

STATE OF INDIANA)
)
COUNTY OF MONROE) IN THE MONROE CIRCUIT COURT
) CAUSE NO. 53C06-2203-PL-509

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,

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,
 Respondents.

AMENDED PETITION FOR AWARD OF ATTORNEY FEES

COME NOW the Petitioners/Remonstrators, by counsel, and for their Amended Petition
for Award of Attorney Fees, pursuant to Indiana Code § 36-4-3-11.6, state as follows:

1. Respondents attempted to involuntarily annex two separate territories under two
separate ordinances: annexation territory 1A pursuant to City of Bloomington Ordinance 17-09
and 1B pursuant to City of Bloomington Ordinance 17-10.

2. Attorneys for Bunger & Robertson represented 24 Remonstrators in this action, plus an interested party, County Residents Against Annexation, Inc. (See Appearance for Petitioners filed on March 16, 2022).¹

3. A total of 24 different Petitioners signed the Petition for Appeal of Annexation, For Declaratory Judgment, and for Damages that was filed on March 16, 2022.

4. The City of Bloomington and its Common Council propounded, via the undersigned, written discovery to 22 different Petitioners. The written discovery consisted of Interrogatories, Requests for Admissions and Requests for Production of Documents. The undersigned counsel represented all Petitioners in connection with their responses to the City's discovery requests.

5. Also during the course of discovery, the City served a Notice of Depositions for individual remonstrators represented by Bunger & Robertson and arranged other depositions of Petitioners' identified trial witnesses through the office of the undersigned, as was required by Indiana Rule of Professional Conduct 4.2.

6. This case was tried to the bench over the course of five days from April 29, 2024 through May 3, 2024.

7. At the trial, a total of 31 witnesses testified and over 200 exhibits were admitted into evidence. Many additional exhibits were prepared for the trial but not ultimately introduced or admitted.

8. The City proceeded to attempt the annexation of Areas 1A and 1B even though the City's own website represented to the public that those areas did not meet the territorial

¹ Of the 24 initial individual Petitioners, Scott S. Loman moved from the State of Indiana, and Cindi Livingston withdrew her involvement in the proceedings.

qualification requirements of Indiana Code 36-4-3-13(b) or (c). (See Court’s Findings of Facts and Conclusions of Law, ¶ 146, dated August 7, 2024).

9. Further, the City proceeded with the annexation trial in this cause despite the fact that its own witness testified that the territories were “not needed” as per Indiana Code 36-4-3-13(c)(1)(B). (See Court’s Findings of Facts and Conclusions of Law, ¶ 155, dated August 7, 2024).

10. At trial, apparently realizing it could not meet the statute’s requirements, the City advanced arguments regarding territorial qualifications of Areas 1A and 1B that the Indiana Court of Appeals ultimately described as “novel interpretations of the annexation statutes.” *City of Bloomington et. a. v. Cty. Residents Against Annexation, Inc. et. al.*, 270 N.E.3d 67, 72 (Ind. Ct. App. 2025)

11. During this case, the City also attempted to cause settled law to be changed because its evidence did not satisfy Indiana Code § 36-4-3-13. (See City’s Appellant Brief, pg. 56-57).

12. During the trial of this cause, the City had present at counsels’ table, at all times, a minimum of three lawyers and a maximum of four lawyers. The Remonstrators, on the other hand, always had two lawyers (Mr. Beggs and Mr. Heeb) present at counsels’ table.

13. At trial, the City called two different retained expert witnesses. Counsel for the Petitioners/Remonstrators were required to prepare for those witnesses’ testimony at trial. In the case of one (Mr. Reedy), a pre-trial deposition was taken.

14. Following the trial held under Indiana Code 36-4-3-11, which occurred from April 29, 2024 through May 3, 2024, the Court entered its Findings of Fact and Conclusions of Law dated August 7, 2024 (“Order”).

15. The Court concluded that the involuntary annexation of Areas 1A and 1B shall not take place.

16. In the Order, the Court determined that the Petitioners were entitled to request attorney fees and costs pursuant to Indiana Code § 36-4-3-11.6.

17. On August 16, 2024, the City of Bloomington filed its Notice of Appeal with the Indiana Court of Appeals (the “Appeal”).

18. On September 18, 2024, the Petitioners/Remonstrators filed their petition for Award of Attorney fees (the “Petition for Attorney Fees”).

19. On September 23, 2024, the Court issued its notice to the Parties that based on the fact the Notice of Appeal was filed in this matter, the Court would take no action on the Petition for Attorney Fees.

20. The City of Bloomington filed its Objection to the Petition for Attorney Fees on September 24, 2024.

21. In the Appeal, both parties filed briefs, and the City of Bloomington requested, and was granted, oral argument. The oral argument in the Appeal took place on August 19, 2025.

22. On September 24, 2025, the Court of Appeals issued its Opinion affirming the Order.

23. The City of Bloomington filed its Petition to Transfer on November 10, 2025.

24. On February 10, 2026, the Indiana Supreme Court issued its Order denying the City of Bloomington’s Petition to Transfer, with all justices concurring.

25. The Opinion of the Court of Appeals was certified on February 18, 2026.

26. Upon motion by the Petitioners/Remonstrators, the Court set this matter for a telephonic scheduling conference on February 25, 2026 during which the Court set the Petition for Attorney Fees for a hearing on June 5, 2026 allowing one hour.

27. The Petitioners/Remonstrators submit this Petition for Award of Attorney Fees to update their request for fees and supply additional information to the Court.

28. Pursuant to Indiana Code § 36-4-3-11.6 and the Order, Petitioners/Remonstrators respectfully request the Court enter an award of attorney fees and costs in the total amount of \$199,441.98 in their favor and against the City of Bloomington, Indiana and the Common Council of the City of Bloomington.

29. The amount of the attorney fee award requested represents fees the Petitioners/Remonstrators incurred since October 27, 2023 through May 4, 2026 (\$191,941.98) plus an additional \$7,500 which represented the amount of fees the Petitioners/Remonstrators anticipated incurring responding to the City of Bloomington's discovery requests and preparing for the June 5, 2026 hearing.

30. Attached hereto as Exhibit A is a true and accurate copy of the Affidavit of William J. Beggs in support of this Amended Petition.

WHEREFORE, Petitioners/Remonstrators, by counsel, respectfully request that the Court enter judgment in their favor on their petition for award of attorney fees and costs of litigation in the amount of \$199,441.98 and for all other just and proper relief in the premises.

Respectfully submitted,

/s/ William J. Beggs

William J. Beggs, #16644-49

BUNGER & ROBERTSON

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
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Bloomington, IN 47402-0910
812-332-9295

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CATHERINE SMITH in her official capacity as Auditor
of Monroe County, Indiana,
Respondents.

AFFIDAVIT

COMES NOW William J. Beggs, of Bunger and Robertson, LLP (“Bunger & Robertson”)

who first being duly sworn upon his oath, states as follows:

1. I am of adult age and a resident of Monroe County, Indiana.
2. I have personal knowledge of all facts set forth in this Affidavit.
3. I am an attorney who has been admitted to practice law in Indiana since October, 1992.
4. I am a partner at the law firm of Bunger & Robertson where I have practiced since

1992.

5. During my career, my practice has included an emphasis on representing parties in civil litigation matters. I have represented both plaintiffs and defendants in many types of civil litigation.

6. Ryan M. Heeb, also a partner with Bunger & Robertson, has been in practice since 2017 and also appeared in this case on behalf of Petitioners/Remonstrators and was also heavily involved in the prosecution of this case. Mr. Heeb's practice also focuses on civil litigation.

7. Maryanne Pelic is also an attorney with Bunger & Robertson and performed work on behalf of the Petitioners/Remonstrators. She has been in practice since 1986. Her practice focuses on civil litigation.

8. Jace Parus is also an attorney with Bunger & Robertson and performed work on behalf of the Petitioners/Remonstrators. He has been in practice since 2023. His practice includes civil litigation.

9. Brianna Newbury is also an attorney with Bunger & Robertson and performed work on behalf of the Petitioners/Remonstrators. She has been in practice since 2024. Her practice includes civil litigation.

10. Other lawyers associated with Bunger & Robertson have performed work on behalf of the Petitioners/Remonstrators in this case since it was filed in March, 2022.

11. According to records I have examined, the outstanding balance of attorney fees for this matter is \$191,941.98.

12. I have estimated that Bunger & Robertson attorneys have incurred \$7,500 in additional fees preparing responses to the discovery requests sent by the City of Bloomington to the Petitioners/Remonstrators and preparing for the hearing in this matter.

13. The amount of fees that I charged and that remain unpaid are \$91,406.62. My hourly rate was \$325. From October 27, 2023 until May 4, 2026, I spent 369.60 hours working on this case.

14. The amount of fees Mr. Heeb charged and that remain unpaid are \$79,110.61. Mr. Heeb's hourly rate was \$250. From October 27, 2023 until May 4, 2026, Mr. Heeb spent 410.10 hours working on this case.

15. The amount of fees Mr. Parus charged and that remain unpaid are \$10,256.22. Mr. Parus's hourly rate was \$200. From October 27, 2023 until May 4, 2026, Mr. Parus spent 83.60 hours working on this case.

16. The amount of fees Ms. Pelic charged and that remain unpaid are \$5,363.53. Ms. Pelic's hourly rate was \$300. From October 27, 2023 until May 4, 2026, Ms. Pelic spent 30.00 hours working on this case.

17. The amount of fees Ms. Newbury charged and that remain unpaid are \$5,805. Ms. Newbury's hourly rate was \$215. From October 27, 2023 until May 4, 2026, Ms. Newbury spent 33.50 hours working on this case.

18. Pursuant to Rule 1.5 of the Indiana Rules of Professional Conduct, the fees charged for work performed in this matter are reasonable in light of the following factors:

- a. Bunger & Robertson's fees are indicative of the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly in this matter;
- b. Bunger & Robertson's acceptance of this particular employment precluded other employment;
- c. Bunger & Robertson's fees are reasonable in comparison to fees customarily

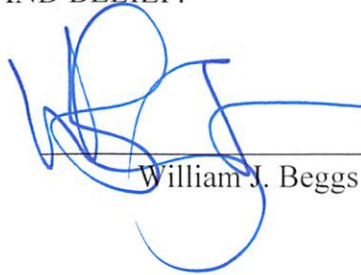
charged in Monroe County and in Indiana for similar legal services;

- d. Bunger & Robertson's fees are reasonable in light of the issues involved and the results obtained;
- e. Bunger & Robertson's fees are reasonable in light of the time limitations imposed by the circumstances of this matter;
- f. Bunger & Robertson's fees are indicative of the experience, reputation, and ability of the lawyers performing the services in a matter such as this.

19. Petitioners/Remonstrators continue to incur additional attorney fees and costs of litigation in the prosecution of their case.

I AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: June 4, 2026



William J. Beggs