

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

4 IN THE CIRCUIT COURT OF MONROE COUNTY

5 CAUSE NO. 53C06-2203-PL-000509

6 COUNTY RESIDENTS AGAINST ANNEXATION,)
7 INC., an Indiana not for profit)
8 corporation, et al.)
)
9 Remonstrators/Appellants/Petitioners,)
)

10 -vs-)
)

11 THE COMMON COUNCIL of the City of)
12 Bloomington, Monroe County, Indiana,)
)
13 et al.)
14 Respondents.)

15 DEPOSITION OF RICHARD PEACH

16
17 The deposition upon oral examination of
18 RICHARD PEACH, a witness produced and sworn before
19 me, Colleen Brady, Notary Public in and for the
20 County of Monroe, State of Indiana, taken on behalf
21 of the Respondents, at Bloomington City Hall, 401
22 North Morton Street, Room 225, Bloomington, Monroe
23 County, Indiana, on the 27th day of February 2024,
24 at 9:00 a.m., pursuant to the Indiana Rules of
25 Trial Procedure with written notice as to time and
place thereof.

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1 APPEARANCES

2 FOR THE PETITIONERS:

3 William J. Beggs

4 BUNGER & ROBERTSON

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6 Bloomington, IN 47404

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9

10 FOR THE RESPONDENTS:

11 Andrew M. McNeil

12 BOSE MCKINNEY & EVANS LLP

13 111 Monument Circle

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18

19 ALSO PRESENT:

20 Margaret Clements

21

22

23

24

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1 INDEX OF EXHIBITS

2 Page

3 Deposition Exhibit No.:

4 Exhibit 27 - Answers of County Residents 5

5 Against Annexation Inc., to

6 City of Bloomington's First Set

7 of Request for Admissions

8 Exhibit 28 - Amended and Supplemented 5

9 Answers of County Residents

10 Against Annexation Inc. to City

11 of Bloomington's

12 Interrogatories

13 Exhibit 29 - Monroe County property 20

14 information document,

15 Bloomington_199178-185

16 Exhibit 30 - Monroe County Low TaxInfo 20

17 document,

18 Bloomington_199175-177

19 Exhibit 31 - Answers of Richard Peach to 26

20 City of Bloomington First Set

21 of Requests for Admissions

22

23

24

25

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1 INDEX OF EXAMINATION

2 Page

3 DIRECT EXAMINATION 5

4 Questions by Andrew M. McNeil

5 CROSS-EXAMINATION 40

6 Questions by William J. Beggs

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Page 5

1 (Exhibits 27 and 28 marked.)

2 (Time noted: 9:00 a.m.)

3 RICHARD PEACH,

4 having been duly sworn to tell the truth, the whole

5 truth, and nothing but the truth relating to said

6 matter, was examined and testified as follows:

7

8 DIRECT EXAMINATION,

9 QUESTIONS BY ANDREW M. MCNEIL:

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

11 A Richard Peach.

12 Q Mr. Peach, my name is Andrew McNeil. I'm one of

13 the attorneys for the City of Bloomington. If

14 you can't hear me or I need to speak up, will

15 you let me know?

16 A Sure.

17 Q If you don't understand my question or need me

18 to rephrase it, will you let me know that too?

19 A Sure.

20 Q Our court reporter is making a transcript. I

21 think you've been deposed before. I think

22 that's where we met the first time a couple of

23 years ago.

24 A Right.

25 Q As she is making a transcript of what's said on

<p style="text-align: right;">Page 6</p> <p>1 the record, I need to let finish your answer</p> <p>2 before I start my next question, and just ask</p> <p>3 that you let me finish my question before you</p> <p>4 answer it, even if you know what the question is</p> <p>5 going to be. Does that make sense?</p> <p>6 A Okay.</p> <p>7 Q The goal here is to get in and out in about 45</p> <p>8 minutes. Even with that being said, if you need</p> <p>9 to take a break for some reason, just let me</p> <p>10 know and we can go off the record. Okay?</p> <p>11 A Okay.</p> <p>12 Q All right. What's your address?</p> <p>13 A 1440 West Estate Drive.</p> <p>14 Q Is that --</p> <p>15 A Bloomington, Indiana.</p> <p>16 Q Sorry. What is the zip code?</p> <p>17 A 47403.</p> <p>18 Q Is that in one of the annexation areas?</p> <p>19 A Yes.</p> <p>20 Q Which one?</p> <p>21 A 1B.</p> <p>22 Q How long have you lived there?</p> <p>23 A Since April 2019.</p> <p>24 Q Were you aware that Bloomington had initiated</p> <p>25 annexation proceeding in 2017 at the time you</p>	<p style="text-align: right;">Page 8</p> <p>1 A Munster, Indiana.</p> <p>2 Q Who lives at 1440 West Estate Drive with you?</p> <p>3 A My wife Mary and myself.</p> <p>4 Q Your wife Mary, does she work?</p> <p>5 A No, she's retired.</p> <p>6 Q Do you ever eat at restaurants in the City of</p> <p>7 Bloomington within the city limits?</p> <p>8 A Occasionally. Not downtown so much. We try to</p> <p>9 avoid downtown because of the traffic. But out</p> <p>10 on the outskirts, I'm not even sure where the</p> <p>11 city limits start and stop. But, yeah, we do.</p> <p>12 MR. MCNEIL: Let's go off the record for a</p> <p>13 second.</p> <p>14 (Off the record.)</p> <p>15 BY MR. MCNEIL</p> <p>16 Q Do you ever shop within the City of Bloomington,</p> <p>17 whether it's groceries or anything else?</p> <p>18 A Rarely I'd say. Most of our groceries we get at</p> <p>19 Kroger on the south side or Walmart on the west</p> <p>20 side.</p> <p>21 Q Do you ever use the city parks in Bloomington?</p> <p>22 A Once again, rarely. If we do it would be</p> <p>23 Switchyard Park. But maybe a couple of times a</p> <p>24 year.</p> <p>25 Q Do you attend any civic events, plays or</p>
<p style="text-align: right;">Page 7</p> <p>1 bought your house in 2019?</p> <p>2 A No.</p> <p>3 Q When did you learn of or become aware of the</p> <p>4 annexation proceedings?</p> <p>5 A Well, I think things started to ramp up, maybe,</p> <p>6 in 2021. And I think it was the fall of 2021</p> <p>7 that we first met and were talking about</p> <p>8 remonstrances. And I think those were due by</p> <p>9 January 2022.</p> <p>10 Q So sometime in that 2021 time period?</p> <p>11 A Right. There was a big meeting out at the fair</p> <p>12 grounds that I went to, and I learned a lot at</p> <p>13 that. That was in the summer of '21.</p> <p>14 Q Did you sign one of the remonstrance petitions</p> <p>15 in the fall to winter of 2021?</p> <p>16 A Oh, yes.</p> <p>17 Q Is there a mortgage on your property?</p> <p>18 A No.</p> <p>19 Q Do you have any current plans to move?</p> <p>20 A No.</p> <p>21 Q Where do you work?</p> <p>22 A I'm retired.</p> <p>23 Q Where did you retire from?</p> <p>24 A I'm a retired optometrist.</p> <p>25 Q Where did you work before you retired?</p>	<p style="text-align: right;">Page 9</p> <p>1 concerts? Or anything like that?</p> <p>2 A IU or Bloomington?</p> <p>3 Q Within the City of Bloomington, which includes</p> <p>4 Indiana University.</p> <p>5 A Not in the last couple of years we haven't.</p> <p>6 Q Do you attend events at IU?</p> <p>7 A Woman's basketball games.</p> <p>8 Q How often do you attend those?</p> <p>9 A We got season tickets; so we basically go to all</p> <p>10 of them.</p> <p>11 Q Are you willing to pay fees for going into the</p> <p>12 City of Bloomington to use its roads?</p> <p>13 A I sure don't want to.</p> <p>14 Q If the --</p> <p>15 MR. BEGGS: Excuse me, counsel, I want to</p> <p>16 object to the form. Do you mean in addition to</p> <p>17 the tax he already pays?</p> <p>18 MR. MCNEIL: Yeah, like a toll. Yeah.</p> <p>19 MR. BEGGS: In addition to what he already</p> <p>20 pays to drive into the City of Bloomington</p> <p>21 through his gas tax?</p> <p>22 MR. MCNEIL: Right.</p> <p>23 MR. BEGGS: Okay. Sorry.</p> <p>24 BY MR. MCNEIL</p> <p>25 Q Do you understand that if there's a fire at your</p>

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1 house, at 1440 West Estate Drive, the Monroe
 2 Fire Territory would be the first responder as
 3 opposed to the Bloomington City Fire Department?
 4 A Yes.
 5 Q If the Bloomington Fire Department is called to
 6 put out a fire at your house, are you willing to
 7 pay a fee to the fire department for that
 8 service?
 9 MR. BEGGS: Again, same objection to form.
 10 Do you mean in addition to what he pays through
 11 his property tax already?
 12 MR. MCNEIL: Well, he doesn't pay any
 13 property tax to the Bloomington Fire Department.
 14 MR. BEGGS: No, he doesn't. But if the
 15 city were to prevail he would.
 16 BY MR. MCNEIL
 17 Q My question is based on as things are right now,
 18 if the City of Bloomington Fire Department is
 19 called upon to put out a fire at your house, are
 20 you willing to pay a fee for that service?
 21 A I can't imagine why that would happen. I'm not
 22 asking you a question, but it would seem to me
 23 like the Monroe County Fire Department would
 24 come to my house not Bloomington.
 25 Q You remember that fire in highlands about three

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1 years ago?
 2 A Yes.
 3 Q Do you understand that the Bloomington Fire
 4 Department was called upon to be primary?
 5 A I didn't know that.
 6 Q So you understand that, for example, if you are
 7 transports by an ambulance, the ambulance
 8 company bills you or your insurance for that
 9 service?
 10 A Right.
 11 Q So I'm asking a similar question about the
 12 Bloomington Fire Department. If they are called
 13 upon to put out a fire at your house, annexation
 14 Area 1B, would you be willing to pay a fee for
 15 that service?
 16 MR. BEGGS: Object to formant to the extent
 17 you're asking the witness to speculate as to the
 18 answer to that question. You may answer.
 19 A I mean, I don't want my house to burn down.
 20 Q Sure.
 21 A So I would pay anyone anything to get fire
 22 protection in that instance.
 23 Q Are you on city water and sewer service?
 24 A Yes.
 25 Q Would you be agreeable to disconnecting from the

Page 12

1 city water and sewer service if the annexation
 2 does not occur?
 3 MR. BEGGS: Same object to form.
 4 Speculation. You may answer.
 5 A I guess I would want to see what my options
 6 were. I can't imagine the city disconnecting
 7 our sewers if we weren't annexed.
 8 Q You understand that one of the reasons why Area
 9 1B is even in a remonstrance appeal is because
 10 the general assembly voided remonstrance waivers
 11 in exchange for sewer service agreements;
 12 correct?
 13 A Right.
 14 Q Do you believe it's in your best interest to
 15 continue receiving city sewer and water
 16 services?
 17 A Well, yeah. I would hate to switch away from
 18 that.
 19 Q So have you ever thought about or made a plan
 20 for sewer or water services in the event you're
 21 disconnected from the city utilities?
 22 A I've never thought about it.
 23 Q You mentioned a group meeting out at the
 24 fairgrounds in 2021. Do you know what County
 25 Residents Against Annexation is?

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1 A Sure.
 2 Q What do you understand it to be?
 3 A It's -- it fights annexation.
 4 Q Do you understand it's organized as 501(c)(3)?
 5 A Yes.
 6 Q Did you have any role in setting it up as a
 7 501(c)(3)?
 8 A No. I'm not on the board of directors, if
 9 that's what you're asking.
 10 Q It wasn't, but that was actually a related
 11 question, whether you've ever been on the board
 12 or served as an officer in that organization?
 13 A I'm on the board of advisors, but not the board
 14 of directors.
 15 Q What is the board of advisors?
 16 A We attend the meetings, but the advisors can
 17 leave before the board of directors would meet.
 18 Q How long have you been on the board of advisors?
 19 A Pretty much ever since it started.
 20 Q Who else is on board of advisors with you?
 21 A You know, I'm not -- I'm not really sure which
 22 people are on -- advisors and which are
 23 directors.
 24 Q Do you know how many directors are on the board
 25 of directors, just a head count?

<p style="text-align: right;">Page 14</p> <p>1 A I would guess six to eight, but I'm not sure.</p> <p>2 Q Do you know how many advisors are on the board</p> <p>3 of advisors?</p> <p>4 A I would guess four or five, maybe, but I'm not</p> <p>5 sure.</p> <p>6 Q You ever donate to County Residents Against</p> <p>7 Annexation?</p> <p>8 A Yes.</p> <p>9 Q How often?</p> <p>10 A Couple of times a year.</p> <p>11 Q How much on an annual basis?</p> <p>12 MR. BEGGS: Object to the form. And</p> <p>13 relevance. Is there something about that that's</p> <p>14 relevant to the issue before the court, counsel?</p> <p>15 MR. MCNEIL: Yeah, I don't have to -- I</p> <p>16 don't have to answer that. You can object. He</p> <p>17 can answer, and then we can take it up later.</p> <p>18 MR. BEGGS: Or he cannot answer. And we</p> <p>19 can save a lot of time and another hearing if</p> <p>20 you can just explain how that question, that</p> <p>21 information is relevant. Then we may not --</p> <p>22 MR. MCNEIL: I mean, a significant</p> <p>23 financial impact is an issue in the case, and</p> <p>24 there's different ways to consider the impact,</p> <p>25 particularly, from property tax analysis. And</p>	<p style="text-align: right;">Page 16</p> <p>1 you've sent or received about the annexation as</p> <p>2 part of this case?</p> <p>3 A Yes.</p> <p>4 Q What did you do to look for those?</p> <p>5 A I did searches in my email and in my text</p> <p>6 messages.</p> <p>7 Q Did you find any emails or text messages in</p> <p>8 those searches?</p> <p>9 A Yes, I think I submitted all that.</p> <p>10 Q To your counsel, or to Margaret Clements?</p> <p>11 A Yeah. I don't know if it was Margaret or Bill.</p> <p>12 Q Are you still opposed to the annexation?</p> <p>13 A Yes.</p> <p>14 Q Why?</p> <p>15 A Because my taxes are going to go up, and I don't</p> <p>16 see where I'm going to get any benefit from it.</p> <p>17 Q We'll drill down on that in a second. But first</p> <p>18 I want to ask you, any other reasons for your</p> <p>19 opposition?</p> <p>20 Or is that the primary or the only?</p> <p>21 A Well, I don't -- that's the main thing, is the</p> <p>22 money. But if I had known that my taxes were</p> <p>23 going to go up over \$1,000 a year when I was</p> <p>24 thinking about buying my house, I might have had</p> <p>25 second thoughts doing it.</p>
<p style="text-align: right;">Page 15</p> <p>1 whether he's spending money to fight annexation</p> <p>2 that he could otherwise pay on his property</p> <p>3 taxes goes to significant financial impact. You</p> <p>4 can disagree with me, but that's the relevance.</p> <p>5 MR. BEGGS: Okay.</p> <p>6 THE WITNESS: So you're still asking me</p> <p>7 that question?</p> <p>8 BY MR. MCNEIL</p> <p>9 Q Yes, on an annual basis --</p> <p>10 A Last year I think I donated \$750.</p> <p>11 Q 7 -- that would be 20 --</p> <p>12 A 750.</p> <p>13 Q -- for 2023?</p> <p>14 A Yes.</p> <p>15 Q Approximately?</p> <p>16 A Yes. I think that's what I donated.</p> <p>17 Q I understand that CRAA is not a member</p> <p>18 organization. You don't have membership in it.</p> <p>19 Is that your understanding as well?</p> <p>20 A That's my understanding.</p> <p>21 Q Have you communicated, either in email or text</p> <p>22 messages, with other people about the</p> <p>23 annexation?</p> <p>24 A Sure.</p> <p>25 Q Have you looked for emails or text messages that</p>	<p style="text-align: right;">Page 17</p> <p>1 Q Did you relocate to Monroe County from Munster?</p> <p>2 A Yeah -- actually, our residence was in Highland,</p> <p>3 Indiana.</p> <p>4 Q In Highland?</p> <p>5 A I worked in Munster, but we lived in Highland.</p> <p>6 Q And then when you retired, you moved to Monroe</p> <p>7 County?</p> <p>8 A Right.</p> <p>9 Q Have you done a calculation of what the tax --</p> <p>10 property tax impact would be if the annexation</p> <p>11 is approved or finalized?</p> <p>12 A You mean, how much would be?</p> <p>13 Q Yeah. Any kind of analysis of what your</p> <p>14 property taxes would be if you were --</p> <p>15 A I think -- I think I was told around \$1,400 more</p> <p>16 a year.</p> <p>17 Q Who told you that?</p> <p>18 A I think that was Rita Barrow.</p> <p>19 Q Rita Barrow?</p> <p>20 A Yeah. And that was -- that was a couple of</p> <p>21 years ago, when this all got started.</p> <p>22 Q And did Ms. Barrow say that directly to you? Or</p> <p>23 was that in a meeting where she said, generally,</p> <p>24 to --</p> <p>25 A No, that was directly to me. I think I called</p>

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1 her on the phone and she told me.

2 Q Do you know how she calculated that increase?

3 A No.

4 Q Have you done anything yourself to compute what

5 the increase would be?

6 A No.

7 Q Do you have a homestead exemption on your

8 property?

9 A Yeah.

10 Q And you said no mortgage. So there's no

11 mortgage exemption; right?

12 A Correct.

13 Q Are you over 65?

14 A Yes.

15 Q Do you have the over 65 exemption?

16 A Probably, I don't know. You know, I'm not sure.

17 Q Have you done any analysis to determine whether

18 the annexation would cost you any money other

19 than the increase in the property tax?

20 MR. BEGGS: Would you please repeat the

21 question, counsel?

22 Q Sure. Have you done any analysis -- this is

23 roughly it.

24 Have you done any analysis to determine

25 whether the annexation will cost you any money

Page 19

1 other than the property tax increase?

2 A I haven't done any study on that, but I can't

3 imagine what other impact there would be.

4 Q You understand that if the annexation goes

5 forward, your utility -- your water, sewer bills

6 could go down?

7 A No, I don't know about that.

8 Q Do you understand that there's a different rate

9 for sewer service for people outside of the city

10 limits than there is for people inside of the

11 city limits?

12 A Yeah, I think I have heard that.

13 Q But you haven't done any analysis to see what

14 that cost savings would be?

15 A No.

16 Q Do you have any understanding of whether your

17 homeowner's insurance premium would be impact by

18 annexation, either up or down?

19 A I don't know.

20 Q Do you know how the Bloomington municipal tax

21 rate, property tax rate, compares to other

22 cities in Indiana?

23 A No.

24 MR. MCNEIL: I'm going to hand you some

25 exhibits. Just, Bill, so you're aware, we had

Page 20

1 done the landowner exhibits before and

2 consecutively numbered. So I'm going to pick up

3 where we left off.

4 So the first new exhibit today will be 27.

5 And I've already premarked those. So these are

6 going to be 29 and 30.

7 (Exhibits 29 and 30 marked.)

8 Q Mr. Peach, you have Exhibit 29 and 30 in front

9 of you now. Is that correct?

10 A That's correct.

11 Q Have you seen these before today?

12 A Well, I have seen Zillow before today.

13 Q I can tell you that Exhibit 29 came from the

14 Monroe County Elevate, assessor property search

15 tool; and Exhibit 30 came from the Monroe County

16 LOW Tax, property tax search tool.

17 MR. BEGGS: Counsel, before we get started,

18 I assume this is going to be true of the other

19 depositions today.

20 Will you please identify who prepared this?

21 'Cause this doesn't -- this has similarities to

22 what you just represented, but it doesn't look

23 like what you just represented, that I'm in

24 every day. So can you please let us know who

25 prepared this and how they did so and when?

Page 21

1 MR. MCNEIL: I did. So if you look at the

2 electronic version that you received in the

3 production and go to properties, you'll see that

4 the author is A.M.N., which is Andrew McNeil.

5 And it was through the Monroe County elevate

6 site and the Monroe County low tax site

7 searching by each landowner's property address

8 and/or name.

9 MR. BEGGS: And you prepared them when

10 please?

11 MR. MCNEIL: Whatever the date is on

12 metadata properties. Sometime in the last seven

13 days, I believe. Last week.

14 MR. BEGGS: 29 and 30 were prepared in the

15 last week?

16 MR. MCNEIL: They were, yes. Whatever the

17 metadata shows you on the document we provided

18 in discovery shows when they were created. It's

19 February 2024. The specific date will show in

20 the document properties.

21 MR. BEGGS: I'll show an objection that if

22 they were just prepared in the last seven days,

23 we object to their use in the deposition.

24 MR. MCNEIL: What's the basis of the

25 objection?

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1 MR. BEGGS: You're too late. Are they
 2 exhibits for the deposition today?
 3 MR. MCNEIL: Yeah.
 4 MR. BEGGS: You expect to have him testify
 5 about them?
 6 MR. MCNEIL: We produced them to you last
 7 week.
 8 MR. BEGGS: You produced them last night
 9 at --
 10 MR. MCNEIL: No, no.
 11 MR. BEGGS: -- 5:00 or so.
 12 MR. MCNEIL: We produced them Friday.
 13 MR. BEGGS: Well, I saw them last night.
 14 MR. MCNEIL: That's not my problem.
 15 MR. BEGGS: No, it's not. That's true.
 16 But you're still too late. So we'll show that
 17 objection.
 18 MR. MCNEIL: That's fine. It's a
 19 supplementation of our discovery, which we're
 20 permitted to do under Rule 26(E) or (G), in
 21 fact, we're required for supplemental discovery.
 22 BY MR. MCNEIL
 23 Q So Exhibit 29, Mr. Peach, if you would look on
 24 the bottom right-hand corner, there's page
 25 numbers. Bloomington_ -- I'm going to go by the

Page 23

1 last three numbers. So if you look at 180.
 2 Page 180.
 3 You have that page, sir?
 4 A Uh-huh.
 5 Q You see the transfer of ownership information,
 6 4/16/2019, Richard and Mary Peach. Is that when
 7 you purchased your home?
 8 A That's correct.
 9 Q Does that sale price look accurate to you:
 10 \$361,900?
 11 A Sounds right.
 12 Q If you look at the valuation record, do you see
 13 the entry for April 8, 2022?
 14 It's the second one from the top. Do you
 15 see that one?
 16 A Okay. April 8th of 2022, annual adjustment?
 17 Q Yes.
 18 A Yes, I see that.
 19 Q You see the total valuation is \$469,400?
 20 A Right.
 21 Q Do you understand if you were up against the
 22 property tax cap circuit breaker, the most you
 23 could pay in property taxes is \$4,694 at
 24 1 percent of the assessed value for 2022, pay
 25 2023?

Page 24

1 MR. BEGGS: You're talking about --
 2 counsel, does the question -- object to the
 3 form.
 4 Are you talking about not including those
 5 items that are not covered by the circuit
 6 breaker, such as two different school fees we'll
 7 pay in the county and others?
 8 MR. MCNEIL: Yeah. I'm asking his
 9 understanding, if that would be the case.
 10 A This is hard for me to understand. I don't
 11 understand all this.
 12 Q If you look at Exhibit 30, if you turn to
 13 page 176. Do you see the tax history section at
 14 the bottom of that page?
 15 A Yes.
 16 Q Then for 2023, you see the total payments were
 17 \$3,955.40?
 18 A Yes.
 19 Q Is that the amount you paid in property tax in
 20 calendar year 2023?
 21 A Yeah, that sounds right. I remember the spring
 22 and fall months better than the total amount.
 23 But, yeah, that should be right.
 24 Q If you bought your house in April of 2019, did
 25 you -- you paid property taxes in 2020 at that

Page 25

1 residence; correct?
 2 A I'm sure we did.
 3 Q Do you understand that what you paid in 2020 was
 4 based on the assessed value in 2019?
 5 A Right.
 6 Q If you look at 176 of Exhibit 30, you see that
 7 the total property tax payments in 2019 were
 8 \$1,658.82?
 9 A Yes.
 10 Q And the total payment was -- for 2023 was what
 11 we said earlier, \$3,955.40.
 12 A Yes.
 13 Q Do you understand that to be about 125 percent
 14 increase?
 15 A Yeah, it's a big increase.
 16 Q But you paid your taxes each year as required?
 17 A Didn't have a choice.
 18 MR. MCNEIL: I'm going to give you
 19 Exhibit 27 and Exhibit 31. Bill, that's 27.
 20 And then this will be, Bill, 31. Sorry about
 21 that.
 22 MR. BEGGS: Thank you. That's all right.
 23 You said 31?
 24 MR. MCNEIL: Yes.
 25

<p style="text-align: right;">Page 26</p> <p>1 (Exhibit 31 marked.)</p> <p>2 Q Mr. Peach, let's set the record here. Do you</p> <p>3 have Exhibit 27 in front of you?</p> <p>4 A 27?</p> <p>5 Q Yes.</p> <p>6 A Yes.</p> <p>7 Q Does the tile of that say "Answers of County</p> <p>8 Residents Against Annexation Inc., to City of</p> <p>9 Bloomington's first set of requests for</p> <p>10 admissions"?</p> <p>11 A Oh, down here. Yeah.</p> <p>12 Q Yes.</p> <p>13 A Yes.</p> <p>14 Q I just want to confirm for the record that's</p> <p>15 what you're looking at?</p> <p>16 A Yes.</p> <p>17 Q If you look at Exhibit 31, the title of that is</p> <p>18 "Answers of Richard Peach to City of</p> <p>19 Bloomington's first set of requests for</p> <p>20 admissions." Do you see that?</p> <p>21 A Yes.</p> <p>22 Q If you look at Exhibit 31, starting there on</p> <p>23 page 3, there's a section near the bottom third</p> <p>24 of the page that says "Request for admissions,"</p> <p>25 in bold. Do you see that?</p>	<p style="text-align: right;">Page 28</p> <p>1 sort of remember this, but I don't remember</p> <p>2 really.</p> <p>3 Q Did you ever review the city's fiscal plan</p> <p>4 version 5.0 adopted in 2021?</p> <p>5 A I don't remember if I did or not.</p> <p>6 Q Look at Number 3 on page 4, if you would,</p> <p>7 please. Read that to yourself and let me know</p> <p>8 when you finish.</p> <p>9 A Yeah.</p> <p>10 Q Do you have any information to support the</p> <p>11 denial of that request?</p> <p>12 A I just don't remember.</p> <p>13 Q Same questions for Number 4, once you've had a</p> <p>14 chance to read that.</p> <p>15 A Okay.</p> <p>16 Q Any information to support the denial of that</p> <p>17 request?</p> <p>18 A I just don't remember the situation.</p> <p>19 Q And then Number 5, if you would read -- well,</p> <p>20 let's stop at 4 first. For 2, 3, and 4, you</p> <p>21 testified in part that you don't remember. Is</p> <p>22 there anything you could look at that would</p> <p>23 refresh your recollection about the issues</p> <p>24 identified in Request 2, 3, and 4?</p> <p>25 A I'd have to study the papers from back then.</p>
<p style="text-align: right;">Page 27</p> <p>1 A Yes.</p> <p>2 Q And there's five requests for admissions that</p> <p>3 start on page 3 and continue to page four. Do</p> <p>4 you see that?</p> <p>5 A Yes.</p> <p>6 Q Do you see that the answer for all five of those</p> <p>7 requests for admissions is "See response of</p> <p>8 County Residents Against Annexation Inc., served</p> <p>9 on or about August 4, 2023"?</p> <p>10 A I see that.</p> <p>11 Q Now let's look at Exhibit 27. And starting on</p> <p>12 page 3 carrying over to page 4. Do you see the</p> <p>13 same five requests for admissions that were on</p> <p>14 Exhibit 31?</p> <p>15 A Yes.</p> <p>16 Q So looking at Number 2 on page 3, just read that</p> <p>17 to yourself and let me know when you're</p> <p>18 finished.</p> <p>19 Have you finished reading it?</p> <p>20 A I read Number 2.</p> <p>21 Q So the answer is "Deny"; correct?</p> <p>22 A Yes.</p> <p>23 Q Do you have any facts or information to support</p> <p>24 the denial of that request?</p> <p>25 A You know, boy, this is going back. I just -- I</p>	<p style="text-align: right;">Page 29</p> <p>1 This was -- this was probably at least a year</p> <p>2 ago when we did this.</p> <p>3 Q Yeah. I think the date on Exhibit 27, if you</p> <p>4 look on the very last page, August 4 of 2023.</p> <p>5 About six months ago.</p> <p>6 But granted, it was a while back and things</p> <p>7 have happened since then. But is there anything</p> <p>8 specific that you personally would look at to</p> <p>9 refresh your recollection on Items 2, 3, and 4</p> <p>10 in the request for admissions?</p> <p>11 A I would just have to go back to the papers from</p> <p>12 six months ago, whatever, and is study them</p> <p>13 again.</p> <p>14 Q What papers are those?</p> <p>15 A Well, when we -- when I denied this.</p> <p>16 Q Now in fairness, your answer is see the County</p> <p>17 Residents Against Annexation, Inc.'s, answers;</p> <p>18 right?</p> <p>19 A Okay. Yeah.</p> <p>20 Q So do you remember looking at papers or</p> <p>21 documents?</p> <p>22 A I remember looking at it, but once again, it was</p> <p>23 a long time ago.</p> <p>24 Q When you say "looking at it," were you looking</p> <p>25 at Exhibit 31 or the requests in 31? Or were</p>

Page 30

1 you looking at documents from the annexation
 2 process itself? That's what -- I'm just trying
 3 to understand what you mean when you say --
 4 A I read what CRAA had said about it.
 5 Q Okay.
 6 A And agreed with what they said. But I don't
 7 remember what they said.
 8 Q Sure. No, that's fine. I just wanted to
 9 understand what your source would be, and it
 10 sounds like it was materials created and shared
 11 by CRAA.
 12 A Right.
 13 Q Do you know whether -- let me rephrase it this
 14 way, and I'm going to read this question because
 15 the wording is precise and I want to get it
 16 right.
 17 "Do you have any information to suggest
 18 that the fiscal plan does not represent a
 19 credible commitment by the city to provide
 20 non-capital services to Area 1B in a manner
 21 equivalent in standard and scope to those
 22 non-capital services provided to areas within
 23 the corporate boundaries within one year after
 24 the effective date of the annexation?"
 25 A Can you rephrase that?

Page 31

1 Q So you understand that in the fiscal plan or in
 2 an annexation, a municipality is required to
 3 provide non-capital services -- like police,
 4 fire, sidewalks, city lights; I think those are
 5 the non-capital services -- on the same manner
 6 and in same terms that they apply within the
 7 corporate boundaries within a year of the
 8 annexation.
 9 Do you understand that to be true?
 10 A Only because you just told me that.
 11 Q Had you heard that before?
 12 A I didn't know it was a requirement. I had heard
 13 there. I had heard that there were promises
 14 made but I didn't know promises were required to
 15 be kept.
 16 Q Okay. So I'll use your language. Do you have
 17 any information to suggest that the City of
 18 Bloomington would not keep the promises it made
 19 to landowners in Area 1B?
 20 A Well, I heard that when they did annexation or
 21 annexations on the north side of town, north of
 22 the football stadium, that promises were made
 23 for lighting and sidewalks and stuff like that
 24 that weren't kept.
 25 Q And who told you that?

Page 32

1 A I don't remember. It's just I had heard that.
 2 Is that not true -- well, I'm sorry. I don't
 3 want to ask you.
 4 Q That's okay. When did you hear that?
 5 A Oh, over a year ago. Maybe two years ago.
 6 Q To the best of your recollection, can you
 7 identify the potential source of that statement
 8 whether it was a township trustee or somebody at
 9 CRAA or just a neighbor or somebody at the city?
 10 A It wasn't a neighbor. It wasn't someone with
 11 the city. It could have been somebody in CRAA.
 12 Q And sitting here today, that's your best
 13 recollection of it?
 14 A Right.
 15 Q And the same question with respect to capital
 16 services, roads and infrastructure: are you
 17 aware of any promises the city made with respect
 18 to capital services being provided within three
 19 years of annexation that the city is not going
 20 to keep those promises?
 21 MR. BEGGS: Hold on. Is the question
 22 you're asking him if the city won't do what it's
 23 supposed to do three years from now?
 24 MR. MCNEIL: If he has any information to
 25 suggest, support whether that's true or not?

Page 33

1 MR. BEGGS: Well, yeah. Object to the
 2 form.
 3 BY MR. MCNEIL
 4 Q That's fine. Let me -- for the record, let me
 5 read the question and then we can go from there.
 6 "Do you have any information to suggest
 7 that the fiscal plan does not represent a
 8 credible commitment by the city to provide
 9 capital services to Area 1B in a manner
 10 equivalent in standard and scope to those
 11 capital services provided to areas within the
 12 corporate boundaries within three years after
 13 the effective date of the annexation?"
 14 A I don't have any information. But the other
 15 thing I think of is what if we don't want what
 16 you're offering? I mean, what if we don't want
 17 street lights? What if we don't want some of
 18 these capital improvements?
 19 I don't really want a street light pole in
 20 my front park way. I mean, we have everything
 21 we need. We're happy the way we are.
 22 Q Are you finished with your answer?
 23 A Yes.
 24 Q Do you have any information to suggest that the
 25 fiscal plan does not comply with the

Page 34

1 requirements of the Indiana Code?

2 A I don't know enough about the Indiana Code to

3 say.

4 Q Do you have any information on the population

5 density persons per acre in Areas 1A or 1B?

6 A No, I don't. No, I don't have that information.

7 Q Do you have any information on percentage by

8 acreage of Areas 1A or 1B that are subdivided?

9 A I mean, I feel like I've seen some of those

10 numbers but I don't recall them.

11 Q Did you create any of those numbers yourself?

12 A No.

13 Q I'm going to give you Exhibit 28. This is the

14 last exhibit I have for you.

15 Mr. Peach, Exhibit 28 is the "Amended and

16 Supplemented Answers of County Residents Against

17 Annexation to the City of Bloomington's

18 Interrogatories." Do you see that on the first

19 page?

20 A Yes.

21 Q If you would turn to page -- I believe it's 11.

22 Yes. Page 11, Interrogatory Number 12. Do you

23 have that page, sir?

24 A Yes. You said 12 or 11?

25 Q Page 11. Question 12.

Page 35

1 A Okay. Yes.

2 Q Says "Identify and list all facts and documents

3 supporting your contention in the petition that

4 the annexation will have a significant financial

5 impact upon the residents and/or owners of land

6 in the annexation territory and identify each

7 witness you intend to call to testify in support

8 of your contention."

9 Did I read that correctly? You have to

10 answer out loud.

11 A Yes.

12 Q Thank you. If you go to the next page on

13 page 12, there's a supplement answer in bold

14 typeface. Do you see that?

15 A Yes.

16 Q The last -- sorry, the first paragraph to the

17 supplement answer says "If called to testify,

18 the following individuals may be asked to

19 testify about the significant economic impacts

20 of annexation upon Areas 1A and 1B." And if you

21 skim down to the end of the second to last line,

22 carry over to the last name in that paragraph,

23 do you see your name there, "Richard Peach"?

24 A Yes.

25 Q What do you perceive to be the significant

Page 36

1 economic impacts of the annexation to you other

2 than the property tax issue that we talked

3 about?

4 A So if we were annexed, other than increased

5 taxes, what don't I like?

6 Q No, not exactly. What would the significant

7 economic impact be to you --

8 A Oh, it has to be economic?

9 Q Yes --

10 MR. BEGGS: And just I want to make sure,

11 counsel, this is confusing. You're asking him

12 to answer a question that's different than

13 Number 12?

14 MR. MCNEIL: I'm asking him to answer the

15 question that I've asked him.

16 MR. BEGGS: Well, right but you had him

17 read 12, and then you asked him a different

18 question. So I just want to make sure the

19 record is clear on what he's being asked.

20 MR. MCNEIL: I'm not asking him a

21 different -- I'm not going to argue with you

22 about my questions, Bill, the question is --

23 MR. BEGGS: Well, Andy, if you read 12, it

24 differs from your question.

25 MR. MCNEIL: I don't agree. I'm using the

Page 37

1 language of the answer from my question.

2 BY MR. MCNEIL

3 Q So, Mr. Peach, the question is other than the

4 property tax, if the annexation moves forward,

5 what significant economic impacts would there be

6 to you?

7 A Well, if the city cut off our sewers and water,

8 I might have to figure out a solution to that

9 problem.

10 I would hate to see higher density

11 residential areas going up close to my

12 neighborhood; it seems like there's been a lot

13 of apartments and condos going up within

14 Bloomington, and I kind of like the wide open

15 spaces that we live in.

16 Q Any other significant economic impacts to you

17 other than what you've described and the

18 property tax issue you talked about earlier?

19 A Well, I mean, we talked about police and fire

20 protection, but that's not really what you're

21 asking I don't think.

22 Q No --

23 A I'm concerned about police protection, but I

24 don't think that's what you're asking.

25 Q Not in this question but I'll ask you about that

Page 38

1 next.

2 So just to make sure we've closed out this

3 line, are there any other significant economic

4 or financial impacts to you from the annexation

5 in your perspective that we have not talked

6 about?

7 A I can't think of any.

8 Q What is your concern about police protection?

9 A My understanding is that Bloomington already has

10 a shortage of police officers. So if they

11 expand their territory that they have to cover,

12 what are they going to do about providing

13 adequate police protection?

14 Q What is your understanding of Bloomington's

15 police staffing based on?

16 A I have heard that from police officers both in

17 the county and in the city.

18 Q Do you know how many officers or deputies the

19 county's sheriff's department has?

20 A No.

21 Q Do you know whether the county sheriff's office

22 has a perceived staffing shortage?

23 A I don't know about the county having a staffing

24 shortage. All I really heard of is city.

25 Q Do you know how many road miles the county

Page 39

1 sheriff's department has to -- is responsible

2 for?

3 A It has to be a lot more -- well, the city is

4 more dense with roads. So I don't know. If

5 you're counting road miles, the city might have

6 more road miles.

7 Q Is that supposition on your part speculation?

8 A Speculation.

9 Q Have you done any study to compare the county

10 road miles to city road miles?

11 A No.

12 Q Are you aware of response time comparisons for

13 similar categories --

14 A No.

15 Q -- of information between the county sheriff's

16 department and the City of Bloomington Police

17 Department?

18 A I'm not aware.

19 Q You mentioned fire protection: do you

20 understand that if the annexation goes forward,

21 your property would remain within the fire

22 district responsibility?

23 A Yeah, but wouldn't we also -- I'm not asking you

24 a question. I understand that if we were paying

25 city taxes, then, we would be paying for fire

Page 40

1 protection in city taxes and also in the

2 district.

3 Q What is that understanding based on?

4 A I just heard that.

5 Q Is there anything else about your opposition to

6 the annexation that you would testify to at

7 trial that we haven't talked about here?

8 MR. BEGGS: Object to the form. You may

9 answer.

10 A I just -- I don't see where the city has

11 anything to offer me for \$1,000 more a year to

12 make it worth it to me to be annexed. You know,

13 you talk about trash pickup, my trash pickup

14 with Rumpke's \$46 every two months. And my

15 understanding is that the city charges something

16 with the water bill for trash pickup. So that's

17 not really a selling point, no.

18 Q Anything else?

19 A There's nothing else that I would bring up at

20 the trial that I can think of.

21 MR. MCNEIL: Those are all the questions I

22 have for you. Thank you, Mr. Peach.

23 CROSS-EXAMINATION,

24 QUESTIONS BY WILLIAM J. BEGGS:

25 Q Richard, before today, has any City of

Page 41

1 Bloomington representative whether elected,

2 appointed, employed, attorney, or otherwise

3 suggested to you that if annexation does not go

4 forward, the city will cut off the water and

5 sewer service to your house?

6 A I've never heard that.

7 Q Before today, has anybody in that same group I

8 had just asked about suggested to you that the

9 City of Bloomington would somehow install toll

10 roads on the streets --

11 A No.

12 Q -- between your home and the city limits?

13 A No.

14 MR. BEGGS: No further questions. Thank

15 you, sir.

16 MR. MCNEIL: I have no followup on that.

17 (Time noted: 9:48 a.m.)

18 AND FURTHER THE DEPONENT SAITH NOT.

19

20

21

22 _____

23 RICHARD PEACH

24

25

Page 42

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 RICHARD PEACH, the deponent
 6 herein, was by me first duly sworn to tell the
 7 truth, the whole truth, and nothing but the truth
 8 in the aforementioned matter;
 9 That the foregoing deposition was taken on
 10 behalf of the Respondents, at the offices of
 11 Bloomington City Hall, 401 North Morton Street,
 12 Room 225, Bloomington, Monroe County, Indiana, on
 13 the 27th day of February 2024, commencing at the
 14 hour of 9:00 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

Page 43

1 relative or attorney of any party, or otherwise
 2 interested in the event of this action, and am not
 3 in the employ of the attorneys for any party.
 4 IN WITNESS WHEREOF, I have hereunto set my
 5 hand and affixed my notarial seal on this 15th
 6 day of March 2024.
 7
 8
 9
 10
 11
 12 Seal, Notary Public My Commission Expires:
 State of Indiana March 8, 2029
 13
 14 Colleen Brady County of Residence:
 15 Commission No. NP0732235 Monroe
 16
 17
 18
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 23
 24
 25

Page 44

1 Veritext Legal Solutions
 2 1100 Superior Ave
 Suite 1820
 3 Cleveland, Ohio 44114
 Phone: 216-523-1313
 4 March 15, 2024
 5 To: Mr. Beggs
 6 Case Name: County Residents Against Annexation Et Al v. The Common
 Council of the City Of Bloomington Et Al
 7
 8 Veritext Reference Number: 6465804
 9
 10 Witness: Richard Peach Deposition Date: 2/27/2024
 11
 12 Dear Sir/Madam:
 13
 14 The deposition transcript taken in the above-referenced
 15 matter, with the reading and signing having not been
 16 expressly waived, has been completed and is available
 17 for review and signature. Please call our office to
 18 make arrangements for a convenient location to
 19 accomplish this or if you prefer a certified transcript
 20 can be purchased.
 21 If the errata is not returned within thirty days of your
 22 receipt of this letter, the reading and signing will be
 23 deemed waived.
 24 Sincerely,
 25 Production Department
 NO NOTARY REQUIRED IN CA

Page 45

1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS
 2
 3 ASSIGNMENT REFERENCE NO: 6465804
 CASE NAME: County Residents Against Annexation Et Al v. The
 Common Council of the City Of Bloomington Et Al
 DATE OF DEPOSITION: 2/27/2024
 WITNESS' NAME: Richard Peach
 4 In accordance with the Rules of Civil
 5 Procedure, I have read the entire transcript of
 6 my testimony or it has been read to me.
 7 I have made no changes to the testimony
 as transcribed by the court reporter.
 8
 9 Date Richard Peach
 10 Sworn to and subscribed before me, a
 Notary Public in and for the State and County,
 11 the referenced witness did personally appear
 and acknowledge that:
 12
 13 They have read the transcript;
 They signed the foregoing Sworn
 Statement; and
 14 Their execution of this Statement is of
 their free act and deed.
 15
 16 I have affixed my name and official seal
 17 this _____ day of _____, 20____.
 18
 19 _____
 Notary Public

 Commission Expiration Date
 20
 21
 22
 23
 24
 25

1 DEPOSITION REVIEW
 CERTIFICATION OF WITNESS

2 ASSIGNMENT REFERENCE NO: 6465804

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

4 DATE OF DEPOSITION: 2/27/2024

5 WITNESS' NAME: Richard Peach

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

7 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).

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

9

10 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.

11

12 _____
 Date Richard Peach

13

14 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:

15 They have read the transcript;

16 They have listed all of their corrections
 in the appended Errata Sheet;

17 They signed the foregoing Sworn
 Statement; and

18 Their execution of this Statement is of
 their free act and deed.

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

20 _____
 Notary Public

21 _____
 Commission Expiration Date

22

23

24

25

1 ERRATA SHEET

2 VERITEXT LEGAL SOLUTIONS MIDWEST

3 ASSIGNMENT NO: 2/27/2024

4 PAGE/LINE(S) / CHANGE /REASON

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____
 Date Richard Peach

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20____.

23 _____
 Notary Public

24 _____
 Commission Expiration Date

25

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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

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

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

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