

STATE OF INDIANA)
)
COUNTY OF MONROE) IN THE MONROE CIRCUIT COURT
)
) CAUSE NO. 53C06-2203-PL-000509

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

vs.

THE COMMON COUNCIL of the City of Bloomington,
Monroe County, Indiana,
CITY OF BLOOMINGTON, Monroe County, Indiana,
JOHN HAMILTON in his official capacity as
Mayor of Bloomington, Monroe County, Indiana, and
CATHERINE SMITH in her official capacity as Auditor
of Monroe County, Indiana,
 Defendants.

STIPULATION OF FACTS AND LEGAL ISSUE

COME NOW the parties to this matter, by their respective counsel and hereby submit their
Stipulation of Facts and Legal issues for the Court’s consideration during the June 5, 2026 hearing
in this matter.

FACTUAL STIPULATIONS

1. The total amount of attorney fees and expenses billed by Bunger & Robertson in
this case was \$369,792.33.

2. The fees Bunger & Robertson estimates it will bill preparing for this hearing are \$7,500.

3. Therefore, the total amount of attorney fees and expenses Bunger & Robertson billed (or to be billed) for its work in this case \$377,292.33.

4. The total amount of attorney fees paid to Bunger & Robertson in this case has been \$177,850.35. With minor exceptions, all of these fees have been paid by County Residents Against Annexation, Inc. (“CRAA”).

5. CRAA is not a landowner within Areas 1A or 1B, and CRAA did not sign a remonstrance petition against either annexation.

6. CRAA is a nonprofit organization and all of the fees paid by CRAA were paid from donations made to CRAA.

7. CRAA represented to the public that the donations to CRAA were tax-deductible, and also conveyed to donors that contributions to organizations with 501(c)(3) status may be tax deductible and that donors should consult their tax advisors to determine deductibility of their contribution.

8. The total amount being requested by Petitioners/Remonstrators for attorney fees and expenses incurred in this case (including the \$7,500 to be billed preparing for the June 5, 2026 hearing) is \$199,441.98, all of which has not been paid and was incurred on or after October 27, 2023 in remonstrating against the annexation of Areas 1A and 1B.

9. Petitioners/Remonstrators waive any claim to, and do not seek to recover from Bloomington, any amount in excess of \$199,441.98.

10. Bunger & Robertson’s engagement letter is with CRAA only.

11. None of the fees that Bloomington is ordered to pay in this matter will be returned to any donor or paid to any remonstrator.

12. The reasonableness of the hourly rates for the Bunger & Robertson attorneys working on this matter, number of hours worked on this matter, and the total amount billed are not contested by Bloomington.

13. Petitioners/Remonstrators' sole claim for recovery of attorney fees and expenses in this matter is under Ind. Code § 36-4-3-11.6.

14. The Parties reserve the right to present evidence and make arguments not inconsistent with these stipulations.

LEGAL ISSUE

The parties stipulate that the following legal issue is before the Court: Whether Ind. Code § 36-4-3-11.6 supports a recovery of reasonable attorney fees and expenses for Petitioners/Remonstrators in excess of \$37,500. The Petitioners/Remonstrators claim they are entitled to an award of reasonable attorney fees and litigation expenses over \$37,500. The City of Bloomington and the Common Council of Bloomington dispute the right of the Petitioners/Remonstrators to recover any amount of attorney fees and costs of litigation in excess of \$37,500, and dispute that the fees and expenses here qualify under Ind. Code § 36-4-3-11.6 in the event a total cap of \$37,500 does not apply.

So Agreed,

/s/ William J. Beggs
William J. Beggs, # 16644-49
Ryan M. Heeb, #34626-53
BUNGER & ROBERTSON
Attorneys for the Petitioners/Remonstrators

/s/ Andrew M. McNeil
Stephen C. Unger, #25844-49
Andrew M. McNeil, #19140-49
Jacob T. Antrim, #36762-49
BOSE MCKINNEY & EVANS LLP

Margie K. Rice, #19731-53
CITY OF BLOOMINGTON

*Attorneys for the City of Bloomington and
The Common Council of the City of
Bloomington*

CERTIFICATE OF SERVICE

I certify that on June 4, 2026, I electronically filed the foregoing document using the Indiana E-filing System (IEFS) and that the foregoing document was served upon all counsel of record via the same.

/s/ William J. Beggs
William J. Beggs, #16644-49

BUNGER & ROBERTSON
211 South College Avenue
Post Office Box 910
Bloomington, IN 47402-0910
812-332-9295