

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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APPEARANCES

FOR THE PETITIONERS:

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ALSO PRESENT:

Margaret Clements

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Exhibit 27 - Answers of County Residents 5
 Against Annexation Inc., to
 City of Bloomington's First Set
 of Request for Admissions

Exhibit 28 - Amended and Supplemented 5
 Answers of County Residents
 Against Annexation Inc. to City
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Exhibit 29 - Monroe County property20
 information document,
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Exhibit 31 - Answers of Richard Peach to26
 City of Bloomington First Set
 of Requests for Admissions

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

1 the record, I need to let finish your answer
2 before I start my next question, and just ask
3 that you let me finish my question before you
4 answer it, even if you know what the question is
5 going to be. Does that make sense?

6 A Okay.

7 Q The goal here is to get in and out in about 45
8 minutes. Even with that being said, if you need
9 to take a break for some reason, just let me
10 know and we can go off the record. Okay?

11 A Okay.

12 Q All right. What's your address?

13 A 1440 West Estate Drive.

14 Q Is that --

15 A Bloomington, Indiana.

16 Q Sorry. What is the zip code?

17 A 47403.

18 Q Is that in one of the annexation areas?

19 A Yes.

20 Q Which one?

21 A 1B.

22 Q How long have you lived there?

23 A Since April 2019.

24 Q Were you aware that Bloomington had initiated
25 annexation proceeding in 2017 at the time you

1 bought your house in 2019?

2 A No.

3 Q When did you learn of or become aware of the
4 annexation proceedings?

5 A Well, I think things started to ramp up, maybe,
6 in 2021. And I think it was the fall of 2021
7 that we first met and were talking about
8 remonstrances. And I think those were due by
9 January 2022.

10 Q So sometime in that 2021 time period?

11 A Right. There was a big meeting out at the fair
12 grounds that I went to, and I learned a lot at
13 that. That was in the summer of '21.

14 Q Did you sign one of the remonstrance petitions
15 in the fall to winter of 2021?

16 A Oh, yes.

17 Q Is there a mortgage on your property?

18 A No.

19 Q Do you have any current plans to move?

20 A No.

21 Q Where do you work?

22 A I'm retired.

23 Q Where did you retire from?

24 A I'm a retired optometrist.

25 Q Where did you work before you retired?

1 A Munster, Indiana.

2 Q Who lives at 1440 West Estate Drive with you?

3 A My wife Mary and myself.

4 Q Your wife Mary, does she work?

5 A No, she's retired.

6 Q Do you ever eat at restaurants in the City of
7 Bloomington within the city limits?

8 A Occasionally. Not downtown so much. We try to
9 avoid downtown because of the traffic. But out
10 on the outskirts, I'm not even sure where the
11 city limits start and stop. But, yeah, we do.

12 MR. MCNEIL: Let's go off the record for a
13 second.

14 (Off the record.)

15 BY MR. MCNEIL

16 Q Do you ever shop within the City of Bloomington,
17 whether it's groceries or anything else?

18 A Rarely I'd say. Most of our groceries we get at
19 Kroger on the south side or Walmart on the west
20 side.

21 Q Do you ever use the city parks in Bloomington?

22 A Once again, rarely. If we do it would be
23 Switchyard Park. But maybe a couple of times a
24 year.

25 Q Do you attend any civic events, plays or

1 concerts? Or anything like that?

2 A IU or Bloomington?

3 Q Within the City of Bloomington, which includes
4 Indiana University.

5 A Not in the last couple of years we haven't.

6 Q Do you attend events at IU?

7 A Woman's basketball games.

8 Q How often do you attend those?

9 A We got season tickets; so we basically go to all
10 of them.

11 Q Are you willing to pay fees for going into the
12 City of Bloomington to use its roads?

13 A I sure don't want to.

14 Q If the --

15 MR. BEGGS: Excuse me, counsel, I want to
16 object to the form. Do you mean in addition to
17 the tax he already pays?

18 MR. MCNEIL: Yeah, like a toll. Yeah.

19 MR. BEGGS: In addition to what he already
20 pays to drive into the City of Bloomington
21 through his gas tax?

22 MR. MCNEIL: Right.

23 MR. BEGGS: Okay. Sorry.

24 BY MR. MCNEIL

25 Q Do you understand that if there's a fire at your

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

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

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?

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?

1 A I would guess six to eight, but I'm not sure.

2 Q Do you know how many advisors are on the board
3 of advisors?

4 A I would guess four or five, maybe, but I'm not
5 sure.

6 Q You ever donate to County Residents Against
7 Annexation?

8 A Yes.

9 Q How often?

10 A Couple of times a year.

11 Q How much on an annual basis?

12 MR. BEGGS: Object to the form. And
13 relevance. Is there something about that that's
14 relevant to the issue before the court, counsel?

15 MR. MCNEIL: Yeah, I don't have to -- I
16 don't have to answer that. You can object. He
17 can answer, and then we can take it up later.

18 MR. BEGGS: Or he cannot answer. And we
19 can save a lot of time and another hearing if
20 you can just explain how that question, that
21 information is relevant. Then we may not --

22 MR. MCNEIL: I mean, a significant
23 financial impact is an issue in the case, and
24 there's different ways to consider the impact,
25 particularly, from property tax analysis. And

1 whether he's spending money to fight annexation
2 that he could otherwise pay on his property
3 taxes goes to significant financial impact. You
4 can disagree with me, but that's the relevance.

5 MR. BEGGS: Okay.

6 THE WITNESS: So you're still asking me
7 that question?

8 BY MR. MCNEIL

9 Q Yes, on an annual basis --

10 A Last year I think I donated \$750.

11 Q 7 -- that would be 20 --

12 A 750.

13 Q -- for 2023?

14 A Yes.

15 Q Approximately?

16 A Yes. I think that's what I donated.

17 Q I understand that CRAA is not a member
18 organization. You don't have membership in it.
19 Is that your understanding as well?

20 A That's my understanding.

21 Q Have you communicated, either in email or text
22 messages, with other people about the
23 annexation?

24 A Sure.

25 Q Have you looked for emails or text messages that

1 you've sent or received about the annexation as
2 part of this case?

3 A Yes.

4 Q What did you do to look for those?

5 A I did searches in my email and in my text
6 messages.

7 Q Did you find any emails or text messages in
8 those searches?

9 A Yes, I think I submitted all that.

10 Q To your counsel, or to Margaret Clements?

11 A Yeah. I don't know if it was Margaret or Bill.

12 Q Are you still opposed to the annexation?

13 A Yes.

14 Q Why?

15 A Because my taxes are going to go up, and I don't
16 see where I'm going to get any benefit from it.

17 Q We'll drill down on that in a second. But first
18 I want to ask you, any other reasons for your
19 opposition?

20 Or is that the primary or the only?

21 A Well, I don't -- that's the main thing, is the
22 money. But if I had known that my taxes were
23 going to go up over \$1,000 a year when I was
24 thinking about buying my house, I might have had
25 second thoughts doing it.

1 Q Did you relocate to Monroe County from Munster?

2 A Yeah -- actually, our residence was in Highland,
3 Indiana.

4 Q In Highland?

5 A I worked in Munster, but we lived in Highland.

6 Q And then when you retired, you moved to Monroe
7 County?

8 A Right.

9 Q Have you done a calculation of what the tax --
10 property tax impact would be if the annexation
11 is approved or finalized?

12 A You mean, how much would be?

13 Q Yeah. Any kind of analysis of what your
14 property taxes would be if you were --

15 A I think -- I think I was told around \$1,400 more
16 a year.

17 Q Who told you that?

18 A I think that was Rita Barrow.

19 Q Rita Barrow?

20 A Yeah. And that was -- that was a couple of
21 years ago, when this all got started.

22 Q And did Ms. Barrow say that directly to you? Or
23 was that in a meeting where she said, generally,
24 to --

25 A No, that was directly to me. I think I called

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

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

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?

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?

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

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?

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

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

1 (Exhibit 31 marked.)

2 Q Mr. Peach, let's set the record here. Do you
3 have Exhibit 27 in front of you?

4 A 27?

5 Q Yes.

6 A Yes.

7 Q Does the title of that say "Answers of County
8 Residents Against Annexation Inc., to City of
9 Bloomington's first set of requests for
10 admissions"?

11 A Oh, down here. Yeah.

12 Q Yes.

13 A Yes.

14 Q I just want to confirm for the record that's
15 what you're looking at?

16 A Yes.

17 Q If you look at Exhibit 31, the title of that is
18 "Answers of Richard Peach to City of
19 Bloomington's first set of requests for
20 admissions." Do you see that?

21 A Yes.

22 Q If you look at Exhibit 31, starting there on
23 page 3, there's a section near the bottom third
24 of the page that says "Request for admissions,"
25 in bold. Do you see that?

1 A Yes.

2 Q And there's five requests for admissions that
3 start on page 3 and continue to page four. Do
4 you see that?

5 A Yes.

6 Q Do you see that the answer for all five of those
7 requests for admissions is "See response of
8 County Residents Against Annexation Inc., served
9 on or about August 4, 2023"?

10 A I see that.

11 Q Now let's look at Exhibit 27. And starting on
12 page 3 carrying over to page 4. Do you see the
13 same five requests for admissions that were on
14 Exhibit 31?

15 A Yes.

16 Q So looking at Number 2 on page 3, just read that
17 to yourself and let me know when you're
18 finished.

19 Have you finished reading it?

20 A I read Number 2.

21 Q So the answer is "Deny"; correct?

22 A Yes.

23 Q Do you have any facts or information to support
24 the denial of that request?

25 A You know, boy, this is going back. I just -- I

1 sort of remember this, but I don't remember
2 really.

3 Q Did you ever review the city's fiscal plan
4 version 5.0 adopted in 2021?

5 A I don't remember if I did or not.

6 Q Look at Number 3 on page 4, if you would,
7 please. Read that to yourself and let me know
8 when you finish.

9 A Yeah.

10 Q Do you have any information to support the
11 denial of that request?

12 A I just don't remember.

13 Q Same questions for Number 4, once you've had a
14 chance to read that.

15 A Okay.

16 Q Any information to support the denial of that
17 request?

18 A I just don't remember the situation.

19 Q And then Number 5, if you would read -- well,
20 let's stop at 4 first. For 2, 3, and 4, you
21 testified in part that you don't remember. Is
22 there anything you could look at that would
23 refresh your recollection about the issues
24 identified in Request 2, 3, and 4?

25 A I'd have to study the papers from back then.

1 This was -- this was probably at least a year
2 ago when we did this.

3 Q Yeah. I think the date on Exhibit 27, if you
4 look on the very last page, August 4 of 2023.
5 About six months ago.

6 But granted, it was a while back and things
7 have happened since then. But is there anything
8 specific that you personally would look at to
9 refresh your recollection on Items 2, 3, and 4
10 in the request for admissions?

11 A I would just have to go back to the papers from
12 six months ago, whatever, and is study them
13 again.

14 Q What papers are those?

15 A Well, when we -- when I denied this.

16 Q Now in fairness, your answer is see the County
17 Residents Against Annexation, Inc.'s, answers;
18 right?

19 A Okay. Yeah.

20 Q So do you remember looking at papers or
21 documents?

22 A I remember looking at it, but once again, it was
23 a long time ago.

24 Q When you say "looking at it," were you looking
25 at Exhibit 31 or the requests in 31? Or were

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?

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?

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?

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

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.

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

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

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

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

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

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

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.
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20
21

22 _____
RICHARD PEACH
23
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25

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

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.

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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

March 15, 2024

To: Mr. Beggs

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

Veritext Reference Number: 6465804

Witness: Richard Peach Deposition Date: 2/27/2024

Dear Sir/Madam:

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

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: 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

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

Richard Peach

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

They have read the transcript;

They signed the foregoing Sworn
Statement; and

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

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 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

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 Richard Peach

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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ERRATA SHEET
 VERITEXT LEGAL SOLUTIONS MIDWEST
 ASSIGNMENT NO: 2/27/2024

PAGE/LINE(S) / CHANGE /REASON

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_____ Date Richard Peach
 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
 DAY OF _____, 20_____ .

_____ Notary Public

_____ Commission Expiration Date

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Indiana Rules of Trial Procedure
Depositions Upon Oral Examination

Rule 30

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

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

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

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

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

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

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

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OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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