 test it so it was repeatable, was to use this
 2 data and try to see if we could get the same
 3 numbers.
 4 Q So, again, it was Ms. Blair that did the
 5 population density analysis for Areas 1A and 1B,
 6 not you?
 7 A Correct, as far as I remember. Certainly the --
 8 yeah, what we submitted as -- what we think is
 9 the authoritative thing, yeah.
 10 Q Are you aware of the city ever publicly
 11 representing the total number of people that
 12 live in Area 1A or 1B?
 13 A Aside from related to this stuff, I don't know.
 14 Q Has anyone ever asked you to change or modify
 15 your calculations of the total number of people
 16 who live in Area 1A or 1B?
 17 A No.
 18 Q Do you know how Ms. Haley performed her analysis
 19 of the population density for Area 1A or 1B?
 20 A I think it was probably the same method. Again,
 21 that percentage of area, whatever the shorthand
 22 is for that. But I did not, you know -- I don't
 23 remember going through it with her. That was
 24 kind of something she did. I would guess it's
 25 similar.

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1 (Deposition Exhibit 77 previously marked
 2 for identification.)
 3 Q I'm going to hand you what's previously been
 4 marked as Exhibit 77. Would you please take a
 5 look at that document.
 6 Do you recognize Exhibit 77?
 7 A Yeah, not in this format. I mean, I know what
 8 these numbers are. I don't think I've ever seen
 9 this specific document.
 10 Q Do you know who prepared Exhibit 77?
 11 A No, not on the face of it, no.
 12 Q Do you know when this document was prepared?
 13 A No, no, I don't. I mean ...
 14 Q Do you know what the purpose of this document
 15 is?
 16 A It looks like it's a summary of a population
 17 density kind of a study analysis.
 18 Q Did you provide any information for the
 19 production of Exhibit 77?
 20 A I can't say for sure. I don't know when -- how
 21 long ago this was made. I don't remember.
 22 Q So if you're looking at this first paragraph
 23 under the title, the second sentence there,
 24 "When examining annexation area for density
 25 purposes, commercial, industrial, business, and

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1 similarly classified non-residential areas are
 2 eliminated."
 3 Do you see that?
 4 A I do see that.
 5 Q Do you know why it says that?
 6 MR. UNGER: I'm going to object to the
 7 extent the witness's already answered that he's
 8 not familiar with this and never reviewed it
 9 before. But you can go ahead and answer.
 10 A Okay. I mean, I suppose the -- well, it says
 11 it's a density analysis on residential areas.
 12 So in order to, you know, specify -- in order to
 13 define the residential areas, you're omitting
 14 these other types of areas. So that's probably
 15 what that sentence is trying to reinforce.
 16 Q Turning to these population estimates that
 17 appear on the first table on Exhibit 77, do you
 18 know how those were calculated?
 19 MR. UNGER: Same objection. Calls for
 20 speculation. To the extent you can answer,
 21 answer.
 22 A I would have to speculate but, no, I don't. I
 23 can't -- based on the document and my memory, I
 24 do not know how they were calculated.
 25 Q You didn't perform those calculations of

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1 population estimate for 1A or 1B?

2 A I don't believe so, no.

3 Q You don't know who did?

4 A I mean, if this came from -- no, I can't say

5 based on this document, no.

6 Q So is it fair to say you don't know how any of

7 this analysis is performed in Exhibit 77?

8 A I know a way to perform an analysis like this.

9 I don't know, you know, I wasn't standing over

10 the shoulder of whatever person did this, as far

11 as I remember.

12 Q Generally speaking, how would you calculate the

13 number of people per acre?

14 A You would -- so you get the population of

15 whatever area you are talking about and divide

16 it by the number of acres. Something like that.

17 Q I think, Mr. Stier, you said you did not map the

18 population density analysis performed by

19 Ms. Blair. Is that correct?

20 A Yeah, I think that's -- yes, that's correct.

21 Q And is it correct that -- so what work did you

22 perform on the population density analysis for

23 Area 1A or 1B?

24 A I think we discussed methodology. We did the

25 test in the previous exhibit, but all the

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1 official -- all the, you know, all the work that

2 we were doing, Meghan did the population density

3 analysis, yeah.

4 Q So Meghan came up with the methodology; correct?

5 A Yeah. She -- I mean, it's kind of a standard

6 methodology. She landed, yeah. She made the

7 decision what we were going to do, yeah.

8 Q Thereafter, you double checked things?

9 A Yeah -- I mean, not even. There was a certain

10 point, again, in the beginning where we were

11 reviewing the methodology but, yeah, she -- I

12 kind of trusted her analysis.

13 Q Did you perform an analysis of the percentage of

14 Territory 1A that has been subdivided?

15 A No, I did not.

16 Q Did you perform an analysis of the percentage of

17 territory in Area 1B that has been subdivided?

18 A No.

19 Q Do you know anyone that has performed an

20 analysis of the percentage of Areas 1A or 1B

21 that has been subdivided?

22 A Without looking at Meghan's work, I don't

23 remember. You know, maybe she did that. I

24 don't remember. There was -- it might have been

25 one of the subjects she worked on.

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1 Q If she said she couldn't perform that analysis,

2 you just trust her word for that?

3 A Yeah, certainly, yeah.

4 Q Do you know how many formally recorded

5 subdivisions are Area 1A?

6 A I do not.

7 Q What about for Area 1B?

8 A I do not.

9 Q Did you or anyone in the city GIS division pull

10 each of the plats and calculate the number of

11 acres within each subdivision for Area 1A or 1B?

12 A No. Well, I can say I did not do that.

13 Q Have you performed any analysis on whether Area

14 1A or 1B involves an economic development

15 project by the City of Bloomington?

16 A I don't recall doing anything like that. I

17 mean, yeah, no, I don't.

18 Q Have you performed analysis on -- strike that.

19 Have you performed analysis on whether any

20 of Area 1A or 1B is zoned for commercial

21 business or industrial uses?

22 A No, I have not performed that analysis. I

23 believe I mapped something like that but, yeah.

24 Q So you think you mapped?

25 A I didn't map anything based on -- like, when you

Page 45

1 say "analysis," I assume you mean something like

2 a calculation of percentage or something like

3 that. I mapped the shapes, basically, but no

4 analysis.

5 Q So someone else did the analysis, provided the

6 data to you, you mapped it?

7 A Again, that's not even necessarily true in the

8 sense that the analysis did not really mostly

9 show up. I mean, that subject of whether

10 something was commercial, industrial -- whatever

11 those topics, subjects, were -- we mapped that

12 stuff based on the county's parcel data, their

13 land use codes, and their zoning.

14 So if there was analysis that had to do

15 with percentages, those percentages weren't

16 reflected in the maps.

17 Q Okay. So did you produce any map that

18 demonstrated whether Area 1A is zoned for

19 commercial, business, or industrial uses?

20 A I produced a map reflecting those categories,

21 yes.

22 Q And you did the same for 1B?

23 A Right, correct.

24 Q And the data you used to produce that map came

25 from the county?

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1 A Correct, yeah. We used their parcel data and/or
 2 their zoning data.
 3 Q So I want to, I guess, go back. Did you produce
 4 any maps that demonstrate that there are
 5 economic development projects in Area 1A?
 6 A Without seeing the set of maps, economic
 7 development projects, I don't -- that doesn't
 8 sound familiar, but I would have to look at the
 9 maps, I suppose, to know for sure. We mapped
 10 things in 1A and 1B.
 11 I don't -- yeah, that doesn't sound
 12 familiar, but without looking at the suite of
 13 maps, it would be hard to make sure we're taking
 14 about the same thing, but I don't think -- that
 15 doesn't sound familiar to me.
 16 Q Same question for 1B.
 17 A Same answer.
 18 Q Did you also produce a map for Area 1B
 19 demonstrating portions that were zoned for
 20 commercial, business, or industrial uses?
 21 A Yeah. I mean, like, so the county zoning is
 22 more complicated than those three categories.
 23 We definitely produced a map of their zoning
 24 boundaries, and then we -- there's also a set of
 25 maps that are those three categories that we

Page 47

1 tried to simplify their zoning to fall into
 2 those buckets.
 3 Q Explain to me why you say that, "Simplify zoning
 4 to fall in those buckets."
 5 A Yeah. So, you know, industrial -- the county
 6 has a lot of zoning categories. So a quarry is
 7 a zoning category but, you know, which could be
 8 considered industrial.
 9 So in order to group all those together
 10 into something that made a little more sense, we
 11 grouped where those -- yeah, we grouped those
 12 zones into those three categories.
 13 Q When you say "we" --
 14 A Meghan was kind of the authority, you know, the
 15 final word on how we made those distinctions.
 16 Q She made the call?
 17 A Yeah, oh, yeah. For sure.
 18 Q She said, "This goes into commercial, this goes
 19 into industrial, this goes into business"?
 20 A Correct.
 21 Q "And this is residential"?
 22 A Correct.
 23 Q And then, from there, you mapped it?
 24 A Yeah, right. Exactly.
 25 Q Did you produce any maps that demonstrate

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1 whether the City of Bloomington needs and can
 2 use Area 1A for the city's development in the
 3 reasonably near future?
 4 A No.
 5 Q And same question for Area 1B.
 6 A No, no. I don't think the maps -- any of the
 7 maps were certainly specific to that subject. I
 8 mean, you could -- no, I don't think, no.
 9 Q Are you aware of any development projects the
 10 City of Bloomington has planned to occur in Area
 11 1A?
 12 A I am not aware of any of that.
 13 Q Are you aware of any development projects the
 14 City of Bloomington has planned to occur in 1B?
 15 A No.
 16 Q Did you produce any maps that demonstrate
 17 whether annexation would be in the best interest
 18 of the residents in Area 1A or 1B?
 19 A No, nothing with that subject in mind certainly.
 20 Q Did you produce any maps that demonstrate that
 21 annexation would not have a significant
 22 financial impact on residents of Area 1A or 1B?
 23 A No.
 24 (Deposition Exhibit 78 previously marked
 25 for identification.)

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1 Q I'm going to hand you what's been marked as
 2 Exhibit 78. Please take a look at that
 3 document.
 4 Do you recognize Exhibit 78?
 5 A This -- I recognize what it is. Again, I
 6 haven't seen it in this format though. It's a
 7 summary of an urbanization analysis.
 8 Q Have you seen this document in other formats?
 9 A No. I mean, no, other than the stuff, you know,
 10 the city produced.
 11 Q Did you help create Exhibit 78?
 12 A I did not.
 13 Q Was it just Ms. Blair that created this
 14 document?
 15 A Yeah. It wasn't me. I can say that for sure.
 16 I don't know if she got figures from anywhere
 17 else. I presume she did this.
 18 (Deposition Exhibit 79 previously marked
 19 for identification.)
 20 Q I'm going to hand you what's been marked as
 21 Exhibit 79, and I will represent to you, that's
 22 an Annexation Frequently Asked Questions
 23 document that's publicly available on the city's
 24 website. Appears as if it's up to date as of
 25 October 22, 2021.

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1 A Okay.

2 Q Have you ever seen this document before?

3 A I've -- no, actually. No, I certainly have not.

4 I can say that.

5 Q Will you please turn to page 7 of Exhibit 79.

6 A Okay.

7 Q Do you see under the "What is the population of

8 the areas proposed for annexation?" Area

9 1A: 3,987.

10 A I see that.

11 Q Did you produce that estimate?

12 A No.

13 Q Do you know who did?

14 A No, not with any certainty. If it was produced

15 by the GIS department, it would have been Laura

16 at this -- if it's 2021. But some of it -- it

17 wasn't me, and if it came from GIS, it would

18 have been Laura. But I can't even say who put

19 it on the document. I don't know.

20 Q Do you know how Laura arrived at that population

21 estimate for Area 1A?

22 MR. UNGER: Objection to the extent it

23 misstates the record. Your question was how did

24 Laura arrive at it; the witness just testified

25 he doesn't know who created it.

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1 Q I will withdraw the question. Do you know how

2 this estimate was calculated?

3 A I don't.

4 Q Go to page 8. Population estimate for Area

5 1B: 4,566. Do you know who provided this

6 estimate?

7 A Same answer as 1A.

8 Q You don't know?

9 A I can't say for sure.

10 Q Who do you think did it?

11 MR. UNGER: Objection. Calls for

12 speculation.

13 Q You can go ahead and answer.

14 A Again, if these numbers came from our

15 department, the GIS team, it would have been

16 Laura because she did the previous annexation

17 analysis. That would be a guess. Again, I

18 assume she didn't type it in to this document;

19 so ...

20 Q Do you know how this estimate was arrived at?

21 MR. UNGER: Object to the extent it calls

22 for speculation.

23 A Again, I don't. Not with certainty, no.

24 MR. HEEB: Let's go off the record.

25 (Off the record.)

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1 BY MR. HEEB

2 Q Mr. Stier, do you know the percentage of Area 1A

3 that has been subdivided?

4 A No.

5 Q Do you know the percentage of Area 1B that has

6 been subdivided?

7 A No.

8 Q If you'll turn back to -- I believe it's

9 Exhibit 78.

10 A Single sheet, yeah.

11 Q Under the total population for Area 1A, see

12 where it says 4,351? Do you agree with that?

13 A If this is what Meghan produced, I agree with

14 her. I trust her work so, yeah.

15 Q So you agree that -- and I'm looking here, under

16 persons per acre and total annexation. You

17 agree that there's 1.38 persons per acre in Area

18 1A?

19 MR. UNGER: Objection to the extent it

20 misstates the exhibit. But to the extent you

21 can answer, go ahead and answer.

22 Q Go ahead and answer.

23 A The persons per acre and the residential zones

24 says 3.26. Is that -- sorry, can you ask your

25 question again?

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1 Q I can certainly do my --

2 A Sorry.

3 Q -- do my best. In that same persons per acre --

4 A Okay. I'm here.

5 Q -- tab, we'll call it. You see the total

6 annexation?

7 A Yes.

8 Q Do you agree that for Area 1A, 1.38 persons per

9 acre in Area 1A?

10 A Again, if this is the figures Meghan provided, I

11 trust her analysis. So I agree with it, yeah.

12 I mean, I would stand by it for sure.

13 Q So then for, going back up to total population

14 under 1B: 5,758. Do you have any reason to

15 disagree with that?

16 A I do not.

17 Q Going back down to persons per acre, total

18 annexation, Area 1B: 3.28. Any reason to

19 disagree with that?

20 A No reason.

21 Q In what role did you play in producing this 2023

22 urbanization summary?

23 A I would think none besides, again, that early

24 on, we were discussing methodology. So, yeah, I

25 mean, I don't think I touched this spreadsheet,

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1 for example.

2 Q Do you know why -- and I'm back under the

3 persons per acre tab. Do you know why

4 residential zoning was included there?

5 MR. UNGER: Objection to the extent it

6 calls for speculation. You can answer if you

7 can.

8 A No, besides it is a subset of the zone -- the

9 zones. I don't know, specifically, why the

10 decision was made to include that as a portion

11 of the analysis, no.

12 Q What about the residential parcels, do you know

13 why that was included?

14 MR. UNGER: Same objection.

15 A Similar answer. Those are, you know, two sets

16 of polygons. And so those are two figures to

17 represent them.

18 Q Mr. Stier, is there anything else we have not

19 discussed today which you will testify to at

20 trial?

21 MR. UNGER: Objection. To the extent it

22 calls for attorney mental impressions and calls

23 for speculation. To the extent you can answer,

24 you can answer.

25 A No, I -- unless you've got any more questions

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1 about the maps, yeah, I mean, no, I think that's

2 it.

3 Q To your knowledge, have all the maps that you

4 will sponsor at trial been produced?

5 A To my knowledge, all the maps, yeah, I created

6 were produced, yeah.

7 MR. HEEB: I don't have any other

8 questions.

9 MR. UNGER: No questions.

10 THE REPORTER: Will the witness read and

11 sign?

12 MR. UNGER: Yes.

13 (Time noted: 12:47 p.m.)

14 AND FURTHER THE DEPONENT SAITH NOT.

15

16

17

18 _____

19 MAX STIER

20

21

22

23

24

25

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1 STATE OF INDIANA)

) SS:

2 COUNTY OF MONROE)

3 I, Colleen Brady, a Notary Public in and for

4 the County of Monroe, State of Indiana at large, do

5 hereby certify that MAX STIER, the deponent herein,

6 was by me first duly sworn to tell the truth, the

7 whole truth, and nothing but the truth in the

8 aforementioned matter;

9 That the foregoing deposition was taken on

10 behalf of the Petitioners, at the offices of

11 Bloomington City Hall, 401 North Morton Street,

12 Room 225, Bloomington, Monroe County, Indiana, on

13 the 27th day of March 2024, commencing at the hour

14 of 11:38 a.m., pursuant to the Indiana Rules of

15 Trial 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

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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 11th

6 day of March 2024.

7

8 *Colleen Brady*

9 Colleen Brady

10

11

12 Seal, Notary Public My Commission Expires:

13 State of Indiana March 8, 2029

14 Colleen Brady County of Residence:

15 Commission No. NP0732235 Monroe

16

17

18

19

20

21

22

23

24

25

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1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313

6 April 11, 2024

7 To: Mr. Unger

8 Case Name: County Residents Against Annexation Inc. Et Al. v. The
 9 Common Council Of The City Of Bloomington Et Al.
 10 Veritext Reference Number: 6618737
 11 Witness: Max Stier Deposition Date: 3/27/2024

12 Dear Sir:

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

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

22 Sincerely,
 23 Production Department

24
 25 NO NOTARY REQUIRED IN CA

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1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 6618737
 4 CASE NAME: County Residents Against Annexation Inc. Et Al. v.
 5 The Common Council Of The City Of Bloomington Et Al.
 6 DATE OF DEPOSITION: 3/27/2024
 7 WITNESS' NAME: Max Stier
 8 In accordance with the Rules of Civil
 9 Procedure, I have read the entire transcript of
 10 my testimony or it has been read to me.
 11 I have made no changes to the testimony
 12 as transcribed by the court reporter.

13 _____
 14 Date Max Stier

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

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

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

 Notary Public

 Commission Expiration Date

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1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 6618737
 4 CASE NAME: County Residents Against Annexation Inc. Et Al. v.
 5 The Common Council Of The City Of Bloomington Et Al.
 6 DATE OF DEPOSITION: 3/27/2024
 7 WITNESS' NAME: Max Stier
 8 In accordance with the Rules of Civil
 9 Procedure, I have read the entire transcript of
 10 my testimony or it has been read to me.
 11 I have listed my changes on the attached
 12 Errata Sheet, listing page and line numbers as
 13 well as the reason(s) for the change(s).
 14 I request that these changes be entered
 15 as part of the record of my testimony.

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

21 _____
 22 Date Max Stier

23 Sworn to and subscribed before me, a
 24 Notary Public in and for the State and County,
 25 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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1 ERRATA SHEET
 2 VERITEXT LEGAL SOLUTIONS MIDWEST
 3 ASSIGNMENT NO: 6618737

4 PAGE/LINE(S) / CHANGE /REASON

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

20 _____
 21 Date Max Stier

22 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
 23 DAY OF _____, 20____.

24 _____
 25 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.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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