

IN THE
Indiana Supreme Court

No. 24A-PL-01775

CITY OF BLOOMINGTON,

Appellant,

v.

CATHERINE SMITH,

Appellee,

STATE OF INDIANA,

Intervenor.

Appeal from the
Monroe Circuit Court VI,

Trial Court Case No.
53C06-2203-PL-000610 (lead),
53C06-2203-PL-000611,
53C06-2203-PL-000614,
53C06-2203-PL-000615,
53C06-2203-PL-000616

The Honorable
Nathan G. Nikirk,
Special Judge.

STATE'S NOTICE OF ADDITIONAL AUTHORITY

Pursuant to Indiana Rule of Appellate Procedure 48, Intervenor-Appellee, the State of Indiana, respectfully submits this notice of additional authority.

In response to questions at oral argument, the State contended that the City of Bloomington, a political subdivision of the State, can properly be considered part of the State for purposes of the Contract Clauses, even if the City is not entitled to sovereign immunity. Recently, the U.S. Supreme Court made a similar point, observing that a state-created entity that is not entitled to sovereign immunity still “can count as part of the State” for other purposes, such as standing or the First Amendment. *Galette v. New Jersey Transit Corp.*, Nos. 24-1021, 24-1113, 2026 WL

Intervenor State of Indiana
Notice of Additional Authority

598450, at *13 (U.S. Mar. 4, 2026) (quoting *Biden v. Nebraska*, 600 U.S. 477, 493 n.3 (2023)).

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CERTIFICATE OF SERVICE

I certify that on March 5, 2026, I electronically filed the foregoing document using the Indiana E-filing System (“IEFS”). I hereby certify that a copy of the foregoing was served on the following persons using the IEFS:

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