

STATE OF INDIANA	)	IN THE KOSCIUSKO CIRCUIT COURT
	)SS:	
COUNTY OF KOSCIUSKO	)	CAUSE NO. 43C01-1710-PL-000105
KOKOMO GRACE UNITED	)	
METHODIST CHURCH, INC.	)	
Plaintiff,	)	
	)	
	)	
EPWORTH FOREST ADMINISTRATION	)	
COMMITTEE, INC.,	)	
Defendant.	)	

**DEFENDANT’S MOTION TO ADD ADDITIONAL PARTIES**

COMES NOW the Defendant, Epworth Forest Administration Committee, Inc., (“EFAC”) by counsel, Matthew Shipman of Bloom Gates Shipman & Whiteleather, LLP, and pursuant to Indiana Trial Rule 19(A) would state as follows:

1. Plaintiff has filed a Complaint for Declaratory Relief seeking a judgment from this Court that the Defendant’s community Pier be removed from its current location adjacent to property owned by the Plaintiff.

2. Pursuant to the responsibilities given them by this Court, EFAC is charged with the responsibility of developing, maintaining and establishing community piers where possible in Epworth Forest.

3. If the Court grants the relief that the Plaintiff is seeking, those off-shore owners currently assigned to the community pier may not have a pier space in Epworth Forest.

4. Indiana Trial Rule 19(A)(2) states a person shall be joined as a party if: “he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may: (a) as a practical matter impairs or impeded his ability to protect that interest.”

5. Further, Ind. Code § 34-14-1-11 provides that, “[w]hen declaratory relief is sought, all persons shall be made parties who have or claim any interest that would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.”

6. The rule regarding joinder of parties “does not set forth a rigid or mechanical formula for making the determination, but rather is designed to encourage courts to apprise themselves of the practical considerations of each individual case. . .” *LBLHA v. Town of Long Beach*, 28 N.E.3d 1077 (Ind. Ct. App. 2015).

7. As such, the property owners who are assigned a pier space on the Group Pier should be added as additional parties to this action pursuant to Indiana Trial Rule 19(A) as there interest will be affected if the Court determines that the community pier cannot be located on property adjacent to property owned by the Plaintiff.

8. Plaintiff has indicated that they object to this Motion.

WHEREFORE, Defendant respectfully requests that the Court add those parties who have an assigned pier space on the community pier to this action pursuant to Ind. Tr. R. 19, and for all other right and proper relief in the premises.

Respectfully submitted,

BLOOM GATES SHIPMAN & WHITELEATHER, LLP

/s/ Matthew R. Shipman  
Matthew R. Shipman (Atty. No. 20664-49)  
Attorney for Defendant  
119 S. Main Street  
P.O. Box 807  
Columbia City, Indiana 46725  
Telephone (260) 248-8900

**CERTIFICATE OF SERVICE**

I certify that on January 9, 2018, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on January 9, 2018, the foregoing document was served upon the following persons(s) via IEFS:

Richard K. Helm  
ROCKHILL PINNICK LLP  
rhelm@rockhillpinnick.com

/s/ Matthew R. Shipman  
Matthew R. Shipman