

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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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

1       Petitioners, at the offices of Bloomington City  
Hall, 401 North Morton Street, Room 225,  
2       Bloomington, Monroe County, Indiana, on the  
27th day of March 2024, at 11:38 a.m., pursuant to  
3       the Indiana Rules of Trial Procedure with written  
notice as to time and place thereof.

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Deposition Exhibit No.:

Exhibit 80 - Email, dated 4/27/2023 . . . . .27

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Exhibit 78 - 2023 Urbanization Summary, . . . . . .48  
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Exhibit 79 - Annexation Frequently Asked . . . . . .49  
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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.

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.



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

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

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?

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,

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

1 describe the topics for these maps you created?

2 A The maps are all kind of supporting information.  
3 So, you know, a lot of spatial -- spatial data,  
4 you know. They are not really analysis. It's  
5 mostly just, you know, what is where in the city  
6 and in the annexation areas, trying to  
7 highlight, you know, the spatial data.

8 Q Right. What I'm trying to understand is, in my  
9 mind, you've produced a bunch of maps that  
10 depict a bunch of different topics.

11 A Right.

12 Q Is that fair?

13 A Yes.

14 Q What are those topics?

15 A I mean, again, without seeing all the maps,  
16 because there were so many, I mean, it's stuff  
17 like the county's zoning districts. Stuff like  
18 the, I think -- was it the sewer system? -- you  
19 know, City of Bloomington's sewers, you know, in  
20 those vein. Again, without seeing the whole  
21 list ...

22 We did just generally what the annexation  
23 areas are; where's the city boundary. Those  
24 kind of things. Just broad overview maps. A  
25 lot of it is reflecting the county's parcel

1 data, either the land use or the zoning, just to  
2 kind of get an idea of those annexation areas.

3 Q Is there a list of all the maps you have  
4 produced for annexation somewhere?

5 A I mean, the list provided -- you know, that set  
6 of documents provided are the maps we created.

7 Q And I appreciate that, but I don't think that  
8 responded to my question.

9 Is there one document that lists all of the  
10 maps that you have produced?

11 A No, actually, probably not. I mean, we shared  
12 them in a folder. I could do a screenshot of  
13 the folder but, no, we didn't produce a  
14 separate -- or, really, I did not produce a  
15 separate document that is a list of the maps.

16 Q Could you produce a screenshot of that folder to  
17 your counsel to produce for us?

18 A I think -- yeah, I mean, it's Google Drive.  
19 Yeah, I'm sure we could. It's everything we  
20 have.

21 MR. HEEB: And, Steve, you can --

22 MR. UNGER: Subject to review and potential  
23 objections, I don't see any reason why not.

24 Q Okay. Have we talked about everything you did  
25 to prepare for this deposition?

1 A I think so, yes.

2 Q Have we talked about all the documents and  
3 things you reviewed to prepare for this  
4 deposition?

5 A Yes.

6 (Deposition Exhibit 75 previously marked  
7 for identification.)

8 Q I'm going to hand you what's been marked as --  
9 hand you what's been marked as Exhibit 75. Take  
10 a look at that document, sir.

11 Have you ever seen Exhibit 75 before?

12 A No.

13 Q I'll represent to you this a subpoena duces  
14 tecum that we served upon the City of  
15 Bloomington's counsel in this matter. I want to  
16 go to the second page and Item 1.

17 Have you brought with you today, sir, true  
18 and accurate copies of each and every exhibit  
19 for which you will give testimony at trial  
20 sponsoring, authenticating, or referencing such  
21 exhibit?

22 MR. UNGER: I'm going to object, again, and  
23 refer back to the original objection I made.

24 Q You can go ahead and answer.

25 A I have not brought anything.



1 Q Did you bring true and accurate copies of each  
2 and every document, dataset, or other such item  
3 upon which you base any testimony you will give  
4 at trial in this matter?

5 MR. UNGER: Same objection. Refer to my  
6 original objection.

7 Q You can answer.

8 A I have not. Yeah, I haven't brought anything.

9 Q Did you help compile documents to respond to  
10 Exhibit 75?

11 MR. UNGER: Same objection.

12 A I helped create documents.

13 Q So you didn't work with someone on responding to  
14 a subpoena duces tecum?

15 A No.

16 Q Do you know whether or not any documents were  
17 withheld that were responsive to the subpoena  
18 duces tecum?

19 MR. UNGER: Same objection.

20 Q You can answer.

21 A I do not know.

22 Q Mr. Stier, what is your title?

23 A GIS specialist.

24 Q What is your job description?

25 A There's probably a written down job description

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

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

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

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?

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

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?

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



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?

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

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.)

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 --

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?

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

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.

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.



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

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.

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.

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?

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

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

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.

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



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

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

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.

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

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?

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

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

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 planed 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.)



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.

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.

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.)

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?

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,

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

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.

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MAX STIER

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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



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.

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*Colleen Brady*

Colleen Brady

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Seal, Notary Public  
State of Indiana

My Commission Expires:  
March 8, 2029

Colleen Brady  
Commission No. NP0732235

County of Residence:  
Monroe

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

April 11, 2024

To: Mr. Unger

Case Name: County Residents Against Annexation Inc. Et Al. v. The  
Common Council Of The City Of Bloomington Et Al.

Veritext Reference Number: 6618737

Witness: Max Stier                      Deposition Date: 3/27/2024

Dear Sir:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to [production-midwest@veritext.com](mailto:production-midwest@veritext.com).

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

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6618737

CASE NAME: County Residents Against Annexation Inc. Et Al. v.  
The Common Council Of The City Of Bloomington Et Al.

DATE OF DEPOSITION: 3/27/2024

WITNESS' NAME: Max Stier

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

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

\_\_\_\_\_  
Date Max Stier

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

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

I have affixed my name and official seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Notary Public

\_\_\_\_\_  
Commission Expiration Date

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DEPOSITION REVIEW  
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 6618737

CASE NAME: County Residents Against Annexation Inc. Et Al. v.  
The Common Council Of The City Of Bloomington Et Al.

DATE OF DEPOSITION: 3/27/2024

WITNESS' NAME: Max Stier

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

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

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

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

\_\_\_\_\_  
Date Max Stier

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

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

I have affixed my name and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Commission Expiration Date



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Indiana Rules of Trial Procedure  
Depositions Upon Oral Examination

Rule 30

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

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

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



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

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

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

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

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

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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

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