

STATE OF INDIANA)
) SS:
COUNTY OF MONROE) CAUSE NO. 53C0__-2610-CT-____

53C01-2610-CT-002935

JOSEPH BRADLEY DAVIS)
 Plaintiff,)
)
 v.)
)
EXECUTIVES, KERRY THOMSON, and)
 JOHN HAMILTON,)
CITY OF BLOOMINGTON,)
 Defendants.)

PLAINTIFF'S APPEARANCE IN CIVIL CASE

1. The party on whose behalf this form is being filed is: Initiating.

The undersigned Pro Se individual listed on this form now appears in this case for the following party:

Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com
FAX: None

2. Pro Se representation information for service as required by Trial Rule 5(B)(2):

Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com
FAX: None

Pro Se, Plaintiff, Mr. Davis will accept service from other parties through the Indiana Courts E-file system, (IEFS), by email, or by first class mail postage paid through the USPS.

3. This is a Civil Tort, (CT), case type as defined in Administrative Rule 8(B)(3).

4. This case involves support issues: No.

5. This case involves a protection from abuse order, a workplace violence restraining order, or a no-contact order: No.
6. This involves a petition for involuntary commitment: No.
7. There are related cases: 53C08-2205-PO-001032; 53C09-2206-CM-000958; 53C06-2303-CT-000633; 53C08-2312-MI-002703; 53C08-2312-MI-002789; 53C08-2310-PO-002332; 53C08-2408-MI-002254.
8. Additional information required by Local Rule: Not Applicable.
9. There might, or might not, be other party members.
10. This form has been served on the principal parties, and the Certificate of Service is attached: Yes.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served, through the Indiana E-file in the Court System ("IEFS"), on October 22, 2026, and, by hand, upon the following on October 23, 2026:

Executives, Kerry Thomson, and John Hamilton, *Mayor, and former Mayor*,
City of Bloomington
401 North Morton Street, Suite 220
Bloomington IN 47401

Attachments include:

- Appearance by Plaintiff;
- Summons for Defendant;
- Verified Claim of Tort;
- Verified Motion for Fee Waiver;
- Proof of Tort Notice Mailing;
- Verified Tort Notice.

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401

STATE OF INDIANA) IN THE MONROE CIRCUIT COURT
)
) SS:
COUNTY OF MONROE) CAUSE NO. 53C0__-2610-CT-__

JOSEPH BRADLEY DAVIS
Plaintiff,

v.

EXECUTIVES, KERRY THOMSON, and
JOHN HAMILTON,
CITY OF BLOOMINGTON,
Defendants.

SUMMONS FOR DEFENDANTS

TO DEFENDANTS: Executives, Kerry Thomson, and John Hamilton,
Mayor, and Former Mayor.
 City of Bloomington
 401 North Morton Street, Suite 220
 Bloomington IN 47404
 812-349-3441

You are hereby notified that you have been sued by the person named, as Plaintiff, in the court and cause number indicated in the above caption. The court is located at 301 North College Street, Bloomington, IN, and its telephone number is 812-349-2615

The Plaintiff is represented in this action Pro Se:

Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

The nature of this suit against you is stated in the VERIFIED CLAIM OF TORT that is attached to this summons. It also states the relief sought or the demand made against you by the Plaintiff.

An answer or other appropriate response in writing to this Verified Claim of Tort must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this summons, or a judgement by default may be rendered against you for relief demanded by the Plaintiff, and/or issue a Rule to Show Cause Order to determine whether you should be held in contempt of court. As this is a newly filed Verified Claim, a copy of the Verified Claim of Tort ("Verified Claim") should be attached. If the Verified Claim is not attached, it is available from the Monroe County Clerk.

Dated: October 22, 2026.

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/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	) SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C0__-2610-CT-_____

JOSEPH BRADLEY DAVIS	)
<i>Plaintiff,</i>	)
	)
v.	)
	)
EXECUTIVES, KERRY THOMSON, and	)
JOHN HAMILTON,	)
CITY OF BLOOMINGTON,	)
<i>Defendants.</i>	)

VERIFIED CLAIM OF TORT

COMES NOW Plaintiff, Joseph Bradley Davis, Pro Se, who affirms, under the penalties for perjury, that the ensuing representations are true. I, the Plaintiff, Joseph Bradley Davis, Pro Se, respectfully files this *Verified Claim of Tort*, (“Verified Claim”), in pursuit of relief for injuries suffered at the hand of the City of Bloomington.

In support of this Verified Claim, and his request for relief, Plaintiff, Mr. Davis states as follows:

1. Plaintiff, Mr. Davis is a homeowner, since October 1, 2009, at 530 South Washington Street, Bloomington, IN 47401.
2. On April 19, 2025, Mr. Davis mailed a *Notice of Intent to File Tort Claim Against the City of Bloomington*, to Mayor Kerry Thomson.
3. In said Notice, Mr. Davis alleged injuries to himself at the negligent hand of the City of Bloomington, claiming that the City of Bloomington has acted negligently, and injuriously, toward the claimant in an ongoing way beginning in the year 2021 and continuing up to the present date of April 19, 2025.
4. At that time, the most recent incident of injury was an “abandoned vehicle” parking ticket received by claimant from Parking Enforcement on March 25, 2025, for his 2001 Saturn SL2. There was no option for appeal of said ticket.

5. These numerous incidents of injury, to the Plaintiff, have been ongoing, and cumulative, with several major incident events of loss taking place. The most recent major incident of loss suffered by the claimant took place on October 22, 2024, one hundred and seventy-nine (179) days prior to the mailing of the Certified, return receipt, envelope containing this Notice of Tort Claim. This injury loss, to the claimant, and his associates, took place at the claimant's property, as indicated above. The injurious acts performed by the City of Bloomington against the claimant, and his associates, on this day, include unlawful: Trespass; Intimidation; Harassment; Destruction and removal of claimant's constructed improvements: Removal of claimant's personal possessions; Fraudulent mis-statement of fact with intent to harm, or distress, claimant, and general infliction of emotional distress to claimant and others present.

6. Those present on this day include the claimant and the claimant's, much traumatized, friends and neighbors: Chris Rios-Seilaff; Jerimiah, who resided at 528 and ½ South Washington Street: Wilbur Bewley; Cheyenne Kollum; Liam Main; Jeremiah Garnica; Joe Kensik; Jon Neil; Emerson DiFilippo; and others of acquaintance to the claimant. Also present on this day of major injury were tortfeasors from the City of Bloomington, and their agents in action, the independent contractors, Fire Dawgs, and their employees, as well as the City of Bloomington department of Housing and Development ("HAND") staff members John Hewett, and Rob Council, and City Legal assistant attorney Christopher J. Wheeler, and members of the City of Bloomington Street Department, with their heavy equipment.

7. The extent of the damage or loss that took place from this one incident is hard to estimate at this point as discoveries of the claimant's destroyed, or missing, tools, building materials, art pieces, and personal possessions are an ongoing identification by the claimant.

However, this tremendous injury is very similar to a previous one-day incident in which the City of Bloomington did act unlawfully in: Trespass; Intimidation; Harassment; Destruction and removal of claimant's constructed improvements: Removal of claimant's personal possessions and installed art; and did inflict emotional distress to claimant, and others, on August 9, 2023. Present on that day were the claimant, and some associates of the claimant, as well as tortfeasors, Jo Stong, and Rob Council, of HAND, Chris Wheeler of City Legal, 3rd party independent contractor, Christopher Underwood, d.b.a. 4 U Lawn & Landscape, and his employees.

8. Not only have there been these two very major incidents of injury to the claimant, but there has been serial, reoccurring harassment, intimidation, denial of due process, trespass, withholding of evidence, possible fraud or tampering of said evidence, malicious abuse of discretion from HAND staff members Rob Council and John Hewett, potential fraud and intimidation from City attorneys Mike Rouker and Chris Wheeler, negligent serial harassment from Parking Services director, Michelle L. Wahl.

9. The City of Bloomington employees and agents of the City of Bloomington listed above, below, and throughout the claimant/Plaintiff/Petitioner filings included are vicariously joint and several liable for the many incidents of injury to the claimant. Individuals that might not be listed or identified above, or below, include:

Former Mayor, John Hamilton;
Current Mayor, Kerry Thomson;
Former Deputy Mayor, Donald Griffin;
Former HAND Director, John Zody;
Former Assistant HAND Director, Anna Killion-Hanson;
Current HAND Director, Anna Killion-Hanson;
Hand Compliance Officer, John Hewett;

Hand Compliance Officer, Rob Council;
Former Planning & Transportation Director, Scott Robinson;
Planning & Transportation staff member Jaqueline Scanlan;
Public Works Director, Adam Wason;
Public Works staff member, April Rosenberger;
Former City Legal Corporate Counsel, Beth Cate;
Current City Legal Corporate Counsel, Margie Rice;
Former City Legal attorney, Mike Rouker;
Former City Attorney, Larry Allen;
Current City Assistant Attorney, Christopher Wheeler;
Current City Assistant Attorney, Enedina Kassamanian;
Parking Services Director, Michelle I. Wahl;
Independent Contractor, Fire Dawgs;
Independent Contractor, 4 U Lawn & Landscaping;
And others.

10. Therefore, based on this Verified Claim, and its supporting exhibit attachments, Plaintiff, Mr. Davis humbly requests the Court grant his demand for relief for injuries suffered from the negligent actions of the City of Bloomington.

WHEREFORE, based on the facts stated in this Verified Claim, and the attached exhibits, Plaintiff, Joseph Bradley Davis, in relief seeks monetary damages compensatory and punitive from the City of Bloomington for its acts against the Plaintiff resulting in injury and harm to the Plaintiff, and his associates, for infliction of emotional distress, for Plaintiff as invasions of property and privacy, destruction of Plaintiff's real property and improvements, loss of personal property and assets and their fair use, loss of income and opportunity, intimidation inflicted upon the claimant, pain and suffering, actual harm and expense, cost of repairs, or

replacement value of property, with compensatory damages not taxed. This list of potential damages, and the corresponding relief sought, is not all inclusive as Plaintiff will continue to learn more about the extent of his injury during the discovery process. Plaintiff, Mr. Davis humbly asks the court to GRANT his requested relief, and for all other relief just and proper.

Plaintiff, Joseph Bradley Davis, Pro Se verifies that the aforementioned statements above are true under the penalties for perjury.

Respectfully submitted,

/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401

CERTIFICATE OF SERVICE

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- Summons for Defendant;
- Verified Claim of Tort;
- Verified Motion for Fee Waiver;
- Proof of Tort Notice Mailing;
- Verified Tort Notice.

/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
530 South Washington Street
Bloomington, IN 47401

STATE OF INDIANA)

IN THE MONROE CIRCUIT COURT _____

COUNTY OF MONROE)

CASE NO. _____

JOSEPH BRADLEY DAVIS,
PLAINTIFF/PETITIONER,

AND/V.

CITY OF BLOOMINGTON,
DEFENDANT/RESPONDENT.**MOTION FOR FEE WAIVER**

The Plaintiff/Petitioner now moves for a waiver of the filing fee and costs in this case and states:

1. ☒ I wish to file this action and I believe I have a case with merit.
2. ☒ I cannot pay the filing fees and costs of this action because I do not have sufficient income or resources.
3. ☒ I live with the following people, with the listed ages, and have checked whether I am financially responsible for that person:

Name	Relationship to me	Age	I am financially responsible for this person.	
JOSEPH BRADLEY DAVIS	MYSELF	60	☒ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No
			☐ Yes	☐ No

4. ☒ My household has \$ LESS THAN \$200.00 in the bank.
5. ☒ The combined monthly income of all people in my household is as follows:

Household Member	Type of Income	Amount
	Wages: \$ _____ per hour x _____ hours/week x 4.33	
	Wages: \$ _____ per hour x _____ hours/week x 4.33	
	Salary per month	
	Unemployment Compensation	0
	TANF Benefits	0
	SSI/SSD Benefits	0
	Child Support	0
	Other <u>ODD JOBS</u>	\$350.00
Total Income		\$350.00

PER MD.

PER MD.

6. ☒ Our household monthly expenses are:

Housing	Rent, Contract, Mortgage	\$ 50 ⁰⁰
Utilities	Gas, Elective, Water, Trash, etc.	\$ 100 ⁰⁰
Phone + INTERNET	Landline and/or Cell and Mobile	\$ 100 ⁰⁰
Food	Groceries and/or dining out	\$ 100 ⁰⁰
Childcare	Daycare, before and after school care, summer daycare	0
Medical Bills	Any regular payments being made for outstanding bills	0
Transportation	Car payment, car insurance, bus pass	\$ 40 ⁰⁰
Insurance	Car, Medical, Rental, Homeowner's, etc.	\$ 70 ⁰⁰
Child Support		0
Other		0
Other		0
Other		0
Total Expenses		460 ⁰⁰

7. ☒ I request that this Court waive all costs of this action and allow me to proceed without the payment of any filing fees or other costs.
8. ☒ I AFFIRM UNDER PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS AND STATEMENTS ARE TRUE.
9. ☒ I UNDERSTAND THAT IF I DO NOT FULLY COMPLETE THIS FORM, THAT THE COURT CANNOT CONSIDER GRANTING A FEE WAIVER.

10-21-2026
Date

JOSEPH BRADLEY DAVIS
Printed Name

/s/ Joseph Bradley Davis
Signature

(930)-904-0598
Phone Number

balebuilder@gmail.com
Email

STATE OF INDIANA)
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT ____

CASE No. 53C0

JOSEPH BRADLEY DAVIS
~~PETITIONER~~, PLAINTIFF,

AND

CITY OF BLOOMINGTON
~~RESPONDENT~~ DEFENDANT.

ORDER ON FEE WAIVER

The Petitioner filed a fee waiver, which the Court has reviewed. The Court issues the following ORDERS:

- ☐ The Fee Waiver is DENIED. Petitioner's income and expenses as shown on the Motion for Fee Waiver are sufficient to pay a filing fee.
- ☐ The Fee Waiver is PARTIALLY GRANTED. Petitioner shall pay an initial filing fee of \$ _____, which is a portion of the filing fee set by statute. Petitioner shall pay that sum to the Clerk within twenty (20) days.
- ☐ The Fee Waiver is GRANTED. Petitioner may file their case without pre-payment of any filing fee, costs, security, bond, or other expense.

SO ORDERED this _____.

Catherine Stafford, Judge
Monroe Circuit Court IV

Distribution:

File/RJO

Petitioner

Respondent

NOTICE OF TORT CLAIM MAILING



BLOOMINGTON
520 S WALNUT ST
BLOOMINGTON, IN 47401-9901
(800) 275-8777

04/19/2025 02:03 PM

Product	Qty	Unit Price	Price
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First-Class Mail®	1		\$3.15
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Large Envelope
Bloomington, IN 47402
Weight: 0 lb 6.80 oz
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Thu 04/24/2025

Certified Mail® \$4.85

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Tracking #: 9590 9402 9179 4225 9357 65

Total \$12.10

Grand Total: \$12.10

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Card Name: MasterCard
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Approval #: 099915
Transaction #: 574
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☐ Adult Signature Restricted Delivery	\$0.00

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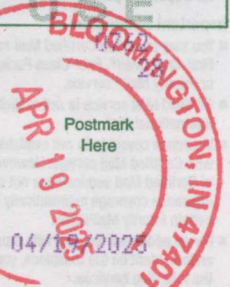
Sent To

MAJOR, KERRY THOMSON, CITY OF BLOOMINGTON, IN

Street and Apt. No., or PO Box No.
401 N. MORTON ST, SUITE 220

City, State, ZIP+4®
BLOOMINGTON, IN 47404

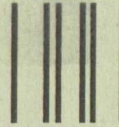
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JOSEPH BRADLEY DAVIS
530 S. WASHINGTON ST.
BLOOMINGTON, IN 47401

Founded by Firefighters



3202 W. Thornbury Dr. Ste. #2
Bloomington, IN 47404

PM

20 JAN 2003

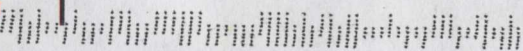


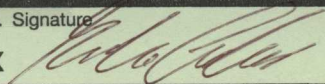
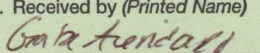
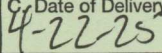
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FireDawgsJunkRemoval.com

Christopher Wheeler
530 S Washington St
Bloomington, IN 47401



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■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature  ☒ Agent ☐ Addressee													
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2. Article Number (Transfer from service label) 9589 0710 5270 0014 4239 46		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☒ No													
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		Restricted Delivery													
PS Form 3811, July 2020 PSN 7530-02-000-9053		4239 46 Domestic Return Receipt													



Notice of Intent to File Tort Claim Against the City of Bloomington

Dear Mayor Kerry Thomson,

April 19, 2025

This certified return receipt envelope, mailed to you on April 19, 2024, that is now in your hands, contains your *Notice of Intent to File Tort Claim Against the City of Bloomington*, by myself, Joseph Bradley Davis, as a present resident of my property, since October 1, 2009, at 530 South Washington Street, Bloomington, IN 47401. As such, I claim that the City of Bloomington has acted negligently, and injuriously, toward the claimant in an ongoing way beginning in the year 2021 and continuing up to the present date of April 19, 2025. The most recent incident of injury was an “abandoned vehicle” parking ticket received by claimant from Parking Enforcement on March 25, 2025, for his 2001 Saturn SL2. There was no option for appeal of said ticket.

These numerous incidents of injury, to the claimant, have been ongoing, and cumulative, with several major incident events of loss taking place. The most recent major incident of loss suffered by the claimant took place on October 22, 2024, one hundred and seventy-nine (179) days prior to the mailing of this Certified, return receipt, envelope containing this Notice of Tort Claim. This injury loss, to the claimant, and his associates, took place at the claimant’s property, as indicated above. The injurious acts performed by the City of Bloomington against the claimant, and his associates, on this day, include unlawful: Trespass; Intimidation; Harassment; Destruction and removal of claimant’s constructed improvements: Removal of claimant’s personal possessions; Fraudulent mis-statement of fact with intent to harm, or distress, claimant, and general infliction of emotional distress to claimant and others present.

Those present on this day include the claimant and the claimant's, much traumatized, friends and neighbors: Chris Rios-Seilaff; Jerimiah ?????: Wilbur Bewley; Cheyenne Kollum; Liam Main; Jeremiah Garnica; Joe Kensik; Jon Neil; Emerson DiFilippo; and others of acquaintance to the claimant. Also present on this day of major injury were tortfeasors from the City of Bloomington, and their agents in action, the independent contractors, Fire Dawgs, and their employees, as well as the City of Bloomington department of Housing and Development ("HAND") staff members John Hewett, and Rob Council, and City Legal assistant attorney Christopher J. Wheeler, and members of the City of Bloomington Street Department, with their heavy equipment.

The extent of the damage or loss that took place from this one incident is hard to estimate at this point as discoveries of the claimant's destroyed, or missing, tools, building materials, art pieces, and personal possessions are an ongoing identification by the claimant.

However, this tremendous injury is very similar to a previous one-day incident in which the City of Bloomington did act unlawfully in: Trespass; Intimidation; Harassment; Destruction and removal of claimant's constructed improvements: Removal of claimant's personal possessions and installed art; and did inflict emotional distress to claimant, and others, on August 9, 2023.

Present on that day were the claimant, and some associates of the claimant, as well as tortfeasors, Jo Stong, and Rob Council, of HAND, Chris Wheeler of City Legal, 3rd party independent contractor, Christopher Underwood, d.b.a. 4 U Lawn & Landscape, and his employees.

Not only have there been these two very major incidents of injury to the claimant, but there has been serial, reoccurring harassment, intimidation, denial of due process, trespass, withholding of evidence, possible fraud or tampering of said evidence, malicious abuse of discretion from HAND staff members Rob Council and John Hewett, potential fraud and intimidation from City

attorneys Mike Rouker and Chris Wheeler, negligent serial harassment from Parking Services director, Michelle L. Wahl.

The City of Bloomington employees and agents of the City of Bloomington listed above, below, and throughout the claimant/Plaintiff/Petitioner filings included are vicariously joint and several liable for the many incidents of injury to the claimant. Individuals that might not be listed or identified above, or below, include:

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Current Mayor, Kerry Thomson;
Former Deputy Mayor, Donald Griffin;
Former HAND Director, John Zody;
Former Assistant HAND Director, Anna Killion-Hanson;
Current HAND Director, Anna Killion-Hanson;
Hand Compliance Officer, John Hewett;
Hand Compliance Officer, Rob Council;
Former Planning & Transportation Director, Scott Robinson;
Planning & Transportation staff member Jaqueline Scanlan;
Public Works Director, Adam Wason;
Public Works staff member, April Rosenberger;
Former City Legal Corporate Counsel, Beth Cate;
Current City Legal Corporate Counsel, Margie Rice;
Former City Legal attorney, Mike Rouker;
Former City Attorney, Larry Allen;
Current City Assistant Attorney, Christopher Wheeler;
Current City Assistant Attorney, Enedina Kassamianian;
Parking Services Director, Michelle L. Wahl;
Independent Contractor, Fire Dawgs;

Independent Contractor, 4 U Lawn & Landscaping;

And others.

The included legal filings below made by the claimant as plaintiff, petitioner, and Appellant flesh out in greater detail the voluminous incidents of injury and harm that have been bestowed upon the claimant at the negligent hands of the City of Bloomington:

Claimant Action Filed as Plaintiff

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	)SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C06-2303-CT-000633
JOSEPH BRADLEY DAVIS,	)	
Plaintiff,	)	
v.	)	
	)	
CITY OF BLOOMINGTON,	)	
Defendant,	)	

PLAINTIFF'S AFFIDAVIT FOR EMERGENCY PRELIMINARY INJUNCTION

Plaintiff, Pro Se, comes now before the Court Court to present a personal sworn Affidavit in support of an Emergency Preliminary Injunction against the City of Bloomington conducting an Abatement, or forcible removal, of Plaintiff's building materials, building tools, and other householder items from the environs of Plaintiff's homestead. This abatement is to take place imminently on Monday, and Tuesday, of next week, the 26th, and 27th of June, 2023.

On this past Thursday afternoon of June 15th, 2023, three representatives from the City of Bloomington's Department of Housing and Neighborhood Development (HAND) came to my property at 530 S. Washington St. in Bloomington, to provide Notice of Abatement that would be taking place on the, 26th and 27th, of June. I asked, Rob Council, one of the three HAND representatives present, that I still had not had a promised visit from John Hewitt, of HAND, to point out which of my possessions were, or were not allowable under their Title Six abatement regimen. Rob Council then stated that the reason that John Hewitt had not gotten back with me was because Counsel for the defendant, Christopher Wheeler, had told them that the employees of HAND should cease all contact with me. And, that if I had any questions about Monday and

Tuesday's abatement that I should direct them to Mr. Wheeler. He then provided me with the telephone number for the switch-board, at City Legal.

Back in March, on the 15th of this year, John Hewitt, and Rob Council stopped by my property to take pictures and prepare for their erroneous abatement of my property. This was the following day after I had lost my Appeal before the Board of Public Works which resulted in an Abatement Order being issued for my property. As John Hewitt was walking along my property's edge, I asked him to please disclose which items were allowable, and which were not? He pointed to a stack of six by six inch treated lumber posts that were stored up off the ground, on blocks, and covered, and said that obviously those building materials were allowed. He then stated that if I called and set up an appointment, that he would schedule a time to come by and that he could explain each and every item that resides on my property as being allowable, or not. I called that very same afternoon to set up such an appointment, leaving my number on John Hewitt's voicemail.

Ten days went by without contact from John. Then, I found myself in the City Hall atrium conducting business of one sort or another when I again encountered John Hewitt in the City Hall common area. I asked John again about coming to my property? He stated that he had my telephone number on his voicemail, and that he would call me the following day. Well, it is now almost three months later, and I have still not heard from Mr. Hewitt.

This is not the first time that HAND has been non-responsive to my requests for information. Over this past year, I don't even think once have either John Hewitt, or Rob Council ever returned my phone calls, or even answered the phone. They are also non-responsive to email. Once, when Rob Council was present taking pictures of my property, I asked him to send me copies of the digital images that he was capturing. He then told me the only way that I was going to get any information from him was if I filed a Request for Public Information with City Legal. Despite my numerous requests for public records, Rob Council's images, notes, and other documentation have never been forthcoming.

This lack of Due Process has been present with all my dealings with HAND, the Board of Public Works, and even Planning & Transportation's Board of Zoning Appeals (BZA). This is especially concerning with the quasi-judicial bodies of the Board of Public Works and the Board of Zoning Appeals. They issue fines, and orders, without extending the general courtesy of Due Process in their adjudication. The Counsel for the defendant, Christopher Wheeler has been the same prosecutor for all of my four failed appeals, three with HAND, and one with the BZA. No prosecuting information was shared with me in advance of the appeals. There was no expert testimony. No cross examinations were allowed of adverse witness testimony. These testimonies were not done under oath. And decisions injurious to me were even made based on two images taken of my front porch. One showed a hat. One showed a compact disc that was being used as a decorative reflector of the light. These were the only two things asked about in the hearing that resulted in the issuance of the Order to Abate my property.

All of this is exceedingly frustrating because what is at question, are the facts. In all of my appeals, I have stated that the building permit obtained on April 1st of 2022, from the Monroe County Building Department, and the Certificate of Zoning Compliance for my proposed accessory structure, point to the legitimacy of my tools and materials. I have always maintained with these appeals that the Indiana Log Cabin Rule: IC 36-7-8-3(d), also gives me permission to have my tools and materials, at hand, by right. These arguments have always been countered with statements by Christopher Wheeler that my building materials, and building tools are rubbish, garbage, and trash that have been scattered haphazardly, without thought, all around my property. Title Six of the Bloomington Municipal Code (BMC), does not even have a definition for building materials, compost piles, raised garden beds, water catchment systems, or even mulching garden beds with wood chips, or leaves. Just calling the assets of my organized work, and garden site “garbage, refuse, or rubbish” does not make them such.

Back to the Notice of (Impending) Abatement at 530 S. Washington St., Bloomington IN, that was written by Anna Killion-Hanson, Assistant Director at HAND, on June 15th, and personally delivered by the aforementioned three HAND compliance representatives on the same day. As directed, by Rob Council, I made contact with the Counsel for the defendant, Christopher Wheeler, to ask some clarifying questions on Wednesday, June 21st, 2023. He was able to return my afternoon phone call and answer some of my queries of him. I let him know that I was recording our phone call to make sure that I would accurately remember his responses.

First, I wished to know when he had told employees of HAND that they should cease all responses, and interactions, with me, as per the statement given to me by Rob Council, on the 15th of June? Mr. Wheeler stated that he didn’t know anything about the conversation that I had had on that day with Rob Council, and that he has never made such a directive of ‘non-response, non-communication’ with employees of HAND in dealings with myself.

When asked about the details of Monday and Tuesday’s abatement, Mr. Wheeler stated that he didn’t know any of the details of the proposed abatement, and that he personally had never participated in one. He was not able to tell me anything about which items were allowable, and which were not. After telling him that I have never gotten any response from John Hewitt, in regard to allowances, he stated that he would make contact with Mr. Hewitt and set up a site visit such that Mr. Hewitt could go over all of the items in question on my property.

Mr. Wheeler also shared that, as far as his understanding, all those present on the abatement days would include: a third-party abatement contractor who will bring my property into compliance; a police officer; and, at least, one HAND inspector. Mr. Wheeler said that he, himself, nor any representative from City Legal, would be present on those abatement days.

This third-party abatement contractor will probably not know anything about my property, and possessions. He, or she, will probably not know that I have a building permit, a Certificate of Zoning Compliance, nor the fact that IC 36-7-8-3(d) allows me, by right, to improve my homestead, and have my tools and materials, at hand. He, or she, will probably not know that I have an active lawsuit against the City of Bloomington in dispute of this assertion that I have

scattered rubbish all about my property. They will probably not know about our first scheduled hearing in this matter on August 22nd, of this year.

This police officer will probably not know anything about my property, and possessions. He, or she, will probably not know that I have a building permit, a Certificate of Zoning Compliance, nor the fact that IC 36-7-8-3(d) allows me, by right, to improve my homestead, and have my tools and materials, at hand. He, or she, will probably not know that I have an active lawsuit against the City of Bloomington in dispute of this assertion that I have scattered rubbish all about my property. They will probably not know about our first scheduled hearing in this matter on August 22nd, of this year.

This HAND abatement inspector will probably not know anything about my property, and possessions. He, or she, will probably not know that I have a building permit, a Certificate of Zoning Compliance, nor the fact that IC 36-7-8-3(d) allows me, by right, to improve my homestead, and have my tools and materials, at hand. He, or she, will probably not know that I have an active lawsuit against the City of Bloomington in dispute of this assertion that I have scattered rubbish all about my property. They will probably not know about our first scheduled hearing in this matter on August 22nd, of this year.

This morning, John Hewitt, from HAND returned my phone call from the message that I left yesterday afternoon. Incidentally, this might be the only phone call that he has returned to me in the last two years. He said that Christopher Wheeler had also made contact with him stating to Mr. Hewitt that I wished to know more about the proposed abatement, and that I wished a site visit from Mr. Hewitt to point to each and every thing, on my lot, as compliant or not. We have an appointment set for 11:00 am tomorrow, June 23rd, 2023. Mr. Hewitt said that the third-party contractor estimates that it will take two days to remove all of my supposedly non-compliant materials. If this is the case, letting me know only one-half business day in advance is not enough time for me as an individual to remove the volume of materials that a crew with heavy equipment and dumpsters can remove over a two day period.

Not only that, Mr. Hewitt has said that leaf composting, composting in general, and raised garden beds are all illegal, and any garden constructions will be removed. He also added that the cost for all of the activities will be billed to me. And, that non-payment will eventually result in a foreclosure, and the sale of my property through the Sheriff.

As one can see, a lot can go wrong very, very quickly, if this proposed Abatement takes place on Monday and Tuesday, the 26th and 27th, of this month. I have to ask? Why is this happening so close to the Court approved Plaintiff's Motion for Continuance, with a future date set for August, 22nd, 2023? It is almost as if the abatement planning had been in process to immediately commence following the defendant's expected dismissal of the Plaintiff's lawsuit at the Hearing previously scheduled for June 6th, 2023.

I conjecture that the granting of my Plaintiff's Motion for Continuance threw off HAND's whole scheduled, court expected result, allowing them to move ahead in their intensions. Rather than

waste valuable planning time spent in preparation for their action, and the availability of third-party abatement contractors, HAND/ Public Works seems to have decided to move forward regardless of the consequences, to me, nor the potential liability that both the City of Bloomington, and the third-party abatement contractor will likely face. But, even worse, in my eyes, is that irreplaceable parts of our tangible, historic, cultural heritage will be dumpster-ed, and land-filled, just like my personal civil rights. This, is wrong.

This situation, is very upsetting to me, in that the City of Bloomington is acting like a reckless bully, that has no regard for Due Process. It seems that they are also disconnected from the financial liabilities that they might possibly face in Judgement to be onerous to the public in general. If, I, as a Plaintiff, prevail, the general public, (not the City), will be 'on-the-hook' for any judgements rendered by our own Circuit Court. I think that most tax payers would like to ask questions about any Judgements in which they are footing the bill ? Where are the consequences for these egregious employees/ departments of the City? Am I the only one being treated this way?

I plead the Court to grant an emergency estoppel against HAND's impending Abatement, of my property, until a date can be set for a hearing on my Plaintiff's Emergency Motion For A Preliminary Injunction.

Additionally, I plead the Court to conjoin the address of this matter to the August 22nd, 2023 first/initial Court date that is tantamount to my Complaint. Without Injunction, or estoppel, under the Equal Harms framework, I am the only injured party. HAND, and the City of Bloomington suffer no harm by delaying their abatement desires until this matter can be brought before the Court for proper adjudication.

I, Joseph Bradley Davis, swear, on this day of June 22nd, 2023, that the above to be my true testimony in the affidavit of events that have transpired in the immediate and recent past. These testimonies are tantamount to my initial Complaint.

Respectfully submitted,

Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

Enclosures:

-Exhibits 1,2, 5, 6, 7, and 10.

CERTIFICATE OF SERVICE

I herby certify that on June 22nd, 2023, that I personally delivered the Plaintiff's Emergency Motion for Preliminary Injunction, Order for Preliminary Injunction, Affidavit, and exhibits, to City Legal at 401 N. Morton St., Bloomington, IN 47404.

Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

Next Claimant Action Filed as Petitioner

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	)SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C04-2312-MI-002703
JOSEPH BRADLEY DAVIS	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CITY OF BLOOMINGTON	)	
BOARD OF PUBLIC WORKS.	)	
	)	
Respondent.	)	

PETITIONER/PLAINTIFF'S VERIFIED MOTION FOR TEMPORARY RESTRAINING ORDER, EMERGENCY PRELIMINARY INJUNCTION, AND PERMANENT INJUNCTION

Petitioner, Joseph Bradley Davis, Pro Se, brings this Petitioner/Plaintiff's Verified Motion for Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction and moves the Court to issue a Temporary Restraining Order, Emergency Preliminary Injunction, Permanent Injunction against the City of Bloomington conducting an Abatement, or forcible removal, of Petitioner/Plaintiff's building materials, tools, installed art, garden constructions, and

other house-holder items of support, from the environs of Petitioner/Plaintiff's Property. This Abatement is scheduled to take place as soon as tomorrow, Thursday, 12-7-2023. In support of this Motion, Petitioner/Plaintiff states as follows:

1. Plaintiff originally filed a Verified Petition for Judicial Review of Board Decisions against the City of Bloomington Board of Public Works on December 4th, 2023. Said Verified Petition called for a Judicial Review of Orders from the Board of Public Works Hearing on 11-21-2023, denying appeals made by Petitioner/Plaintiff regarding a Notice of Violation & Fine, and a Request to Abate Petitioner/Plaintiff's property at 530 S. Washington St., Bloomington, IN 47401.
2. Petitioner/Plaintiff presented a dispute of facts regarding Petitioner/Plaintiff's allowed possession of building materials, building tools, installed art, garden constructions, and other house-holder items being actively utilized in the improvement of Petitioner/Plaintiff's homestead property. The City of Bloomington has repetitively maintained that said material possessions are "garbage", in their eyes, and has issued an Order of Abatement on 11-22-2023, to be continuous, and last until 8-17-2024.
3. Plaintiff believes that, by right, he has the authority to possess his building materials, and building tools, and other materials, on site, as evidenced by his building permit obtained on April 1st, of 2022, that is valid through April 1st, of 2024. Also, Plaintiff received a Certificate of Zoning Compliance, (CZC), for his proposed two-story accessory structure on February 10th, 2023, from the City of Bloomington's Department of Planning & Transportation. This CZC is valid through the improvement process. Furthermore, as a Title Holder performing the improvement work, by himself, Petitioner/Plaintiff has the right to make improvements to his Homestead, by extension, he must be able to access those said materials, and tools, in a daily, and ongoing nature, to expeditiously move toward the achievement of his property improvement goals.

4. Therefore, the Petitioner/Plaintiff brings forward the following statements in support of the Indiana Rules of Civil Procedure, Title 65 for application of a Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction:

5. With the proposed Abatement to take place, tomorrow, on 12-7-2023, the Petitioner/Plaintiff will suffer the irreparable loss of his hard-won efforts to obtain, and utilize his construction assets, some of which are over one hundred years in age and are essentially irreplaceable.

6. Further, the City of Bloomington has also suggested the removal of Plaintiff's registered and licensed vehicles that sit on his graveled parking area, behind his house. These "historic" vehicles are registered and plated by the Indiana Bureau of Motor Vehicles through April 7th of 2024, and licensure of said vehicles will continue appropriately.

7. The City of Bloomington already erroneously removed over \$2,000 dollars of Petitioner/Plaintiff's valuable assets on 8-9-2023 before a previously issued erroneous Abatement Order expired on 8-11-2023. The City, being unsatisfied with their unmerited harassment of the Petitioner/Plaintiff seeks to further damage the property owner with this 12-7-2023 Abatement.

8. If the Petitioner/Plaintiff's possessions are further removed, and landfilled, by the City, no amount of monetary compensation, in the form of judgement, will render the Petitioner/Plaintiff whole. Not only that, but the City of Bloomington will pass along any abatement costs incurred by them as a bill to be paid by the Petitioner/Plaintiff, with a lien being placed on the Petitioner/Plaintiff's property by the Auditor, as well. This encumbrance against the Petitioner/Plaintiff could potentially result in a Sheriff's Sale of the Petitioner/Plaintiff's property, leaving the Petitioner/Plaintiff without a home for himself, his pet animals, or his personal possessions.

9. An official Judge has yet to be assigned to Petitioner/Plaintiff's Cause/Case as of this date of 12-6-2023. However, Petitioner/Plaintiff believes likely that he will eventually prevail in his suit against the City of Bloomington Board of Public Works based on the merits of his Petition/Complaint.

10. An issuance of a Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction to maintain the current Status Quo, by the Court, will not upset the Balance of Harms to either party. There is no pressing reason for the City of Bloomington to abate Petitioner/Plaintiff's property. There is no imminent danger, or threat, to adjacent property owners, or members of the public. Given the prevailing likelihood of success in Plaintiff's suit, this Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction will ultimately save the City of Bloomington from expending thousands of unnecessary dollars, and effort in their erroneous pursuit, as well as, save valuable resources from being land-filled, at great cost to the Petitioner/Plaintiff, and to the sustainability of the planet.

11. The issuance of a Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction presents no issue of concern to the general public. Indeed, the Plaintiff has constructed a fence to obscure the construction activities that are taking place from being seen by the general public, as well. Building materials and tools are stored up off the ground and covered to weather protect the integrity of Petitioner/Plaintiff's said valuable assets.

12. If a Bond must be set in conjunction with a Temporary Restraining Order, Emergency Preliminary Injunction, or Permanent Injunction, the Petitioner/Plaintiff asks the Court to please keep this Bond amount as low as possible to limit the financial hardship that would result in the interim period that comes before any potential hearing dates.

WHEREFORE, the Petitioner/Plaintiff, Pro Se, comes now to pray the Court to issue a Temporary Restraining Order, and set a hearing date for an Emergency Preliminary Injunction, and Permanent Injunction to prohibit any abatement activities by the City of Bloomington at 530 S. Washington Street, Bloomington Indiana until these matters may be viewed by the Court on its own, or in conjunction with the matters requested for review before the Court when a trial date is set for this just cause.

I, Petitioner/Plaintiff, Joseph Bradley Davis, affirm, under the penalties for perjury that the foregoing representations are true.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petitioner/Plaintiff's Verified Motion for Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction, Affidavit of Petitioner/Plaintiff, and Order on Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction were e-filed, and served upon the following on December 6th, 2023:

City of Bloomington Board of Public Works
401 N. Morton St., Suite 220
Bloomington, IN 47404
812-349-3426

/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

Next Claimant Action Filed as Petitioner

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	)SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C08-2312-MI-002789
JOSEPH BRADLEY DAVIS	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CITY OF BLOOMINGTON	)	
BOARD OF ZONING APPEALS.	)	
	)	
Respondent.	)	

AMENDED PETITION FOR JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY ACTION

Comes now Petitioner, Joseph Bradley Davis, Pro Se, to bring this Amended Petition for Judicial Review of Administrative Agency Action against the Petitioner, by the City of Bloomington Board of Zoning Appeals. In support of this Amended Petition, the Petitioner states as follows:

1. The Petitioner has filed a similar action titled "Verified Petition for Judicial Review of Board Decisions" against the City of Bloomington Board of Public Works. This Cause No. **53C08-2312-MI-002703** was filed on 12-04-2023, and later amended on 12-21-2024, under the

caption “Amended Verified Petition for Judicial Review of Board Decisions and/or Petition for Judicial Review of Administrative Action. The above amended caption is intended to convey consistency in the similar statements of fact, premises, and the requested relief petitioned from the Court.

2. A related Cause of action: **53C06-2303-CT-000633** has been adjudicated with the Court’s decision being appealed at the Appellate level under Cause **23A-CT-02099**. This Appeal is pending. This action was filed on 3-24-2023 against the City of Bloomington Department of Housing and Neighborhood Development, Department of Public Works, Board of Public Works, Department of Planning & Transportation, and the Board of Zoning Appeals.

3. The intention of this Tort action, taken by the Petitioner/Plaintiff, was for relief from the Court in the form of reversal of Administrative Agency Actions against the Petitioner/Plaintiff by both the Board of Public Works (“BPW”), and the Board of Zoning Appeals (“BZA”), and that the Court render judgment for damages, actual or compensatory, as well as punitive. The statements of fact, premises, and request for relief share commonality with the two pending **MI** actions above.

4. Also, there are other related cases beginning with Cause No.: **53C08-2205-PO-001032**; Joseph Bradley Davis v. D. M. E., which was filed on 5-23-2022. This request for protection was asked of the Court after a four-episode series of trespass, vandalism, and theft that took place at the Petitioner’s residence at 530 S. Washington St., with the Respondent (D.M.E.) as the perpetrator. On the evening of the fourth incident, attempted battery of the Petitioner by the Respondent also took place. It was later revealed that the Respondent had also been the perpetrator of a home invasion at the Petitioner’s house on 11-19-2018, as well.

5. The 5-23-2022 filed request for protection from the Respondent followed the fourth episode of harassment from the perpetrator on 5-21-2022, in which the perpetrator was positively identified to Bloomington Police Department Officer R. Sweden by a witness. A second witness took three images of the attempted battery by the perpetrator against the Petitioner, and presented these images to Officer Sweden, as well.

6. After Officer Sweden concluded the collection of case evidence that evening, he shared with the Petitioner that there was likely enough evidence to issue a “probable cause” for the arrest of the perpetrator. Sensing the Petitioner’s ongoing frustration with the unwanted impacts of living in the heart of Bloomington’s most unstable population of those with housing and mental health challenges, Officer Sweden offered encouragement, saying that “they” would do their best. He next said that he felt for the Petitioner. He explained that BPD officers feel frustrated also. Their hands, as officers, are somewhat tied to a “directive received from above” that stated that BPD officers were neither to “harass, nor arrest”, members of the unhoused or mental health challenged population. The Petitioner immediately could see that this broad directive places much risk to the well-being of community members like himself who bear the brunt of the negative impacts of this blighted part of Bloomington.

7. Following the filing of the order for protection, on 5-23-2022, the Petitioner went to City Hall at 401 N. Morton St., Bloomington, and requested to speak with Mayor John Hamilton about this directive that BPD can neither harass, nor arrest the said population. The Mayor’s Office offered neither response, nor appointment to the Petitioner.

8. Next, the Petitioner requested the same from Deputy Mayor, Donald Griffin. The Deputy Mayor’s Office offered neither response, nor appointment to the Petitioner.

9. Next the Petitioner requested the same from BPD Chief, Mike Diekhoff, on two to three occasions. Chief Diekhoff’s Office offered neither response, nor appointment.

10. In case **53C08-2205-PO-001032**, the order for protection was eventually granted by Court VIII, and the Respondent, (“D.M.E.”) was also prosecuted by the State of Indiana under Cause No.: **53C09-2206-CM-000958**.

11. Because of these early 2022 incidents of criminal mischief that took place at the Petitioner’s residence, and other ongoing degradation of the Petitioner’s neighborhood, the Petitioner began to work with Angela Van Rooy, in the creation of a new neighborhood association to better represent the stakeholders in the Petitioner’s vicinity. Ms. Van Rooy is an

employee of the City of Bloomington's Housing and Neighborhood Development Department, (HAND.) One of Ms. Van Rooy's tasks is to support neighborhood association development as a City of Bloomington liaison.

12. After working with Ms. Van Rooy for around four months, the Petitioner, and others, organized a "Pot-Luck Call-Out" meeting for the new "Gold Coast Neighborhood Association" that took place in Switchyard Park on 8-20-2022. In preparation for the event, Ms. Van Rooy had already produced a banner, posters, and a thousand flyers for the organizing committee of the Gold Coast Neighborhood Association to distribute, with four hundred more on the way.

13. On 8-19-22, the day before the "Call-Out" event, the Petitioner went to City Hall to pick up the remaining four hundred flyers for distribution. Being thinly staffed at that time of year, the Petitioner was told to "check-in" later, following lunch, to obtain the flyers. After calling ahead to confirm the flyer printing, the Petitioner was told by Eddie Wright, of HAND that they needed a "hard copy" to print the flyers. So, the Petitioner came with a hard copy of the flyer to City Hall. He was met there in the atrium by Mr. Wright, and another representative of HAND. These HAND employees shared with the Petitioner that John Zody, the Director of HAND was not going to support the "Gold Coast" anymore because the Gold Coast did not receive a "Small & Simple" event subsidy grant that had been petitioned for by the Gold Coast Neighborhood Association from the City of Bloomington. The reason that the grant had not been obtained had to do with the many committees that must review such petitions and their dearth of timely meetings. Thus, based on this weak rationalization, we, the Gold Coast Neighborhood Association, were denied our promised four Hundred flyers.

14. In frustration, the Petitioner stomped around the public atrium of City Hall and exasperated, *"Who the hell is John Zody, that he does not know that one of his employees has been working with the Gold Coast for the last four months?"* The Petitioner then asked to speak with the Mayor. As Mayor Hamilton was not available, the Petitioner asked to speak with Deputy Mayor Griffin. Deputy Mayor Griffin came down from a budget meeting to console the Petitioner, stating that he had heard many good things about the event already, and that four

hundred more flyers would not impact the event's success. The Deputy Mayor then stated that he was even thinking about coming to the Call-Out event himself.

15. The Gold Coast Neighborhood Association' "Pot-Luck Call-Out" was a success with a turnout of around sixty people over the course of the afternoon. However, soon after, the date of the event, the level of cooperation from the City of Bloomington to work with the Petitioner on the alleged compliance issues with the Petitioner's property, at 530 S. Washington St. regarding BMO Title VI, and UDO Title 20, began to change dramatically.

16. In the first eleven, or twelve years of the Petitioner's fourteen years of property ownership, he occasionally would be asked to correct some compliance issues that might have been alleged by HAND, or the Department of Planning & Transportation. Past compliance officers like Russell White were always very responsive to the requests from the Petitioner for clarification, or guidance toward compliance, enabling the Petitioner to resolve any complaint matters whether they were based on anonymous u-Report complaints, or not.

17. Despite harassing treatment coming occasionally from the landlord rental operation of the 534 S. Washington St. property (Narges Noori Family) adjoining the Petitioner's property to the south, or the more persistent harassment coming from the Raper/Deckard landlord rental operation to the north at 528 & 528 ½ S. Washington St., there seemed to be a "duty of care" that the City of Bloomington exercised to protect the best interests of the Petitioner from the often over-the-top aggressions of the commercial rental agencies immediate to the Petitioner's homestead property.

18. August of 2022 began a surge of anonymous u-Report complaints against the Petitioner's property. And, in late August 2022 to the present, the Petitioner has experienced unprecedented non-cooperation from the City of Bloomington denying him his civil rights to due process of law and the ability to exercise his full property rights of homestead ownership.

19. It is not implausible that this distinct new period of difference in treatment toward the Petitioner by the City of Bloomington has some pre-genitors.

20. Firstly, in May of 2022, the Petitioner called into question an Executive directive coming from Mayor John Hamilton's office over the non-harassment, non-arrest policy of BPD toward the housing and mental health challenged in the Petitioner's neighborhood.

21. Secondly, over the course of the late spring and summer, the Petitioner organized along with others the creation of a new neighborhood association, the Gold Coast, to bring greater voice to the stakeholders in this long-blighted part of Bloomington.

22. Thirdly, just prior to the Gold Coast Call-Out event, the Petitioner publicly questioned the competence of John Zody, Director of HAND, in the Showers Building atrium of City Hall.

23. Fourthly, it should also be noted that John Zody's directorship, of HAND, was a political appointment made by Mayor Hamilton following the retirement of Doris Sims, who directed the department previously. Prior to his appointment as director of HAND, Mr. Zody held a high-ranking office in the State of Indiana's Democratic Party. This Party, obviously, was influential in Mayor Hamilton first gaining the office of Mayor of Bloomington.

24. Fifthly, the Narges Noori Family, who has attempted multiple times to purchase the Petitioner's home from the Petitioner, and who has also lodged past complaints against the Petitioner with the City of Bloomington and also with the Monroe County government, has been a long-time benefactor to the Hamilton/Griffin political campaigns, and in the case of Griffin, the Noori family is a patron of the realty business services provided by Mr. Griffin.

25. Sixthly, Ranatta Raper of the Raper/Deckard real estate Family has been an adverse witness against the Petitioner when the Petitioner has gone before both the Board of Public Works, and the Board of Zoning Appeals in challenge of prosecutions against the Petitioner by HAND, and Planning & Transportation respectively. Ms. Raper is even seen in video recordings, made by CATSTV, of the BPW and BZA meetings in which the Petitioner has made his unsuccessful appeals, to be sitting with, and speaking with the prosecutors of the Petitioner, Rob Council, John Hewett, and Christopher Wheeler. Ms. Raper also granted the City of

Bloomington access to surveil the Petitioner's property from her rental property at 528 and 528 ½ S. Washington St. Many of the images presented as evidence in the prosecution of the Petitioner were taken from Ms. Rapers' adjacent rental property without the tenant leaseholders being informed, or even given the right to object to this invasion of their own privacy. Some of the City's surveillance images demonstrate the lengths that Rob Council, and John Hewett of HAND will go, to collect evidence against the Petitioner, by the stepping on their work vehicle truck to gain height in looking down into the Petitioner's property, and even trespassing the property line of the Petitioner to gain views behind the Petitioner's privacy fencing. Recently, on 1-5-2024, the Petitioner met with Chief Deputy Prosecutor, Jeff Kehr, to assess the evidence necessary to prosecute Rob Council, and John Hewett, of HAND, for criminal trespass of the Petitioner's property at 530 S. Washington St. Mr. Kehr has yet to follow up with the evidence standard discussed in that 1-5-2024 meeting.

26. Seventhly, of note, is the fact that on 4-18-2020 the latest Unified Development Ordinance (UDO) of Bloomington Indiana became effective. This new UDO classifies the Petitioner's 500 block of S. Washington St. as "Residential Four", or "R4". This zoning classification is meant to be a "bridge" between the "high-rise" residential districts of downtown Bloomington to the more single-family home, or "R2" zoning classification for the older "core" neighborhoods like Elm Heights, and Bryan Park. This bridge classification of R4 allows for the building of quadraplexes that can contain as many as four bedrooms each, for a potential total of sixteen bedrooms on one lot. The 400 block of S. Washington St., to the north already has "high-rise" residential. The five hundred block, the Petitioner's block, of S. Washington St. will be next, for this type of "high-rise" housing. The Petitioner is the only owner/occupier of his 500 block, with his residence "island-ed" in the midst of lower quality student rental housing. Furthermore, the Petitioner's property sits in a six property stretch which could easily be developed with the intention of increasing the density of bedrooms in any gentrification efforts toward profitable development opportunity. The Noori Family owns two of these highly developable six lots. The Raper/Deckard Family also owns two of the six highly developable lots, and Jeff Brawley of the Brawley Real Estate Investment Group owns the other lot besides the Petitioner's homestead property. The Petitioner could be easily seen as the only entity standing in the way of this momentum/movement toward "gentrification" of the 500 block of S.

Washington St., and the massive profit potential that could come from “by-right” development, or even a request for “re-zoning” of that same 500 block.

27. Eighthly, the Hamilton Administration was recognized throughout its tenure as being pro-development, contrary to the wishes of those who reside in the older core neighborhoods of Bloomington. It is sadly curious that this time of Mayor Hamilton’s executive administration also paralleled the continuous slide into the “blight-ed” neighborhood conditions that overtook the bounds of the newly organized Gold Coast Neighborhood Association. Was this a purposeful act to render the real estate in the area “dirt cheap” for gentrifying redevelopment?

28. The Petitioner believes that there might be evidence of collusion and conspiracy between the owners of the real estate adjacent to, and within the immediate vicinity of the Petitioner’s property, and the City of Bloomington itself in organized harassment of the Petitioner, with the intent to drive the Petitioner out of the neighborhood. A lack of the Petitioner’s presence, in the neighborhood, could thus render the 500 block of S. Washington St. and neighboring blocks unfettered by potential push-back from the Petitioner in the profit-above-all-else paradigm of the neighborhood’s commercial interests.

29. Particularly aggressive toward the Petitioner this year, has been Renatta Raper of R Place LLC, d.b.a. RPlace4U.com who owns and manages the rental property to the north of the Petitioner’s property. Witnessed defamation of the Petitioner by Ms. Raper, and other aggressions meant to intimidate, led the Petitioner to request an order of protection from the Court to curtail Ms. Raper’s unwanted molestation by stalking, harassing, and intimidating the Petitioner. This action against Ms. Raper was filed by the Petitioner on 10-18-2023 under Cause No.: **53C08-2310-PO-002332**. Due to access, and notice, issues beyond the Petitioner’s control, the Petitioner found himself in his Pro Se litigant capacity to be greatly diminished in his ability to conduct discovery and present his best case for relief. At the suggestion of the Counsel for the Respondent, Renatta Raper of R Place LLC., d.b.a. RPlace4U.com, the Petitioner filed a Motion for Voluntary Dismissal of Action without Prejudice, which the Court granted on 12-19-2023.

The Petitioner has full intention of refiling his request for protection from Ms. Raper following the resolution of some of his access, and discovery issues. The same day on 12-19-2023, that the Court granted the voluntary dismissal of the Petitioner's action without prejudice, the Counsel for the Respondent filed a Motion for Attorney Fees against the Petitioner. In the Counselor's "exhibit" of fees incurred through representation of the Respondent, the Counselor shows that she had a two and three tenths hour conversation with Narges Noori of the Noori Family to discuss "Joe Davis" in support of Ms. Raper, as Respondent. This billable for \$575 dollars took place on 11-6-2023 under the abbreviation of "TC" or telephone conspiracy, or telephone collusion, it seems. The Petitioner will shortly answer this Motion for Attorney Fees after he is able to listen to the two hearings that have been held regarding the Petitioner's P.O. matter.

30. Given the aforementioned background on the events that have led up to the actions of both the Board of Public Works, and the actions of the Board of Zoning Appeals over 2022 and 2023, it is clear that the prosecutions against the Petitioner by these two Administrative Agencies were not made in a vacuum. Suppression of the Petitioner's evidence in appeal was exercised. Denial of the Petitioner's civil rights to due process by those agencies, and the mis-application of Municipal Ordinance Statute against the Petitioner has been both prolonged, and targeting of the Petitioner in an arbitrary and capricious manner.

31. Back to some of the specific chronological details in the early years following the Petitioner's homestead investment, the Petitioner offers the following facts: The Petitioner is a residential property owner at 530 S. Washington St., Bloomington, IN 47401, under parcel number **53-08-04-214-018.000-009** and whose legal description is **015-13650-00 Bowles Lot 10** (Hereinafter the "Property").

32. The Petitioner purchased this property on 10-1-2009, more than 14 years ago.

33. In early to mid-August of 2021, the Petitioner was approached by Narges Noori, the landlord manager for the rental property located at 534 S. Washington St., Bloomington, IN 47401. The Petitioner believes that Ms. Noori manages this property for her mother. Ms. Noori

also manages other rental property on the Petitioner's same block-face of 500 S. Washington St. It is also believed that the other rental property/rental units are also owned by Ms. Noori's mother, or family.

34. This rental property, managed by Ms. Noori, at 534 S. Washington St. sits adjacent to the Petitioner's property, at 530 S. Washington St., with 534 residing to the south of 530.

36. Prior to Ms. Noori's more active management of the rental at 534, in the more recent years, the property was previously managed by her former husband, Reza. During these year's prior, the Petitioner had friendly encounters with Reza, as he would perform or direct the maintenance of 534 S. Washington St., at the time of tenant turnover, and other times of the year.

37. However, Reza would often be judgmental of the ongoing repairs being made by the Petitioner to the Petitioner's own house, stating that the tasks at hand were too much for the Petitioner to conduct on his own. Then he, Reza, would offer the solution that the Petitioner could sell his house to Reza, and then the Petitioner could then get out from underneath the burden of having to do the work by himself. Reza would then close the offer to purchase with the incentive that he could provide a "quick cash sale." This very same discouragement of the Petitioner's repair efforts, and the presentation of a wonderful opportunity for a "quick cash sale" was heard more than a half-a-dozen times over the first nine or ten years of the Petitioner's ownership of his property at 530 S. Washington St.

38. Then began a several year period in which the Petitioner no longer encountered the friendly Reza, and the appearance of Ms. Noori began. The Petitioner surmises that this might have coincided with the supposed "divorce" between the two, husband and wife?

39. In the fall of 2021, being a time of fair weather, the Petitioner was transitioning some furniture, namely a table and other things, into his house, along the south side of his property. While doing so, the Petitioner was approached by Ms. Noori in a very aggressive manner. She stated that she was going to "call every department at the City to get the Petitioner in trouble for blocking the (private) sidewalk" that runs between the Petitioner's property, and that of Ms.

Noori's rental at 534 S. Washington St. This private sidewalk is owned by the Petitioner, and it is used to access his side kitchen door. Despite land survey showing the ownership of said sidewalk belonging to the Petitioner, Ms. Noori often annually, at the time of rental turnover, would take opportunity to harass the Petitioner through threat, intimidation, coercion, and the filing of anonymous "uReport" complaints with the City of Bloomington, against the Petitioner. Because this is not an uncommon practice by the Noori, or Raper/Deckard Family, the Petitioner often calls the City of Bloomington pre-emptively to forewarn them of forthcoming "complaints" made against the Petitioner are to be expected.

40. After this August of 2021 threat by Ms. Noori, the Petitioner was visited by an official from the Monroe County Health Department regarding an anonymous complaint alleging that the Petitioner was harboring conditions that were conducive to the breeding of mosquitoes. The Petitioner does have some water catchment basins (5 gal. buckets) placed at the south-side roof line of his front porch to catch water from rain events. The Petitioner typically uses the "caught" water to nourish his garden plantings, and to wash his vehicles. The Petitioner never lets the caught water reside in the said basins for longer than 2-3 days during the season of mosquito breed. This action of regular empty, of the catchment basins, negates the possibility of any contribution toward mosquito nuisance.

41. The Health Department officer then asked if he could see the Petitioner's entire property to see if there was any standing water evident in any container, or vessel. Upon no evidence of such, the Petitioner stated that it was likely that there might be standing water on the 534 S. Washington St. property, as the current tenants had left for the summer without the draining of a "blow-up kiddie pool" that had been used by said tenants in the earlier spring during the festive days of "'Lil' Five" celebrations that occurred toward the end of the spring academic term. Sure enough, upon investigation, there were mosquito larvae galore in the abandoned, and partially collapsed kiddie pool. The Petitioner and the Monroe Co. Health Official then drained/dumped

the stagnant water on the 534 S. Washington St. property, and then the Health Department official left with his 530 S. Washington St. case closed.

42. Not too many days later, the Petitioner received a letter dated 8-24-2021 from Elizabeth Carter from the City of Bloomington's Planning & Transportation Department regarding a complaint that she had received alleging illegal outdoor storage of materials and the illegal operation of an unregistered rental property at 530 S. Washington St, the Petitioner's property. This letter also included some images of the Petitioner's table which was transitioning into the interior of his house, and also an image of rigid polystyrene insulation panels that had been stacked on the Petitioner's front porch while in transition to the attic space of the Petitioner's house.

43. The Petitioner then made phone contact with Ms. Carter to understand better the nature of the complaint. Ms. Carter addressed the table and insulation on the front porch as issues to remedy by bringing said items into the interior of the Petitioner's house. Ms. Carter also inquired about the alleged illegal operation of an unregistered rental at the Petitioner's property location. The Petitioner explained that he was the owner/occupier of his property, and that he lived alone, along with his pet animals.

44. Following this phone contact with Ms. Carter, the Petitioner took immediate action to remedy the non-compliant material issues. Upon completing this remedy activity, the Petitioner called Ms. Carter to notify her of the remedy completion. Ms. Carter responded by saying that she had driven by and observed that the table and insulation were, indeed, no longer there, in their previous locations. She further added that she had reached out to the complainant, in admonishment, to chastise her for wasting Ms. Carter's own, and other staff member's time in the Department of Housing and Neighborhood Development with the false reporting of an unregistered rental that was made by Ms. Noori. The Petitioner did not hear anything more from Ms. Carter and thus, was of the belief that the matter had been closed. This was further corroborated with the production of uReport documents that were generated by the Petitioner's public records request from the City of Bloomington for any uReport complaints that had been

made against the Petitioner, his property, or his vehicles over the years of his ownership of 530 S. Washington St. On 9-15-2022, the Petitioner received the requested past uReport complaints, including one identified as #176695: titled “Unregistered Rental: Complaint”. At the top of the uReport document it was stated “*closed: Resolved*”. In this uReport, Ms. Carter indicates, “*the 8-24-2021 matter was closed.*”

45. The Petitioner obtained a building permit from the Monroe County Building Department for property improvements on 4-1-2022.

46. The Petitioner received Notice of Violation Warnings from the Department of Housing & Neighborhood Development (HAND) on 8-11-22 for alleged violations of BMC 6.06.020, Ticket # 51715, and BMC 6.06.050, Ticket # 51716. It was stated in the Warnings that the Petitioner should, “*Properly dispose of all garbage and putrescent materials on property. Eradicate all Japanese knotweed and poison ivy from property.*”

47. In early August of 2022 City of Bloomington officials from both P&T and the Department of Housing and Neighborhood Development (“HAND”) met on Petitioner’s property to discuss potential alleged violations of non-compliance with Titles VI and 20 of the BMO, and the UDO respectively. This meeting followed the receipt of a Notice of Violation “warning” letter from compliance officer, Rob Council, of HAND. The Petitioner was then directed by Rob Council of HAND to correct alleged vegetative, and “garbage” issues, and to better organize the stored/in-use items on the Petitioner’s front porch. The Petitioner then put in 60+ hour weeks to bring his property into compliance. As the Petitioner does not harbor “garbage” on his property, his compliance efforts were more directed at remedies of vegetative growth reduction, and the bringing indoors of personal possessions that were currently “in process” for the same.

48. Upon inspection, Mr. Council applauded the Petitioner’s actions at vegetation reduction and weed eradication. Mr. Council then directed the Petitioner to focus on the better organization of my front porch. This was the start of Mr. Council construing that the Petitioner’s material possessions, on the Petitioner’s front porch were considered “garbage”, by the City, unless those working, and artistically displayed possessions, of the Petitioner, were better

organized. Mr. Council guaranteed to come back in one week's time to check on the continuing progress. The Petitioner then put in another week of more than 60 hours of effort toward this end, excited to share the major progress resultant of his efforts.

49. Sadly, Mr. Council was a "no show" for the promised appointment. The Petitioner waited around all day long on the appointed day without any word from Mr. Council, at the sacrifice of the Petitioner's personal autonomy, and Petitioner's lost opportunity to engage in other needful endeavors. Disappointed, the Petitioner followed up with a voicemail message, soon thereafter, to check-in with Mr. Council, as to his lacking presence. The voicemail left by the Petitioner was never returned by Mr. Council. Nor did Mr. Council ever show up again to the Petitioner's property in advocacy toward the coaching forward of resolution, or remedy, of any alleged non-compliance issues.

50. Despite the Petitioner's tremendous efforts in action, and toward the better understanding of what was needed to do to achieve said compliance, Mr. Council, of HAND, issued a second series of alleged violations for the same offenses under Ticket #'s 52045 and 52046 with a \$50 fine for each 9-7-2022.

51. The Petitioner then appealed the alleged charge of violations and corresponding fines before the Board of Public Works (BPW). The Petitioner lost his appeal. The BPW issued a denial on 9-27-2022 despite the Petitioner sharing his repeated requests for HAND to point out specifically what was still in violation of BMC statute.

52. The Petitioner paid the two \$50 fines so as not to incur escalations of the fine amount. However, this was not done as an admission of guilt.

53. On 10-7-2022, HAND issued a violation and doubled fine for BMC 6.06.020 under Ticket # 62022-10-0085. Again, this was done without any site visit and specific communication with the Petitioner as to what issues might be non-compliant.

53.A. BMC 6.06.020 is a vaguely written statute stating that *it is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage recyclable materials or yard waste to be placed or deposited upon the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it.*

54. On 11-22-2022, the Petitioner again appealed the HAND violation and fine before the BPW without avail. At the conclusion of this Appeal Hearing, Board President, Elizabeth Karon requested that HAND, and City Legal, provide the Petitioner a list of specific items that were being deemed as non-compliant. To this day, this list of non-compliant items has yet to be forthcoming.

55. The Petitioner again paid the fine not out of culpability, but to avoid escalation of the fine amount.

56. All during this August to November period of 2022, and through the present, there was, and has been, a sudden uptick in the “Abandoned Vehicle” tickets that showed up on the windshields of the Petitioner’s current Indiana Bureau of Motor Vehicles “registered, and plated,” vehicles that were parked in front of the Petitioner’s house, at 530 S. Washington St.

57. “Abandoned Vehicle” charges against the Petitioner’s car, and trucks, were a common form of harassment that was received from Ranatta Raper, and her father over the first ten to twelve years of the Petitioner’s property ownership. Ranatta Raper, and her father, Mr. Deckard, operated Deckard Homes and Apartments, as a real estate business renting to young people in Petitioner’s surrounding block, and those blocks adjacent, and other blocks that are very nearby. The Raper/Deckards own, and manage, the duplex property to the Petitioner’s property immediately north at 528, and 528 ½, as well as several houses and other “plex” rental properties on the Petitioner’s same 500 S. Washington St. block-face. They might control around 25 percent of the bedrooms on the Petitioner’s side of the street, and around 10 percent of the bedrooms across the street on the same 500 block.

58. Regularly, during the fall rental turnover, The Petitioner could expect to receive “Abandoned Vehicle” tickets whenever Ms. Raper would see him during her increased level of property management activity as necessitated when one lease holder would move out, and the next lease holder would move into the Raper/Deckard Family’s extensive real estate holdings in the immediate neighborhood. This type of harassment by Ms. Raper began shortly after the purchase of the Petitioner’s property at 530 S. Washington St., upon his notice to Ms. Raper, and her father, that they could no longer trespass on the Petitioner’s property to access their rental units at 528, and 528 ½ S. Washington St. Upon this declaration from the Petitioner, expletives of abuse were issued by Ms. Raper against the Petitioner. Shortly thereafter, anonymous uReport complaints were regularly registered against the Petitioner, his property, and his motor vehicles. These complaints against the Petitioner continue to this day with the latest “abandoned vehicle” charge taking place as recently as 12-4-2023.

59. Mostly these anonymous, and sometimes pre-announced, complaints against the Petitioner over his first ten to twelve years of property ownership were seasonal to the fall, and could be absorbed by the Petitioner knowing that if he kept a low profile until Ms. Raper was done with her fall turn-over duties, that peace would eventually again reign after the new crop of tenants had settled in and Ms. Raper was no longer a presence in the neighborhood.

60. However, beginning this past August of 2022 to the present, the level of complaint has risen significantly, and relentlessly. Ms. Raper will even be seen at future appeals made by the Petitioner before both the BPW and the BZA, carousing with the prosecutorial agents of City Legal, especially, Christopher Wheeler, and those of HAND, Rob Council, and John Hewett.

61. The Petitioner received a letter dated 10-20-2022 from P&T. In that letter, it was stated that said letter was a “formal warning” of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.020 [Use Regulations; Allowed Use Table]** and **Section 20.03.030 [Use Specific Standards]** as alleged to be applicable to his property.

62. In said 10-20-2022 letter it was stated that, “*A NOV Warning had previously been issued to this property for Outdoor Storage violations on August 24, 2021. Mr. Davis contacted the Department and took some steps to come into compliance after receiving the 2021 NOV Warning.*”

63. It was further stated by Elizabeth Carter, the sender of the 10-20-2023 letter that, “*Staff from HAND and Planning and Transportation met with Mr. Davis on 8-11-2022 to discuss options for bringing the property into compliance with several sections of the Bloomington Municipal Code.*”

64. The Petitioner was surprised to have received this 10-20-2022 “formal warning” letter from P&T after he had put in well over 100 hours of effort to move the Petitioner’s personal items indoors and pull errant weeds from the Petitioner’s graveled parking area and regrade the same. Further, the alleged illegally stored outdoor items were building materials at the back of the Petitioner’s property that were related to the Building Permit that had been received from the Monroe County Building Department on 4-1-2022.

65. The Petitioner timely contacted P&T to seek further clarification and submit his intent to appeal said NOV violation warning or the possible making of a variance request application that would recognize his permitted building materials as not being illegally stored outside.

66. The Petitioner began working with Gabriel Holbrow, of P&T, to move forward in appeal. Though asked for, specific identification, of the alleged non-compliant items in Petitioner’s possession, P&T offered no such detail.

67. In a letter dated 10-27-2022, the Petitioner received a “**Notices of Violation**” letter from assistant attorney, Christopher Wheeler, of City Legal, stating that, “*On August 1, 2022, and on August 4, 2022 members of the Housing and Neighborhood Development and Planning and Transportation departments met with you (the Petitioner) at the property to discuss the nature of these violations.*” This letter from Mr. Wheeler directly contradicts, by date, the statement made by Ms. Carter, “*Staff from HAND and Planning and Transportation met with Mr. Davis on 8-11-2022 to discuss options for bringing the property into compliance with several sections of the*

Bloomington Municipal Code.”, in her 10-20-2023 warning letter. She made no reference to a multi-department staff meeting with the petitioner on either 8-1-2022 or 8-4-2022. The letter from P&T of 10-20-2022, and that of 10-27-2022 from City Legal are ripe with inconsistencies.

68. Further, the 10-27-2022 letter from Mr. Wheeler states that, *“You have asked that the City take time to point out to you what personal property located outdoors can remain in place. To be clear, none of the items of personal property that you have stored or scattered about your property are permitted by law to remain in place.”*

69. Continuing, Mr. Wheeler asserts that, *“All of the items on your (Petitioner’s) property constitute either impermissibly thrown, placed or scattered garbage, recyclable materials and yard waste, or impermissible outdoor storage of equipment, materials, waste and scrap materials. In other words, each and every item of personal property that you have allowed to remain out-doors on the property is either a violation of Title 6 or Title 20 of the BMC and must therefore be removed.”*

70. How can Mr. Wheeler speak in such absolutes? As Mr. Wheeler states, the Petitioner has asked for clarification of specific possessions alleged to be in violation. Neither HAND, nor P&T have been responsive to those requests, be they through phone conversation, voicemail, email, or certified letter.

71. The Petitioner is an artist and has installed much art on his property. Neither Title 6 of the BMO, nor Title 20 of the UDO hold a description of “private art.”

72. The Petitioner is a raised-bed gardener and backyard composter of organic materials. Neither Title 6 of the BMO, nor Title 20 of the UDO hold a description of “raised-bed gardens or backyard composting.”

73. The Petitioner enjoys with his friends the use of a backyard fire pit, outdoor furniture, and an outdoor kitchen. Neither Title 6 of the BMO, nor Title 20 of the UDO hold a description of “backyard fire pits, furniture, or kitchens.”

74. The Petitioner utilizes water catchment basins near his roof eaves to capture and make good use of rainwater in his garden plantings and the washing of his vehicles. Neither Title 6 of the BMO, nor Title 20 of the UDO hold a description of “water catchment basins.”

75. The Petitioner is a sustainable user of up-cycled building materials, and he has a “building permit” and “Certificate of Zoning Compliance (CZC)” authorizing him to possess those items, at hand, in his property improvement. Neither Title 6 of the BMO, nor Title 20 of the UDO hold a description of “up-cycled building materials.”

76. Mr. Wheeler seems to think that the Petitioner’s many un-responded to requests for specific detail as to which potential personal possessions are alleged to be in violation, can be responded to with such absolute terms as “none”, “All“, and “each and every item”.

77. Just blanketly stating that the Petitioner’s organized, intentional, and permissible personal possessions are “scattered garbage” or “illegally stored outdoor garbage” does not make them so. Mr. Wheeler is “grasping at straws” to “pigeon-hole” the Petitioner’s organized, intentional, and permissible personal possessions into these il-defined ordinances of Title 6 of the BMO, and Title 20 of the UDO.

78. Mr. Wheeler continues to mis-represent fact in his 10-27-2022 letter, stating that, “*You have had well over a year to remedy this situation and have either failed or refused to do so.*” Well, how can this be? It was only on 8-11-2022 that the Petitioner received a NOV warning from HAND. And it was only seven days before that Petitioner received a NOV warning letter from P&T, on 10-20-2022. It is very disturbing to the Petitioner what liberties to the truth are being taken by City Legal in their prosecution of the Petitioner.

79. In preparation for the Petitioner’s request of an administrative appeal of the notice of violation warning letter issued on 10-20-2022, which was to take place before the Board of Zoning Appeals (BZA) on 2-23-2023, the Petitioner worked with Gabriel Holbrow, of P&T, to obtain a Certificate of Zoning Compliance (CZC) for his proposed property improvements. In

application for said CZC it was necessary for the Petitioner to make architectural drawings of elevations, foundation, and the lot placement of his building permitted improvements. These architectural drawings clearly identified the building materials on Petitioner's property in their employ in the Petitioner's improvement structure. The Certificate of Zoning Compliance (CZC) was issued to the Petitioner by Mr. Holbrow on 2-10-2023 under application # C23-053 / CZC-2023-0099.

80. Back to the fall of 2022 transitioning into winter of 2023, despite multiple modes of communication via voicemail, email, and Certified letter for specific detail of alleged non-compliant personal possessions, requested by the Petitioner. These requests were never answered, and HAND issued a Request to Abate Petitioner's property in a notice received on 3-1-2023. This was done despite HAND not alleging a third violation Notice as follows the typical BMC procedure.

81. On 2-23-2023, the Petitioner went before the Board of Zoning Appeals. Mr. Holbrow sent a preemptive email indicating that the Petitioner's appeal would be no sooner than 6 pm in hearing before the BZA based on the Petitioner's appeal placement on the BZA' docket. The Petitioner, and his two supporting witnesses arrived a little before 6 pm on 2-23-2023 only to be told that the Petitioner's appeal hearing had already been conducted without the Petitioner's presence, and that his appeal had been denied.

82. The Petitioner and his witnesses objected to the denied appeal based on the mis-direction received from Mr. Holbrow in his presentation of the docket placement for the Petitioner's hearing on that night.

83. Eventually, after the Board of Zoning Appeal members considered the reasoning behind the objection, they agreed to re-hear the appeal anew. However, the Petitioner felt like a predisposition of bias had been placed by the one-sided prosecution by the Dept. of Planning & Transportation, and by Christopher Wheeler of City Legal, without the Petitioner's presence.

84. During this re-hearing before the BZA Board, the Petitioner repeatedly asserted his denial of civil rights to due process of law by the lack of response to his repeated requests for specific identification of any alleged personal possessions that were non-compliant, and on which grounds existed that supported this alleged assessment of non-compliance.

85. Unfortunately, the BZA members could not see that due process of law prevents the wrongful conviction of a person who has not been provided with the specific items of fact and the why of each of those items in their relation to the parsing of the Ordinance upon which that prosecution is based. Even though the Dept. of Planning & Transportation submitted documents to the record of the case of (4) photos from staff observations on February 17 and March 31, 2022, documenting Petitioner's progress toward compliance, the Board simply "rubber stamped" the recommendation from City Legal to deny the Petitioner's appeal. The Board exercised no "duty of care" in protecting the Petitioner from the bias, and unjust presentations, by the Dept. of Planning & Transportation, and Christopher Wheeler of the City Legal Department.

86. After this unsuccessful BZA appeal, HAND issued a Request to Abate the Petitioner's property in a notice received on 3-1-2023. This was done despite HAND not alleging a third violation Notice as follows the typical BMC procedure.

87. The Petitioner appealed this Request for Abatement, or forced removal of the Petitioner's personal possessions, to no avail, and the BPW issued an Order granting Abatement on 3-15-2023.

88. Then the Petitioner filed a lawsuit Complaint in Circuit Court on 3-24-2023 with Cause No. **53C06-2303-CT-000633**. This Complaint asked for relief from the administrative agency actions of both the BPW and the BZA.

89. Said Complaint by the Petitioner sought the Court to reverse the prosecutions by HAND, and the BPW, alleging that the Petitioner's building materials, tools, and installed art on his property were "*scattered garbage or rubbish*" that must be removed, and the allegation, and

prosecution, from P&T, and the BZA, that those same material items were “*garbage*” that was being illegally stored outside.

90. Though the Petitioner had yet to have an initial hearing on the merits of his lawsuit, HAND proceeded to move to Abate his property on the 26th & 27th of June.

91. The Petitioner then filed a motion for Emergency Preliminary Injunction. A Hearing was held on the 26th of June, with the Court later granting the Petitioner’s request until an August 3rd Hearing on the Defendant’s Motion to Dismiss based on perceived defects in the Petitioner’s original Complaint.

92. Following the 8-3-2023 Hearing, the Court dismissed the Petitioner’s Complaint for defects in the original filing on 8-8-2023, and in less than 24 hours of the Court’s ruling, HAND came onto the Petitioner’s property, on 8-9-2023, and removed more than \$2,000 dollars’ worth of the Petitioner’s valuable building materials straight off of Petitioner’s BMV licensed, and registered, motor vehicle, and utility trailer, claiming that his organized, and weather protected materials were “*garbage*.”

93. This unwarranted removal of the Petitioner’s personal property, around 9 AM, only stopped after the Petitioner produced his property improvement permit from the Monroe Co. Building Department, obtained on 4-1-2022 (valid through 4-1-24), and his Certificate of Zoning Compliance (CZC) received from the Dept. of Planning & Transportation on 2-10-2023, for his solarized, two-story, car port/storage structure. This CZC package included the architectural drawings for the project.

94. These items were presented by the Petitioner to Jo Stong, a senior compliance officer, in HAND. Ms. Stong was “in charge” of the abatement proceedings based on the invalid Order signed, and dated, 3-14-2024, by Kyla Cox Deckard, President of the BPW.

95. Christopher Wheeler was also present as a representative from City Legal. Mr. Wheeler was already aware of these documents presented to Ms. Stong by the Petitioner, though he did not mention it to Ms. Strong, as she made phone calls to the Monroe County Building

Department, and the Department of Planning & Transportation to verify the legitimacy of the said documents. Mr. Wheeler was also the most vocal of the representatives from the City, in promoting the removal of the Petitioner's possessions, stating things like, "Everything has got to go! Joe, it is all garbage!"

96. Upon receiving verification that the Petitioner's documents were legitimate, Ms. Strong ceased the removal, and destruction, of the Petitioner's building materials around 11 AM.

97. In those architectural drawing documents, produced by the Petitioner, it was clear that many of the Petitioner's materials already loaded onto the third-party abatement contractor's dump trailer, were, indeed, related to the building permit, and compliance certificate, provided to Ms. Stong.

98. Ms. Stong then directed the abatement crew to remove the Petitioner's outdoor clothes washing machine. The abatement crew refused to do so, stating that "*This washer is plumbed, and electrified. It is clearly not garbage.*"

99. The abatement crew then helped the Petitioner move his re-purposed water-catchment basins onto his front porch, as Ms. Strong told the Petitioner that they were not going to take away anything from the front porch.

100. After this, all parties present for the abatement left the Petitioner's home, and property around 11:30 AM. The Petitioner stood vigil until the later afternoon when he left to file his Court Appeal that same day.

101. The Petitioner immediately filed a Notice of Appeal on 8-9-2023, the same day that his sanctioned building materials were removed by HAND. A Hearing date was set for 8-15-2023, on which date the Court ordered all proposed motions moot, as the Abatement Order granted by the BPW had expired on 8-11-2023.

102. Following the last **53C06-2303-CT-000633** Hearing on 8-15-2023, just two days later, HAND issued a Notice of Violation with a \$50 fine for ‘scattered garbage’, and a new Request for Abatement, on 8-17-2023. Also, on this same day of 8-17-2023, P&T issued a NOV with fines of over \$7,500 dollars for the same alleged Title 20 ordinance non-compliance issues of before. These accusations were made even though for approximately one year, HAND and P&T had yet to come onto Petitioner’s property, as requested by the Petitioner, to specifically point out any non-compliant material possessions, of the Petitioner.

103. The Petitioner gave his Notice of appeal of the new allegations before both administrative agencies of the BPW, and the BZA for the violations and fines, and the Request for Abatement, within their timely receipt.

104. On 9-29-2023, the Petitioner received an email from assistant City Attorney Christopher Wheeler stating that the Notices of Violation issued on 8-17-2023 from both HAND, and the concurrent 8-17-2023 NOV issued by the Department of Planning & Transportation were based on the same general evidence and facts. As mentioned before by Petitioner, HAND states that Petitioner’s organized, and weather protected, building materials, tools, and installed art are “garbage.” The Notice of Violation from Planning & Transportation insinuates that these same material items are illegally stored outside.

105. Aware of the lack of responsive communication that was being withheld by HAND, and the Department of Planning & Transportation, toward the Petitioner over the almost 14 previous months, Corporate Counselor, Beth Cate, for the City of Bloomington, offered to pull together the department heads of HAND, Planning & Transportation, the Monroe County Building Department, and herself, from City Legal for an on-site meeting at Petitioner’s property.

106. The goal of this on-site meeting at Petitioner’s property was to identify sanctioned building materials being employed in Petitioner’s property improvements, and to set up some reasonable timeline to remedy or achieve compliance with any other material possessions deemed non-compliant with both Titles 6 and 20.

107. On 11-2-2023, John Zody (HAND), Scott Robinson (Planning & Transportation), Bobby LaRue (Monroe Co. Building Department), Beth Cate (City Legal), and the Petitioner met at the Petitioner's property. After one hour of meeting, it was decided that Petitioner would prepare an inventory of building materials being utilized in his property improvements for Planning & Transportation, and that P&T would identify the compliance path that would remedy the allegation of the Petitioner parking his Bureau of Motor Vehicle registered property on unimproved surfaces in the back of his property. It was also agreed that John Zody from HAND, would personally come back to the Petitioner's property to identify any 'scattered garbage or rubbish'. Finally, the Petitioner felt like this was the communication progress that he had been requesting for the last 14 months.

108. However, both Planning & Transportation, and HAND decided to go ahead with their prosecutions of the Petitioner, before the Board of Zoning Appeals (BZA), on 11-16-2023, and the Board of Public Works (BPW), on 11-21-2023. They did this as a tactic to weaken the Petitioner's position of defending his rightfully allowed building materials and installed art. This was also done despite the fact that the promised appointments, that came from that 11-2-2023 meeting, to discuss the path forward for recognized compliance, from the Department of Planning & Transportation, and HAND had not even been scheduled, let-alone taken place.

109. Both appeals before the BZA, and the BPW were denied resulting in the outcome of fines of over \$7,500 dollars from the BZA, and a fine and Order granting abatement by the City coming from the BPW.

110. On 12-1-2023, the Petitioner received an email from John Zody, of HAND, stating that HAND would be coming to Abate the Petitioner's property on 12-7-2023.

111. On 12-4-2023, the Petitioner filed his original Petition in Circuit Court for a judicial review of administrative agency action by the BPW under Cause No. **53C08-2312-MI-002703**.

112. On 12-5-2023, John Zody, and Jo Strong, of HAND, came to the Petitioner's property to identify non-compliant "garbage" that was an alleged risk to the public's health & well-being.

Amongst those identified items were the installed art of the Petitioner, inert bricks, and a storage cabinet with some cosmetic “rust” on its surface. Many other items were left as a “?” to be followed up by Mr. Zody after his consultation with City Legal, and P&T.

113. The following day, of 12-6-2023, the Petitioner filed a Motion for Temporary Restraining Order, Emergency Preliminary Injunction, and Permanent Injunction under the **53C08-2312-MI-002703** action.

114. Not only do HAND, P&T, and City Legal, falsely present to the Public Works Board, and the Board of Zoning Appeals, a claim that the Petitioner’s valuable assets are *garbage illegally stored*, without any specificity, but they also have misled the BPW, and BZA members with a false presentation of the applicability to the actual codes. City Legal, especially, has arbitrarily rewritten City Ordinance to serve its own prosecutorial interests. This is all on top of the City of Bloomington’s tactic of non-responsiveness to the Petitioner’s 15 months of requests for specific detail of any of his non-compliant possessions.

115. These arbitrary and capricious prosecutions from HAND, P&T, and City Legal are not based on facts. For this reason, the Petitioner is calling for the Judicial Review of both the Board of Public Works, and the Board of Zoning Appeals Administrative Agency actions to fine and issue an Order for the Abatement of the Petitioner’s property. These Petitions for Judicial Review are being made because the Petitioner has never received a listing of alleged non-compliant possessions. Nor, has the Petitioner been given the opportunity to remedy the existence of any such non-compliant items in these situations.

116. Also, in the recent Order for Abatement issued by the BPW for the Petitioner’s property based on violation of BMC 6.06.020, the Order says that *rubbish* will be removed by the City. *Rubbish* is not an item in BMC 6.06.020 as can be seen in paragraph “53.A.” above.

117. When the Petitioner was preparing to meet John Zody, Director of HAND, and Jo Stong, senior compliance officer with HAND, on the Petitioner’s property, on 12-5-2023 at 9 AM, the Petitioner noticed that his two vehicles parked on the street in front of his house each had a

“parking ticket” for being declared “abandoned” the day before on 12-4-2023. When Mr. Zody, and Ms. Stong, arrived, the Petitioner asked each of them if they knew anything about the said parking tickets? Ms. Strong stated that she knew nothing. Mr. Zody, however, stated that he had spoken with the complainant the morning before, and then passed along the complaint to Public Works Parking Enforcement division, who then ticketed the Petitioner’s vehicles in the Noon hour of 12-4-2023. The Petitioner asked Mr. Zody who was the person who made the complaint? Mr. Zody responded that he did not remember who it was. Following the meeting, at the Petitioner’s property to discuss the Petitioner’s personal possessions with Mr. Zody, and Ms. Stong, the Petitioner visited the division of Parking Enforcement, on S. Walnut St., to learn more about the origin of said ticket’s.

118. The Petitioner was told by Michelle L. Wahl, Parking Services Director, that Adam Wason, Director of Public Works, as well as John Zody, were involved in the process of ticketing the Petitioner’s vehicles, also.

119. The Petitioner tried to follow up with Ms. Wahl, Mr. Wason, and Mr. Zody multiple times on, and after 12-5-2023, to gain more information without success, until 12-22-2023, when he encountered Mr. Zody, and Mr. Hewett, in the atrium of City Hall. Both Mr. Zody, and Mr. Hewett, stated that they would not speak with the Petitioner because the Petitioner had filed his lawsuit against the City of Bloomington on 12-4-2023. They further stated that all information must now come through City Legal by filing requests for public records information.

120. The Petitioner finds this a very frustrating way to conduct his business with the City of Bloomington.

121. The BPW, and the BZA have affirmed the requested actions of HAND, and P&T without either the Petitioner, or HAND, or P&T, or the respective Boards knowing the facts. With this the BPW, and the BZA have become a meaningless rubber stamp for the desires of HAND, P&T, and City Legal. With no oversight by the BPW, or the BZA, of the lack of transparency in HAND, P&T, and City Legal’s actions, the Petitioner has no meaningful way to thwart these denials of his civil rights to due process of the law, and to exercise the full rights of property

ownership by the Petitioner. Therefore, these Orders from the BPW, and the BZA should be set-a-side. The Petitioner needs to have the Court tell the BPW to tell HAND to honor the Petitioner's request for the facts. And the Petitioner needs to have the Court tell the BZA to tell P&T to honor the Petitioner's request for the facts, as well. Anything less is a miscarriage of justice.

WHEREFORE, premises considered, the Petitioner prays for the following relief from the Court for a Judicial Review of the BZA's Administrative Agency Action and reverse their denial of Petitioner's appeal of the Notice of Violations and fines from the same. In his request for relief, the Petitioner asks the Court to either Order the Board of Zoning Appeals to present a record of the entire official hearing proceedings from 2022 to the present for the Court's review, or to initiate a Trial/Hearing De Novo before the BZA, and for all other relief just and proper in the premises.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following, by the Indiana Courts eFile, and serve system, on January 10th, 2024:

City of Bloomington Board of Zoning Appeals
401 N. Morton St., Suite 220

Bloomington, IN 47404

/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

Next Claimant Action Filed

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	)SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C08-2312-MI-002703
JOSEPH BRADLEY DAVIS	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CITY OF BLOOMINGTON	)	
BOARD OF PUBLIC WORKS.	)	
	)	
Respondent.	)	

**AMENDED VERIFIED PETITION FOR
JUDICIAL REVIEW OF BOARD DECISIONS AND/OR PETITION FOR JUDICIAL
REVIEW OF ADMINISTRATIVE AGENCY ACTION**

Comes now Petitioner, Joseph Bradley Davis, Pro Se, to bring this Amended Verified Petition for Judicial Review of Board Decisions and/or Petition for Judicial Review of Administrative Agency Action against the Petitioner, by the City of Bloomington Board of Public Works. In support of this Petition, Petitioner states as follows:

1. The Petitioner has filed a similar action titled "Petition for Judicial Review of Administrative Agency Action" against the City of Bloomington Board of Zoning Appeals. This Cause No. **53C08-2312-MI-002789** was filed on 12-18-2023. The above amended caption is intended to convey consistency in the similar statements of fact, premises, and the requested relief petitioned from the Court.

2. A related Cause of action: **53C06-2303-CT-000633** has been adjudicated with the Court's decision being appealed at the Appellate level under Cause **23A-CT-02099**. This Appeal is pending. This action was filed on 3-24-2023 against the City of Bloomington Department of Housing and Neighborhood Development, Department of Public Works, Board of Public Works, Department of Planning & Transportation, and the Board of Zoning Appeals. The intention of this Tort action, taken by Petitioner/Plaintiff, was for relief from the Court in the form of reversal of Administrative Agency Actions against the Petitioner/Plaintiff by both the Board of Public Works ("BPW"), and the Board of Zoning Appeals ("BZA"), and that the Court render judgment for damages, actual or compensatory, as well as punitive. The statements of fact, premises, and request for relief share commonality with the two pending **MI** actions above.

3. The Petitioner is a residential homestead property owner at 530 S. Washington St., Bloomington, IN 47401, under parcel number **53-08-04-214-018.000-009** and whose legal description is **015-13650-00 Bowles Lot 10** (Hereinafter the "Property").

4. The Petitioner purchased this property on 10-1-2009, more than 14 years ago.

5. In early to mid-August of 2021, the Petitioner was approached by Narges Noori, the landlord manager for the rental property located at 534 S. Washington St., Bloomington, IN 47401. The Petitioner believes that Ms. Noori manages this property for her mother. Ms. Noori also manages other rental property on the Petitioner's same block-face of 500 S. Washington St.

It is also believed that the other rental property/rental units are also owned by Ms. Noori's mother, or family.

6. This rental property, managed by Ms. Noori, at 534 S. Washington St. sits adjacent to the Petitioner's property, at 530 S. Washington St., with 534 residing to the south of 530.

7. Prior to Ms. Noori's more active management of the rental at 534, in the more recent years, the property was managed by her former husband, Reza. During these year's prior, the Petitioner had friendly encounters with Reza, as he would perform or direct the maintenance of 534 at the time of tenant turnover, and other times of the year. However, Reza would often be judgmental of the ongoing repairs being made by the Petitioner to the Petitioner's own house, stating that the tasks at hand were too much for the Petitioner to conduct on his own. Then he would offer the solution that the Petitioner could sell his house to Reza, and then the Petitioner could then get out from underneath the burden of having to do the work by himself. Reza would then close the offer to purchase with the incentive that he could provide a "quick cash sale." This very same discouragement of my repair efforts, and the presentation of a wonderful opportunity for a "quick cash sale" was heard at least a half-a-dozen times over the first eight or nine years of the Petitioner's ownership of his property at 530 S. Washington St.

8. Then began a several year period in which the Petitioner no longer encountered the friendly Reza, and the appearance of Ms. Noori began. The Petitioner surmises that this might have coincided with the supposed "divorce" of the two?

9. Being a time of fair weather, the Petitioner was transitioning some furniture, a table and other things, into his house, along the south side. While doing so, the Petitioner was approached by Ms. Noori in a very aggressive manner. She stated that she was going to "call every department in the City to get me in trouble for blocking the (private) sidewalk" that runs between

our two properties. This private sidewalk is actually owned by the Petitioner, and it is used to access his side kitchen door. Despite land survey showing the ownership of said sidewalk belonging to the Petitioner, Ms. Noori often annually, at the time of rental turnover, takes opportunity to harass the Petitioner through threat, intimidation, coercion, and the filing of anonymous “uReport” complaints to the City of Bloomington. Because this is so common, the Petitioner then called the City pre-emptively to forewarn them of forthcoming “complaints” against the Petitioner were to be expected.

10. After this threat by Ms. Noori, the Petitioner was visited by an official from the Monroe County Health Department regarding an anonymous complaint that the Petitioner was harboring conditions that were conducive to the breeding of mosquitoes. The Petitioner does have some water catchment basins (5 gal. buckets) placed at the south-side roof line of his front porch to catch water from rain events. The Petitioner then uses the obtained water to nourish his garden plantings, and to wash his vehicles. The Petitioner never lets the caught water reside in the said basins for longer than 2-3 days during the season of mosquito breed. This action of regular empty negates the possibility of contribution toward mosquito nuisance.

11. The Health Department officer then asked if he could see my entire property to see if there was any standing water evident in any container, or vessel. Upon no evidence of such, the petitioner stated that it was likely that there might be standing water on the 534 property, as the current tenants had left for the summer without the draining of a “blow-up kiddie pool” that had been used by said tenants in the earlier spring during the festive days of “Lil Five” celebrations that occurred toward the end of the spring academic term. Sure enough, upon investigation, there were mosquito larvae galore in the abandoned, and partially collapsed kiddie pool. We then drained/dumped the stagnant water on the 534 property and the Health Department official left with his 530 S. Washington St. case closed.

12. Not too many days later, the Petitioner received a letter from Elizabeth Carter from the City of Bloomington Planning & Transportation Department regarding a complaint that she had received alleging illegal outdoor storage of materials and the illegal operation of an unregistered rental property at 530 S. Washington St, i.e. the Petitioner's property. This letter also included some images of Petitioner's table transitioning into the interior of his house, and an image of rigid polystyrene insulation that had been stacked on the Petitioner's front porch while in transition to the attic space of Petitioner's house. The Petitioner then made phone contact with Ms. Carter to understand better the nature of the complaint. Ms. Carter addressed the table and insulation on the front porch as issues to remedy by bringing said items into the interior of Petitioner's house. She also inquired about the illegal operation of an unregistered rental at my property location. The Petitioner explained that he was the owner/occupier of his property, and that he lived alone, other than his pet animals. Following this phone contact with Ms. Carter, the Petitioner took immediate action to remedy the non-compliant material issues. Upon completing this remedy activity, the Petitioner called Ms. Carter to notify her of the remedy completion. Ms. Carter responded by saying that she had driven by and observed that the table and insulation were, indeed, no longer there, in their previous locations. She further added that she had reached out to the complainant in admonishment to chastise her for wasting her own, and staff member time in the Department of Housing and Neighborhood Development with the false reporting of an unregistered rental made by Ms. Noori. The petitioner did not hear anything more from Ms.

Carter and thus, was of the belief that the matter had been closed. This was further corroborated with the production of uReport documents that were generated by the Petitioner's public records request from the City of Bloomington for any uReport complaints that had been made against the Petitioner, his property, or his vehicles. Over the years of his ownership of 530 S. Washington St. On 9-15-22, the Petitioner received requested past uReport complaints including one identified as #176695: titled "Unregistered Rental: Complaint". At the top of the uReport document it was stated "*closed: Resolved*". In this uReport, Ms. Carter indicates, "*the 8-24-2021 matter was closed.*"

13. The Petitioner obtained a building permit from the Monroe County Building Department for property improvement on 4-1-2022.

14. The Petitioner received Notice of Violation Warnings from the Department of Housing & Neighborhood Development (HAND) on 8-11-22 for alleged violations of BMC 6.06.020, Ticket # 51715, and BMC 6.06.050, Ticket # 51716. It was stated in the Warnings that the Petitioner should, "*Properly dispose of all garbage and putrescent materials on property. Eradicate all Japanese knotweed and poison ivy from property.*"

15. Days later, in early August of 2022 City of Bloomington officials from both P&T and the Department of Housing and Neighborhood Development ("HAND") met on Petitioner's property to discuss potential alleged violations of non-compliance. The petitioner was then directed by Rob Council of HAND to correct alleged vegetative, and "garbage" issues. Following around a week of more than 60 hours of remedy effort to address the vegetative concerns in the 8-11-22 NOV warning, Mr. Council came back to review my progress on the matter's. As petitioner does not harbor "garbage" on his property, his compliance efforts were more directed at remedies of vegetative growth reduction, and the bringing indoors of personal possessions that were currently "in process" for the same. Upon inspection, Mr. Council applauded my actions at vegetation reduction and weed eradication. He then directed me to focus on the better organization of my front porch. This was the start of Mr. Council construing that my material possessions, on my front porch were considered "garbage", by the City, unless those working, and artistically displayed possessions, of the Petitioner, were better organized. Mr. Council guaranteed to come back in one week's time to check on the continuing progress. The Petitioner then put in another

week of more than 60 hours of effort toward this end, excited to share the major progress resultant of his efforts.

16. Sadly, Mr. Council was a ‘no show’ for the promised appointment. The Petitioner waited around all day long on the appointed day without any word from Mr. Council, at the sacrifice of the Petitioner’s personal autonomy, and Petitioner’s lost opportunity to engage in other needful endeavors. Disappointed, the Petitioner followed up with a voicemail message, soon thereafter, to check-in with Mr. Council, as to his lacking presence. The voicemail left by the Petitioner was never returned by Mr. Council. Nor did Mr. Council ever show up again to my property in advocacy toward the coaching forward of resolution of any alleged non-compliance issues.

17.

Despite the Petitioner’s tremendous efforts in action, and toward the better understanding of what was needed to do in order to achieve said compliance, Mr. Council, of HAND, issued a second series of alleged violations for the same offenses under Ticket #’s 52045 and 52046 with a \$50 fine for each 9-7-22.18. The Petitioner then appealed the alleged charge of violations and corresponding fines before the Board of Public Works (BPW). The Petitioner lost his appeal. The BPW issued a denial on 9-27-22 despite Petitioner’s repeated requests for HAND to point out specifically what was still in violation of BMC statute.

19. Petitioner paid the two \$50 fines so as not to incur escalations of the fine amount. However, this was not done as an admission of guilt.

20. On 10-7-22, HAND issued a violation and doubled fine for BMC 6.06.020 under Ticket # 62022-10-0085. Again, this was done without any site visit and specific communication with the Petitioner as to what issues might be non-compliant.

21. On 11-22-22, Petitioner again appealed the violation and fine before the BPW without avail. At the conclusion of this Appeal Hearing, Board President Elizabeth Karon requested that HAND, and City Legal, provide the Petitioner a list of specific items that were being deemed as non-compliant. To this day, this list of non-compliant items has yet to be forthcoming.

22. Petitioner again paid the fine not out of culpability, but to avoid escalation of the fine amount.

23. All during this August to November period of 2022, there was a sudden uptick in the “Abandoned Vehicle” tickets that showed up on the windshields of my current Indiana Bureau of Motor Vehicles “registered, and plated,” vehicles that were parked in front of my house, at 530 S.

Washington St. “Abandoned Vehicle” charges against my car, and trucks, were a common form of harassment that I received from Ranatta Raper, and her father over the first ten years of Petitioner’s property ownership. Ranatta Raper, and her father, Mr. Deckard, operated Deckard Homes and Apartments, as a real estate business renting to young people in Petitioner’s surrounding block, and those blocks adjacent, and other blocks that are very nearby. They own, and manage the duplex property to the Petitioner’s property immediately north at 528, and 528 ½, as well as several houses and other “plex” rental properties on my same 500 S. Washington St. block-face. They might control around 35-40 percent of the bedrooms on my side of the street, and around 10-15 percent of the bedrooms across the street in the 500 block.

24. Regularly, during the fall rental turnover, The Petitioner could expect to receive “Abandoned Vehicle” tickets whenever Ms. Raper would see him during her increased level of property management activity necessitated as one lease holder would move out, and the next leaseholder would move into their extensive holdings in the immediate neighborhood. This type of harassment by Ms. Raper began shortly after the purchase of the Petitioner’s property at 530 S. Washington St., upon his notice to Ms. Raper, and her father, that they could no longer trespass on the Petitioner’s property in order to access their rental units at 528, and 528 ½ S. Washington St. Upon this declaration from the Petitioner, expletives of abuse were issued by Ms. Raper against the Petitioner. Shortly thereafter, anonymous uReport complaints were regularly registered against the Petitioner, his property, and his motor vehicles. These complaints against the Petitioner continue to this day with the latest “abandoned vehicle” charge taking place as recently as 12-4-2023.

25. Mostly these anonymous, and sometimes pre-announced, complaints against the Petitioner over his first ten years of his property ownership were seasonal to the fall, and could be absorbed by the Petitioner knowing that if he kept a low profile until Ms. Raper was done with her fall turn-over duties, that peace would eventually again reign after the new crop of tenants had settled in and Ms. Raper was no longer a presence in the neighborhood. However, beginning this past August of 2022 to the present, the level of complaint has risen significantly,

and relentlessly. Ms. Raper will even be seen at future appeals made by the Petitioner before both the BPW and the BZA, carousing with the prosecutorial agents of City Legal, especially, Christopher Wheeler, and HAND, Rob Council, and John Hewett.

25. Back to fall of 2022 transitioning into winter of 2023, despite multiple modes of communication via voicemail, email, and Certified letter for specific detail of alleged non-compliant personal possessions, requested by the Petitioner. These requests were never answered, and HAND issued a Request to Abate Petitioner's property in a notice received on 3-1-23. This was done despite HAND not alleging a third violation Notice as follows the typical BMC procedure.

26. Petitioner obtained a Certificate of Zoning Compliance from the City of Bloomington Planning & Transportation Department for his proposed property improvements on 2-10-23.

27. Petitioner again appealed the Request for Abatement to no avail, and the BPW issued an Order granting Abatement on 3-15-23.

28. Petitioner filed a lawsuit Complaint in Circuit Court on 3-24-23 with Cause No. 53C06-2303-CT-000633.

29. Said Complaint by Petitioner sought the Court to reverse the prosecutions by HAND alleging that Petitioner's building materials, tools, and installed art on his property were 'scattered garbage or rubbish'.

30. Though Petitioner had yet to have an initial hearing on the merits of his case, HAND proceeded to Abate his property on the 26th & 27th of June.

31. Petitioner filed a motion for Emergency Preliminary Injunction. A Hearing was held on the 26th of June, with the Court later granting Petitioner's request until an August 3rd Hearing on Defendant's Motion to Dismiss based on a perceived defect in Petitioner's original Complaint.

32. Following the August 3rd Hearing, the Court dismissed Petitioner/Plaintiff's Complaint, and, in less 24 hours of the Court's ruling on 8-8-23, HAND came onto Petitioner/Plaintiff's property and removed more than \$2,000 worth of Petitioner/Plaintiff's building materials straight off of Petitioner/Plaintiff's licensed, and registered motor vehicle, and utility trailer, claiming that his organized, and weather protected materials were 'garbage'.

33. Petitioner/Plaintiff immediately filed a Notice of Appeal on 8-9-23, the same day that his sanctioned building materials were removed by HAND. A Hearing date was set for 8-15-23, on

which date the Court ordered all proposed motions moot, as the Abatement Order had expired on 8-11-23.

34. Following the Hearing on 8-15-23, just two days later, HAND issued a Notice of Violation with a \$50 fine for ‘scattered garbage’, and a new Request for Abatement, on 8-17-23. These accusations were made even though for approximately one year, HAND had yet to come onto Petitioner’s property, as requested by Petitioner, to specifically point out any non-compliant material possessions. This same day fine, and Request to Abate Petitioner’s property did not follow the administrative procedure of: First, the issuing of a Notice of Violation (NOV) Warning; Second, the issuing of a NOV with a fine; Third, the issuing of a NOV with a doubled fine; Fourth, the issuing of a NOV with a tripled fine; Fifth, the issuing of a Request for Abatement. All five of these procedural stages allow for a property owner to remedy the situation, and also make an appeal at each stage in challenge of the alleged infractions. HAND simply ignored these rights to due process by the property owner.

35. Petitioner appealed the new alleged violation fine, and Request for Abatement.

36. On 9-29-23, Petitioner received an email from assistant City Attorney Christopher Wheeler stating that the Notices of Violation issued on 8-17-23 from both HAND, and a concurrently 8-17-23 NOV issued by the Department of Planning & Transportation were based on the same general evidence. As mentioned before by Petitioner, HAND states that Petitioner’s organized, and weather protected, building materials, tools, and installed art are “garbage.” The Notice of Violation from Planning & Transportation insinuates that these same material items are illegally stored outside.

37. Aware of the lack of responsive communication that was being withheld by HAND, and the Department of Planning & Transportation, toward the Petitioner over the almost 14 previous months, Corporate Counselor, Beth Cate, for the City of Bloomington, offered to pull together the department heads of HAND, Planning & Transportation, the Monroe County Building Department, and herself, from City Legal for an on-site meeting at Petitioner’s property. The goal of this on-site meeting at Petitioner’s property was to identify sanctioned building materials being employed in Petitioner’s property improvement, and to set up some reasonable timeline to remedy or achieve compliance with any material possessions deemed non-compliant.

38. On 11-2-23, John Zody (HAND), Scott Robinson (Planning & Transportation), Bobby LaRue (Monroe Co. Building Department), Beth Cate (City Legal), and the Petitioner met at the Petitioner's property. After one hour of meeting, it was decided that Petitioner would prepare an inventory of building materials being utilized in his property improvements for Planning & Transportation, and that John Zody from HAND, would personally come back to Petitioner's property to identify any 'scattered garbage or rubbish'. Finally, Petitioner felt like this was the communication progress that he had been requesting for the last 14 months.

39. However, both Planning & Transportation, and HAND decided to go ahead with their prosecutions before the Board of Zoning Appeals (BZA), on 11-16-23, and the Board of Public Works (BPW), on 11-21-23. They did this as a tactic to weaken the Petitioner's position of defending his rightfully allowed building materials and installed art, despite the fact that the promised appointments to discuss the path forward for recognized compliance, from the Department of Planning & Transportation, and HAND had not even been scheduled, or taken place.

40. The outcome of both appeals before the BZA, and the BPW were denied resulting in fines of nearly \$8,000 dollars from the BZA, and a fine and Order granting abatement by the City coming from the BPW.

41. On 12-1-23, Petitioner received an email from John Zody, of HAND, stating that HAND would be coming to Abate Petitioner's property on 12-7-23.

42. BMC 6.06.020 is a vaguely written statute stating that *it is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage recyclable materials or yard waste to be placed or deposited upon the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it.*

43. Not only do HAND, and City Legal, falsely present to the Public Works Board a claim that the Petitioner's valuable assets are *garbage*, without any specificity, but they also have inserted into their prosecution, and Order for Abatement, the following wording: *...rubbish, trash, or other refuse...* which is not in BMC 6.06.020. From the beginning of Petitioner's appeals before the BPW in 2022, HAND and City Legal have misled the BPW members with a false presentation of the actual code. It appears that HAND, and City Legal arbitrarily rewrite City Ordinance to serve their own prosecutorial interests. This is all on top of their tactic to be

non-responsive to Petitioner's 15 months of requests for specific detail of any of his non-compliant possessions.

44. These arbitrary and capricious prosecutions from HAND, and City Legal are not based on facts. For this reason, the Petitioner is appealing the Board of Public Works decisions to fine, and issue an Order for Abatement for the Petitioner's property, because the Petitioner has never received a listing of alleged non-compliant possessions. Nor, has he been given the opportunity to remedy the existence of any such non-compliant items in this situation.

45. Also, in the Order for Abatement issued by the BPW for the Petitioner's property based on violation of BMC 6.06.020, the Order says that *rubbish* will be removed by the City. *Rubbish* is not an item in BMC 6.06.020 as can be seen in paragraph 28 above.

46. The BPW has affirmed the requested actions of HAND without either the Petitioner, or HAND, or the Board knowing the facts. With this the BPW has become a meaningless rubber stamp for the desires of HAND, and City Legal. With no oversight by the BPW of the lack of transparency in HAND, and City Legal's actions, the Petitioner has no meaningful way to thwart these denials of his rights to due process under the law. Therefore, these Orders from the BPW should be set-a-side. The Petitioner needs to have the Court tell the BPW to tell HAND to honor the Petitioner's request for the facts. Anything less is a miscarriage of justice.

WHEREFORE, the Petitioner humbly asks the Court to review the administrative decisions of the Board of Public Works and reverse their denials of Petitioner's appeals of the violation fine, and the Order of Abatement. In so doing, Petitioner asks the Court to either Order the Board of Public Works to present a record of the entire official hearing proceedings from 2022 to the present for the Court's review, or to initiate a Trial De Novo, and for all other relief just and proper in the premises.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following through the Indiana Courts efile, and serve, system on December 21, 2023:

City of Bloomington Board of Public Works
C/O Christopher Wheeler, and Colleen Megumi Newbill
401 N. Morton St., Suite 220
Bloomington, IN 47404

/s/ Joseph Bradley Davis
Joseph Bradley Davis, Pro Se
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

Next Claimant Action Filed as Petitioner

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	) SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C08-2408-MI-002254
JOSEPH BRADLEY DAVIS,	)	
<i>Petitioner,</i>	)	
	)	
v.	)	
	)	
CITY OF BLOOMINGTON	)	
BOARD OF PUBLIC WORKS,	)	
<i>Respondent.</i>	)	

**VERIFIED PETITION FOR JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY
ACTIONS**

COMES NOW Petitioner, Joseph Bradley Davis, Pro Se, who affirms, under the penalties for perjury, that the ensuing representations are true. I, the Petitioner, Joseph Bradley Davis, Pro Se, file this *Verified Petition for Judicial Review of Administrative Agency Actions*, for relief from actions taken by the City of Bloomington Board of Public Works (“BPW”), as these actions were in violation/denial of both Petitioner’s State, and Federal Constitutional and Statutory rights to due process of law. And, that these decisions were based on evidence that was obtained in violation of the Petitioner’s same Constitutional and Statutory rights to due process of law. As such, Petitioner respectfully moves the Court to Set-a-side the Decisions made by the City of Bloomington Board of Public Works, and reverse and remand back to the same for Court

directed re-hearings on Petitioner’s Appeals of Notices of Violation and Court directed re-hearings on Petitioner’s Appeals of Requests for Abatement issued by the Department of Housing and Neighborhood Development (“HAND”). In support of such relief, Petitioner states the following:

I. INTRODUCTION

1. This case comes before the Court on the Petitioner’s request for judicial review of eight decisions made by the Bloomington Board of Public Works (“BPW”).

2. The first set of September 27, 2022, BPW decisions denied the Petitioner’s appeal of September 7, 2022, Notices of Violation (“NOV”), and fines, which were issued by the Bloomington department of Housing and Neighborhood Development (“HAND”) to the Petitioner for the alleged violations of Bloomington Municipal Code (“BMC”) § 6.06.020, and § 6.06.050.

§ 6.06.020 reads as follows:

It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it.

§ 6.06.050 reads as follows:

It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of 8 inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

3. The second set of October 22, 2022, BPW decisions denied Petitioner's appeal of October 7, 2022, NOV which were issued by HAND to the Petitioner for the same alleged violations of BMC § 6.06.020, and § 6.06.050.

4. The fifth March 14, 2023 BPW decision approved HAND's first request to abate the Petitioner's property. This first *Notice of Request for Abatement* was issued around the end of February, and received, by the Petitioner, by USPS first class mail, with a date of postage as March 1, 2023. The Petitioner's appeal of the *Request for Abatement* was heard, and denied, by the BPW on March 14, 2023.

5. The sixth and seventh November 21, 2023, BPW decisions denied the Petitioner's appeals of an August 17, 2024, NOV which was issued by HAND to the Petitioner for the same alleged violation of BMC § 6.06.020, and also an appeal of a HAND' second request to abate the Petitioner's property. This second *Notice of Request for Abatement* was issued to the Petitioner, on the same NOV date of August 17, 2023. There were two hearing dates in which the Petitioner presented some of his materials in support of his appeal of both the NOV and the *Request for Abatement*, that were issued on the same August 17, 2023, day. The first appeal hearing before the BPW took place on October 10, 2023. This hearing was continued, and concluded, on November 21, 2023.

6. The eighth July 2, 2024, BPW decision denied the appeal of a recent NOV, and fine, that was issued by HAND for violation of BMC § 6.06.050, on May 3, 2024.

7. A subsequent NOV, with a doubled fine, was issued to the Petitioner for the same § 6.06.050, on June 12, 2024. The appeal date before the BPW, for this NOV and fine, has yet to be set pending the outcome of this new action for judicial review in the matter now before us.

II. BRIEF STATEMENT OF FACTS

8. The Petitioner is a residential homestead property owner at 530 S. Washington St., Bloomington, IN 47401, under parcel number 53-08-04-214-018.000-009 and whose legal description is 015-13650-00 Bowles Lot 10 (the “Property”).

9. Over the course of the last two years, Petitioner has experienced a pattern of HAND issuing NOV against the Petitioner’s property without HAND making themselves available for fair notice. Nor, have they provided periods in which the Petitioner might remedy such alleged violations.

10. Despite repeated requests, by multiple modes, on multiple dates, HAND has denied Petitioner of the specific evidentiary facts that have been necessary for his understanding of alleged violations and a meaningful path toward remedy of the same.

11. HAND has exhibited arbitrary and capricious prosecution of Petitioner denying him equal treatment under the law.

12. HAND has abused its discretion in interpreting Bloomington Municipal Code (“BMC”), while also disregarding BMC ordinance that directs administrative procedure and process in the compliance activities performed by their department.

13. These due process denials by HAND were then used by the BPW as evidence in their adjudicative procedures. This lack of substantive due process by the BPW has resulted in a rinse and repeat scenario of injustice toward the Petitioner for over two years now, and looks to be a pattern repeated into the future, as well.

WHEREFORE, Petitioner humbly asks the Court to vacate the orders of the Board of Public Works issued on September 27, and November 22, 2022, March 14, November 21, 2023, and July 2, 2024. In granting the relief requested by the Petitioner, the Court should remand all BPW NOV, and request for abatement hearings back to the BPW for re-hearing, with direction to the BPW to ensure that the Petitioner receives a fair hearing with discovery, procedural and substantive due process. The evidence used in such BPW re-hearing of NOV, and requests for abatement should be based on HAND having provided fair notice, procedural and substantive due process to the Petitioner in their code enforcement activities. Further, an appropriate means of presenting, and preserving party evidence must be created to ensure the timely provision of evidence and requested discovery to Petitioner. This permanent “evidence locker” should also allow Petitioner to easily upload evidence to be used in his own defense. Following an evidentiary upload to the locker, a verification notice of successful submittal should be communicated to the uploader’s email that guarantees that submitted evidence has been distributed effectively to those same parties. Besides the creation of an “evidence locker” tool, a better way/process in which to request discovery needs to be created, as well. Currently, departmental discovery requests often go unanswered with the department passing the discovery burden to the already over tasked City Legal department. This “buck’ passing has

created layers of bureaucracy that ultimately dilute the received content of the provided discovery from that originally requested by Petitioner. Requests for discovery should be directly honored by both department, and City Legal. This substantive due process will go far in ensuring social equity is available to all of Bloomington's citizenry.

The Petitioner, Joseph Bradley Davis, Pro Se, verifies that the aforementioned statements above are true.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following, by the Indiana Courts E-File, and serve system, on (or around) August 31, 2024:

City of Bloomington Board of Public Works

401 N. Morton St., Suite 220

Bloomington, IN 47404

(812) 349-3426

legal@bloomington.in.gov

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

Smile House Museum of

Found & Contemporary Art

530 S. Washington St.

Bloomington, IN 47401

930-904-0598

balebuilder@gmail.com

Next Claimant Action Filing as Petitioner

STATE OF INDIANA	)	IN THE MONROE CIRCUIT COURT
	) SS:	
COUNTY OF MONROE	)	CAUSE NO. 53C08-2312-MI-002703
JOSEPH BRADLEY DAVIS,	)	
<i>Petitioner,</i>	)	
	)	
Vs.	)	
	)	
CITY OF BLOOMINGTON	)	
BOARD OF PUBLIC WORKS,	)	
<i>Respondent.</i>	)	

PETITIONER'S VERIFIED MOTION TO RECONSIDER GRANT OF RESPONDENT'S MOTION TO STRIKE

COMES NOW Petitioner, Joseph Bradley Davis, Pro Se, who affirms, under the penalties for perjury, that the ensuing representations are true. I, the Petitioner, Joseph Bradley Davis, Pro Se, submit this *Petitioner's Verified Motion to Reconsider Grant of Respondent's Motion to Strike*, which stems from the filing of *Petitioner's Verified Motion and Response to Court Ruling and/or Order ("Original Motion and Response to Court Ruling")*, *Petitioner's (First) Verified Response to Respondent's Motion to Strike ("First Amendment to Motion and Response to Court Ruling")*, and *Petitioner's (Second) Verified Response to Respondent's Motion to Strike ("Second Amendment to Motion and Response to Court Ruling")*, made by Petitioner, and in support states the following:

**UNDISPUTED FACTS OCCURRING POST ADVERSE JUDGEMENT THAT LED TO
FILING OF PETITIONER'S VERIFIED MOTION AND RESPONSE TO COURT
RULING AND/OR ORDER**

1. On October 15, 2024, the Court issued a ruling contrary to the Petitioner's civil rights toward justice.
2. Petitioner received e-notice of this decision on October 17, 2024.
- 3 . Petitioner filed a Notice of Appeal with Request for Stay of Injunction on October 17, 2024.
4. On October 18, 2024, the Court directed the City of Bloomington Board of Public Works to notify the Court if they intend to respond to the motion to stay pending appeal filed by the Plaintiff (Petitioner.)
5. On October 21, 2024, after hours the City of Bloomington Board of Public Works noticed the Court of their intention to Abate the Petitioner's property the following morning.

6. On October 22, 2024, starting at 8:30 am, the Petitioner was irreparably harmed with the removal of his personal property by HAND, City Legal, and their 3rd party contractor, Fire Dawgs of the Indianapolis area.
7. Upon realizing that the City of Bloomington Board of Public Works was destroying his perimeter fencing, at 8:30 am, on October 22, 2024, Petitioner ran, on foot, to the Charlotte T. Zietlow Justice Center to file an Emergency Injunction with the Court to inhibit Petitioner's continued irreparable loss, and damage.
8. Despite Petitioner's filed Emergency Injunction, the Court denied Petitioner's motion only hours later on October 22, 2024.
9. At the conclusion of the theft of the Petitioner's property by HAND on October 22, 2024, HAND compliance officer Rob Council told Petitioner that the Department of Planning & Transportation would be next coming to haul away my, Bureau of Motor Vehicles, registered, and plated, vehicles from Petitioner's back parking area.
10. As the City of Bloomington's Board of Public Works was arbitrary and capricious in their selection of Petitioner's personal property in removal, the petitioner still has valuable sanctioned building materials, and tools, and installed art, still present at Petitioner's property, which are still potentially in jeopardy of removal by the City of Bloomington.
11. Therefore, Petitioner filed his *Petitioner's Verified Motion and Response to Court Ruling and/or Order* ("*Original Motion and Response to Court Ruling*"), on October 28, 2024.
12. This *Original Motion and Response to Court Ruling*, requesting relief from judgement, contained several motions to protect the Petitioner's remaining personal assets and property, with attachments in support of said protection. A motion to the Court to reconsider its adverse

judgment made on October 16, 2024, was included, as well. These motions for relief from judgment can be clearly seen in the opening paragraph of the filing as follows, “(Petitioner submits) this *Petitioner’s Verified Motion and Response to Court Ruling and/or Order* and respectfully moves the Court to *Set-a-side the Decisions made by the Court, and set a hearing for the appeal of the denied request by Petitioner for stay of Injunction, and to also hear this Motion for Declaratory Abatement with Notice.*”

EVENTS POST FILING OF PETITIONER’S ORIGINAL MOTION AND RESPONSE TO COURT RULING

13. On November 6, 2024, the City of Bloomington filed its *Motion to Strike* Petitioner’s *Original Motion and Response to Court Ruling*. In so doing, Respondent alleges unnecessary duplication of argument, and evidence, were the main of Petitioner’s request for relief from judgement. And that all new facts presented, and those evidenced by exhibit attachment were not material as they had already been fully adjudicated, or they were post the Court’s adverse judgment against Petitioner.

14. In clarifying response to Respondent’s *Motion to Strike*, Petitioner filed his *Petitioner’s (First) Verified Response to Respondent’s Motion to Strike (“First Amendment to Motion and Response to Court Ruling”)*, on December 4, 2024, to better address Respondent’s concerns. This *First Amendment to Motion and Response to Court Ruling* dramatically reduced the alleged unnecessary redundancy in Petitioner’s original request for relief from judgment, while again presenting the same motions for relief.

15. On December 16, 2024, sua sponte, the Court invited Petitioner an additional opportunity to respond to the concerns of Respondent, City of Bloomington, that were voiced in their *Motion to Strike*.

16. On January 7, 2025, Petitioner filed his *Petitioner's (Second) Verified Response to Respondent's Motion to Strike* ("Second Amendment to Motion and Response to Court Ruling") to further address the Respondent's concerns. In this even more refined request for relief from judgment, Petitioner again made motion to set hearing for stay, and declaratory abatement.

17. On February 5, 2025, the Court granted the Respondent's *Motion to Strike*, ignoring the Petitioner's reasonable requests for relief through motion to set hearing on stay, and declaratory abatement. Further, the Court vanquished Petitioner's Original, and two amended requests for relief from judgement from inclusion in the Record on Appeal. This excessive ruling ignored the two clarifying, redundancy reducing amended filings as if without existence. However, given as a whole these requests for relief are material and should be a part of the Record on Appeal.

WHEREFORE, in his pursuit for relief, Petitioner humbly moves the Court to include all motions and amended motions for relief from judgement to be included in the record on appeal, and for all other relief just and proper.

The Petitioner, Joseph Bradley Davis, Pro Se, verifies that the aforementioned statements above are true.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

Smile House Museum of
Found & Contemporary Art

530 S. Washington St.

Bloomington, IN 47401

930-904-0598

balebuilder@gmail.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served upon the following, by the Indiana Courts E-File, and serve system, on March 7, 2025:

City of Bloomington Board of Public Works

401 N. Morton St., Suite 220

Bloomington, IN 47404

(812) 349-3426

legal@bloomington.in.gov

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

Smile House Museum of

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Bloomington, IN 47401

930-904-0598

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**Next Claimant Action Filing as Petitioner/Appellant with Gross Undervalue of
Personal Property Removed by City of Bloomington**

**IN THE
COURT OF APPEALS OF INDIANA**

NO. 24A-MI-02786

Joseph B. Davis	)	Appeal from the Monroe County
	)	Circuit Court 8
<i>Appellant,</i>	)	
	)	Case No: 53C08-2312-MI-002703
v.	)	
	)	
City of Bloomington	)	The Honorable Emily A. Salzmann, Judge
Board of Public Works,	)	
	)	
<i>Appellee.</i>	)	

**VERIFIED PETITION AND MOTION FOR RECONSIDERATION OF
ORDER DISMISSING APPEAL**

COMES NOW Appellant, Joseph Bradley Davis, Pro Se, who affirms, under the penalties for perjury, that the ensuing representations are true. I, Joseph Bradley Davis, Pro Se, am the Appellant in the above-entitled case, and pursuant to Appellate Rule 54 (A)(3), and (B), submit

this Appellant's *Verified Petition and Motion for Reconsideration of Order Dismissing Appeal* and hereby move the Court of Appeals to Set-a-side the *Decision* made by the Court of Appeals dismissing the *Notice of Appeal*, made by the Appellant, and in support states the following:

STATEMENT OF FACTS

1. On December 13, 2024, the Court of Appeals ordered the dismissal of the Appellant's *Notice of Appeal* filed with the Clerk of the Court of Appeals on November 16, 2024, at 12:02 AM.
2. This *Notice of Appeal* was filed in response to an adverse judgment from the Trial Court in the above-entitled case. This adverse judgment was entered into the Trial Court's Chronological Case Summary (the "CCS") by the Clerk of Court 8 on October 16, 2024.
3. The Appellant received E-notice of the Trial Court's adverse judgement on October 17, 2024, at 4:10 AM.
4. The Appellant received a physical Service copy of the Trial Court's adverse judgement from the Monroe County Clerk's Office later on that same morning of October 17, 2024.
5. Subsequent to receiving the Service copy of the Trial Court's Ruling, the Appellant filed a *Notice of Appeal* with the Monroe County Clerk on that same day of October 17, 2024.
6. In the Appellant's *Notice of Appeal* the Appellant stated that he would be filing a *Notice of Appeal* with the Indiana Court of Appeal within 30 days of his *Notice of Appeal* that was filed with the Trial Court on that day of October 17, 2024. The Appellant also asked for a Stay of Injunction in the same *Notice of Appeal* filing.
7. On October 18, 2024, the Trial Court asked the Respondent, City of Bloomington, if they were going to respond to the Appellant's request for Stay of Injunction?

8. There was no correction from the Trial Court to the Appellant stating that he must make his timely Appeal to the Appellate Court within 30 days of the CCS adverse judgment entry, as opposed to the Appellant's explicit statement that he would file within 30 days of his *Notice of Appeal* filed with the Trial Court on October 17, 2024.

9. On October 21, 2024, after business hours, the Respondent, City of Bloomington filed a response to the Trial Court indicating that they were going to abate the Appellant's property without Notice the following morning of October 22, 2024. The Respondent provided both Notice and Service of their intention on October 22, 2024, by taping a Service copy, of their after close of business filing the night before on October 21, 2024, on the Appellant's front porch gate.

10. Then, the City of Bloomington proceeded to remove seven to eight dump trucks volume of the Appellant's sanctioned and permitted building materials and other personal property from the Appellant over the course of the day on October 22, 2024. The Appellant estimates the value of his lost property to be around \$100,000 or one hundred thousand dollars.

11. On October 28, 2024, the Appellant filed a motion for *Stay of Injunction* and *Declaratory Abatement with Notice*.

12. On December 5, 2024, the Appellant filed a motion to Correct Errors, in which the Trial Court granted a *Motion to Strike* filed by the Respondent. This Grant of the *Motion to Strike* was issued before the Appellant had received Service of the Respondent's *Motion to Strike*.

13. On December 16, 2024, the Trial Court received Notice from the Appellate Court dismissing the Appellant's Notice of Appeal based on a perceived untimeliness.

14. On December 16, 2024, the case was re-opened by the Trial Court pending a response from the Appellant in regard to the late Service of the Motion to Strike filed by the Respondent. The Grant of the Respondent's *Motion to Strike* was vacated by the Court.

15. On December 17, 2024, the Trial Court E-noticed the parties of the Appellate Court's dismissal of the Appellant's Appeal.

16. The Appellant filed his response to the Respondent's *Motion to Strike* on January 7, 2025.

17. The Trial Court is currently taking matters into consideration following Appellant's filed response to this still pending lawsuit.

ARGUMENTS FOR RELIEF AND RE-OPENING OF APPEAL

18. Though Appellate Rule 9 (A)(1) states that the Appellant's Notice of Appeal must be filed with the Clerk of the Court of Appeals 30 days from the entry of an adverse judgement from a Trial Court, the practical date for the 30 day count, in fairness, should run from the date of Notice and Service, as is common practice in the Indiana Rules of Trial Procedure. Otherwise, the strict adherence to CCS entries can be as many as three days prior to true Notice and Service.

19. The Appellant received E-notice of the Trial Court's adverse judgement on October 17, 2024, at 4:10 AM.

20. The Appellant received a physical Service copy of the Trial Court's adverse judgement from the Monroe County Clerk's Office later on that same morning of October 17, 2024.

21. Subsequent to receiving the Service copy of the Trial Court's Ruling, the Appellant filed a *Notice of Appeal* with the Monroe County Clerk on that same day of October 17, 2024.

22. In the Appellant's *Notice of Appeal*, the Appellant stated that he would be filing a *Notice of Appeal* with the Indiana Court of Appeal within 30 days of his *Notice of Appeal* that was filed with the Trial Court on that day of October 17, 2024. The Appellant also asked for a Stay of Injunction in the same *Notice of Appeal* filing.

23. On November 16, 2024, at 12:02 AM, the Appellant filed his *Notice of Appeal* with the Clerk of the Court of Appeals. This was 23 hours and 57 minutes prior to the 30-day deadline from which the Appellant received E-notice, and physical Service of the Trial Court's adverse judgement. The Appellant's *Notice of Appeal* filing was also within the 30-day time frame that the Appellant indicated that he would with his *Notice of Appeal* filed with the Trial Court on October 17, 2024.

24. Explicitly stated in his October 17, 2024, *Notice of Appeal* with the Trial Court was the intention to file his *Notice of Appeal* with the Appellate Court by November 16, 2024. The Trial Court had ample opportunity to correct any confusion by the Appellant with the inconsistency of timeliness between the Indiana Rules of Trial Procedure and the Rules of Appellate Procedure. However, the Trial Court neglected to clarify this procedural inconsistency.

25. Even by the strictest interpretation of Indiana Appellate Rule 9 (A)(1), that the 30-day count for timeliness begins from the entry of an adverse judgement in the CCS, the Appellant's filing could only be construed as being untimely by less than 3 minutes duration, as his filing was time-stamped at 12:02 AM on November 16, 2024, and not completed by 11:59 and 59 seconds being the CCS entry 30-day deadline.

26. There was excusable neglect by the Appellant in his perceived lateness of under 3 minutes. As the Appellant is Pro Se in representation, he does not have the familiarity of how to navigate the Indiana Court's E-file system like an attorney who is a trained member of the Bar. The Appellant had a very difficult time trying to enter the Service contacts for the Appellee, City of Bloomington.

27. The Tyler E-file interface was also very slow to process the submitted filing made by the Appellant. Another minute, or more, was lost to the Tyler processing of the Appellant's submission, pushing the time stamp into the AM of the next day November 16, 2024, at 12:02.

28. Despite an untimely period of under 3 minutes, the *Notice of Appeal* filed by the Appellant with the Court of Appeals is substantive to the serious issues of denial of civil rights, and fairness in the miscarriage of Due Process by the City of Bloomington, and the Trial Court against the Appellant. As stated in the facts above, this still pending Trial Court case has already resulted in a loss around \$100,000 Dollars to the Appellant by the removal of his personal property. This does not include the nearly 3,800 hours of the Appellant's time in which he has

made appeals to the City of Bloomington and subsequently filed suit in the Monroe County Trial Courts for relief through Pro Se litigation.

29. The Appellate Court has discretion to re-open the Notice of Appeal made by the Appellant in pursuit of fairness and relief from the ongoing damages that are being inflicted upon the Appellant by the City of Bloomington.

WHEREFORE, the Appellant humbly moves the Court of Appeals to Grant relief for the petitioning Appellant by vacating its decision to dismiss the Appellant's *Notice of Appeal* for good cause shown. And, to re-open said *Appeal* such that Appellant may continue the process forward in his pursuit of adjudicative remedy of a just and fair outcome. The Appellant asks for this and all other relief just and proper.

The Appellant, Joseph Bradley Davis, Pro Se, verifies that the aforementioned statements above are true.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis

January 13, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this day of January 13, 2025, the foregoing was served upon the following person, Larry Dean Allen, Counsel for the Appellee, City of Bloomington, Board of Public Works, 401 N. Morton St., Suite 220, Bloomington, IN 47404 by Efileincourts.gov :

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
Smile House Museum of Found & Contemporary Art
530 South Washington Street
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com

WHEREFORE, based on the facts stated above in the body of the letter and the included legal filings, claimant, Joseph Bradley Davis, in relief seeks monetary damages compensatory and punitive from the City of Bloomington for its acts against the claimant resulting in injury and harm to the claimant, and his associates, for infliction of emotional distress, for claimant as invasions of property and privacy, destruction of claimant's real property and improvements, loss of personal property and assets and their fair use, loss of income and opportunity, intimidation inflicted upon the claimant, pain and suffering, actual harm and expense, cost of repairs, or replacement value of property, with compensatory damages not taxed. This list of potential damages is not all inclusive as claimant will continue to learn more about the extent of his injury as discovery continues.

The claimant, Joseph Bradley Davis, verifies that the aforementioned statements above are true.

Respectfully submitted,

/s/ Joseph Bradley Davis

Joseph Bradley Davis,
Smile House Museum of
Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
930-904-0598

CERTIFICATE OF SERVICE

I hereby certify that on this day of April 19, 2025, the foregoing was served by USPS Certified Mail Return Receipt, upon the Mayor, Kerry Thomson, City of Bloomington, Legal Department, 401 N. Morton St., Suite 220, Bloomington, IN 47404 by claimant:

/s/ Joseph Bradley Davis

Joseph Bradley Davis, Pro Se
Smile House Museum of Found & Contemporary Art
530 South Washington Street
Bloomington, IN 47401
930-904-0598
balebuilder@gmail.com