

IN THE KOSCIUSKO CIRCUIT COURT  
KOSCIUSKO COUNTY, INDIANA

KOKOMO GRACE UNITED  
METHODIST CHURCH, INC.,  
Plaintiff,

v.

CAUSE NO: 43C01-1710-PL-000105

EPWORTH FOREST ADMINISTRATION  
COMMITTEE, INC.,  
Defendant.

**COMBINED REQUEST FOR ADMISSIONS, INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

The Plaintiff now presents to the Defendant, Epworth Forest Administration Committee, Inc., the following discovery requests. These include requests for Admissions. As to each request for admission, you are requested to admit the genuineness and truth of the matters set out, within 30 days from the date of the service of this Request upon you. The requested admissions are for the purpose of this action only, and your responses must be made pursuant to the provisions of Trial Rule 36.

As to each Interrogatory propounded in this discovery, you are requested to respond pursuant to Trial Rule 33. You must serve your answers and objections upon the Plaintiff's attorney within 30 days of your receipt of these Interrogatories. All answers are required to be made separately and fully in writing and under oath. If an Interrogatory is objected to, the reasons for such objection must be stated in lieu of an answer. Answers are to be signed by the person making them and the objections are to be signed by the attorney making them.

The Interrogatories contained herein are continuing in nature and to the extent that information which cannot be obtained at the time of answering becomes known or available later, or to the extent

that your present answer changes in the future by virtue of changes and conditions, or to the extent that your answer(s) become misleading, you are requested to furnish the new information and supplement your answers as and when such information becomes available.

The Interrogatories are directed to your personal knowledge, records, and other information, and also the knowledge, records, and other information of your attorneys, investigators, experts, or other representatives who have presently or have had in the past a common interest with you in relation to the cause of action claimed for relief in this case. You are requested to obtain and furnish such information as it can be obtained, even though you do not presently have it recorded, separately noted, or in your possession.

As to the Request for Production of Documents herein, the Request is made pursuant to Indiana Trial Rule 34. You are requested to allow, pursuant to this rule, inspection and copying of the requested documents which are in your possession, custody, or control. Such production shall be at the offices of Rockhill Pinnick LLC, 105 East Main Street, Warsaw, Indiana 46580 on the \_\_\_ day of \_\_\_\_\_, 2018, at 1:30 p.m. In the alternative, you may respond to the Request for Production of Documents by producing legible copies, unaltered, and attaching them to a written response, which written response shall certify that the copies are unaltered and are a complete copy of the original.

**INTERROGATORY NO. 1:** Please provide the name, address, and office or authority of the person signing this discovery on behalf of Epworth Forest Administration Committee, Inc. (hereinafter "EFAC").

**ANSWER:**

**INTERROGATORY NO. 2:** Please provide the name(s) and address of any other person providing data, information, or documents for the purpose of preparing your discovery responses herein.

**ANSWER:**

**REQUEST FOR ADMISSION NO. 1:** Please admit that Real Estate located at 8521 East Wade Lane, North Webster, Indiana is:

- a) Within the jurisdiction of EFAC with regard to lakeshore frontage and pier assignments;
- b) Is listed in Exhibit E to the Court's January 21, 2014, Order as part of pier space 64.

**RESPONSE:**

**INTERROGATORY NO. 3:** If either part of the preceding Request for Admission No. 1 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 1:** If the preceding Request for Admission No. 1, or either subsection thereof, is

answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 2:** Attached to these discovery materials is Exhibit 2 to the Complaint, which is a recorded deed from Indiana Conference of the United Methodist Church, Inc. to Kokomo Grace United Methodist Church, Inc. (hereinafter "Kokomo Grace"): Please admit this is a deed from the Conference to Kokomo Grace for the lakefront at 8521 East Wade Lane, North Webster, Indiana, and lying between Lot 15 in Block B of plat of Epworth Forest and the waters of Webster Lake.

**RESPONSE:**

**INTERROGATORY NO. 4:** If the preceding Request for Admission No. 2 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 2:** If the preceding Request for Admission No. 2 is answered by anything other than an

unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 3:** Please admit that Kokomo Grace is the owner of the lakeshore described in the attached deed (Exhibit A) from the Conference to Kokomo Grace.

**RESPONSE:**

**INTERROGATORY NO. 5:** If the preceding Request for Admission No. 3 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 3:** If the preceding Request for Admission No. 3 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 4:** Attached to these discovery materials is Exhibit 2 to the Complaint, which is a recorded deed from Indiana Conference of the United Methodist Church, Inc. to

Trinity United Methodist Church of Huntington, Inc.: Please admit this is a deed from the Conference to Trinity United Methodist Kokomo Grace for the lakefront at 8557 East Wesley Lane, North Webster, Indiana, and lying between Lot 15 in Block B of plat of Epworth Forest and the waters of Webster Lake.

**RESPONSE:**

**INTERROGATORY NO. 6:** If the preceding Request for Admission No. 4 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 4:** If the preceding Request for Admission No. 4 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 5:** Please produce legible and unaltered copies of all documents, memoranda, drawings or written/electronic records which depict the location of any community pier or group pier administered/supervised by EPAC and/or

by Indiana Annual Conference of the United Methodist Church, Inc. from 2005 to current date.

**REQUEST FOR ADMISSION NO. 5:** Please admit that a community pier/group pier was maintained by the Indiana Annual Conference of United Methodist Church, Inc. and its predecessors prior to April 15, 2014.

**RESPONSE:**

**INTERROGATORY NO. 7:** If the preceding Request for Admission No. 5 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 6:** If the preceding Request for Admission No. 5 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 6:** Please admit that EFAC has in its possession or has access to the January 21, 2014, Order in Cause Number 43C01-9109-CP-732.

**RESPONSE:**

**INTERROGATORY NO. 8:** If the preceding Request for Admission No. 6 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 7:** If the preceding Request for Admission No. 6 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 7:** Please admit that, among other things, and notwithstanding that "the document speaks for itself", the January 21, 2014 Order referred to above states specifically at page 3 that "The onshore owners get first choice as to where they get to put their piers because they are the owner of the fee".

**RESPONSE:**



**INTERROGATORY NO. 9:** If the preceding Request for Admission No. 7 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 8:** If the preceding Request for Admission No. 7 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 8:** Please admit that Exhibit 3 to the Complaint herein (duplicate is attached for your convenience) is:

- a) An application for pier assignment from Kokomo Grace and directed to Indiana Conference of the United Methodist Church Epworth Forest Pier Administration.
- b) A true and accurate copy of the document.

**RESPONSE:**

**INTERROGATORY NO. 10:** If either part of the preceding Request for Admission No. 8 is answered by anything other than an unqualified admission, please provide any and all factual basis for your

response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 9:** If either part of the preceding Request for Admission No. 8 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 9:** Please admit that EFAC is the successor in interest to the Indiana Conference United Methodist Church with regard to the administration of pier locations within Epworth Forest pursuant to the April 15, 2014 Agreed Order entered in Cause Number 43C01-9109-CP-732.

**RESPONSE:**

**INTERROGATORY NO. 11:** If the preceding Request for Admission No. 9 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 10:** If the preceding Request for Admission No. 9 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 10:** Please admit that Exhibit 4 to the Complaint (duplicate copy attached for your convenience) contains a communication from Suzann Montovani to Kokomo Grace dated January 29, 2016.

**RESPONSE:**

**INTERROGATORY NO. 12:** If the preceding Request for Admission No. 10 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 11:** If the preceding Request for Admission No. 10 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 11:** Please admit that Suzann Montovani, on January 29, 2016, was the treasurer and a board member of EFAC.

**RESPONSE:**

**INTERROGATORY NO. 13:** If the preceding Request for Admission No. 11 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 12:** If the preceding Request for Admission No. 11 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 12:** Please admit that Exhibit 5 to the Complaint (copy attached for your convenience) is a true, accurate and unaltered copy of an email communication from Larry Murrell to the EFAC board dated April 19, 2017.

**RESPONSE:**

**INTERROGATORY NO. 14:** If the preceding Request for Admission No. 12 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 13:** If the preceding Request for Admission No. 12 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 13:** Please admit that Exhibit 6 to the Complaint (copy attached for your convenience) is a true, unaltered and accurate copy of an email communication from EFAC to Kokomo Grace dated April 14, 2017.

**RESPONSE:**

**INTERROGATORY NO. 15:** If the preceding Request for Admission No. 13 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 14:** If the preceding Request for Admission No. 13 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**REQUEST FOR ADMISSION NO. 14:** Please admit that Exhibit 7 to the Complaint (copy attached for your convenience) is a true, unaltered and accurate copy of an email communication from EFAC to Indiana United Methodist Church Conference, with a copy to Huntington Trinity and Kokomo Grace, dated April 13, 2017, and showing it is specifically from "EFAC Board of Directors".

**RESPONSE:**

**INTERROGATORY NO. 16:** If the preceding Request for Admission No. 14 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 15:** If the preceding Request for Admission No. 14 is answered by anything other than an

unqualified admission, please provide production of all documents which you rely upon for your response.

**INTERROGATORY NO. 17:** Do you claim that EFAC owns the fee title to the shoreline on Webster Lake immediately South of Lot 15 in Block B of Epworth Forest (Kokomo Grace property)?

**ANSWER:**

**INTERROGATORY NO. 18:** Do you claim that EFAC owns the fee title to the shoreline on Webster Lake, immediately South of Lots 13 and 14 in Block B of Epworth Forest (Trinity United Methodist Church of Huntington property)?

**ANSWER:**

**INTERROGATORY NO. 19:** If the answer to either of the above two preceding interrogatories is in the affirmative, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 16:** If your response to either Interrogatory No. 17 or Interrogatory No. 18 is in the affirmative, please provide production of all documents which you rely upon for your response.

**INTERROGATORY NO. 20:** Does EFAC claim any property rights in the lakeshore within the plat of Epworth Forest other than those declared in the judgments and/or orders of the Kosciusko Circuit Court in 1994, January 2014, and April 2014 all under Case Number 43C01-9109-CP-732?

**ANSWER:**

**INTERROGATORY NO. 21:** If your response to the preceding Interrogatory No. 20 is in the affirmative, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 17:** If the preceding Interrogatory No. 20 is answered in the affirmative, please provide production of all documents which you rely upon for your response.



**INTERROGATORY NO. 22:** Giving regard to Exhibit 6 of the Complaint, copy attached for your convenience, do you still claim that the "Epworth League Institute of the North Indiana Annual Conference of the Methodist Episcopal Church" is the owner of the shoreline south of Lot 15, Block B in Epworth Forest (Kokomo Grace property)?

**ANSWER:**

**INTERROGATORY NO. 23:** If your response to the preceding Interrogatory No. 22 was affirmative, i.e. indicates you still claim the Epworth Forest League Institute is the owner of the lakefront of the Kokomo Grace cottage, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 18:** If the preceding Interrogatory No. 22 is answered by anything other than an unqualified negative, please provide production of all documents which you rely upon for your response.

**INTERROGATORY NO. 24:** Does EFAC have in its possession or have access to the August 2, 1994 "Record of Submission, Findings of Fact

with Opinion and Judgment" of the Kosciusko Circuit Court in Cause Number 43C01-9109-CP-732 ("The 1994 Judgment").

**ANSWER:**

**REQUEST FOR ADMISSION NO. 15:** With reference to the 1994 Judgment please admit that it provides, in part, at page 12, that "Offshore owners and conference piers may not be placed...to create unreasonable inconvenience to onshore owners and the use of their own piers.

**RESPONSE:**

**REQUEST FOR ADMISSION NO. 16:** Do you admit that Kokomo Grace is an onshore owner?

**RESPONSE:**

**INTERROGATORY NO. 25:** If the preceding Request for Admission No. 16 is answered by anything other than an unqualified admission, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 19:** If the preceding Request for Admission No. 16 is answered by anything other than an unqualified admission, please provide production of all documents which you rely upon for your response.

**INTERROGATORY NO. 26:** Do you admit that a community pier/ group pier containing 24 slips for boats and placed on 50 feet of frontage is an unreasonable inconvenience to the onshore owner?

**ANSWER:**

**INTERROGATORY NO. 27:** If your response to the preceding Interrogatory No. 26 is other than an unqualified affirmative, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 20:** If the preceding Interrogatory No. 26 is answered by anything other than an unqualified affirmative, please provide production of all documents which you rely upon for your response.

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 21:** Please produce legible, unaltered, accurate and complete copies of the EFAC application to the Department of Natural Resources/National Resources Commission for a group pier permit(s) including all subsequent filings and pleadings in that cause of action which are part of the public record pending before the Administrative Law Judge.

**INTERROGATORY NO. 28:** With regard to Exhibit 11 to the Complaint (copy attached for your convenience) is this exhibit an accurate and unaltered copy of the By-laws of Epworth Forest Administration Committee, Inc.?

**ANSWER:**

**INTERROGATORY NO. 29:** If your response to the preceding Interrogatory No. 28 is in the negative, please provide any and all factual basis for your response, and the names and addresses of any witnesses who will provide any part of those factual basis, and a description of any documents which you believe provide a factual basis for your response.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 22:** If the preceding Interrogatory No. 28 is answered by anything other than an

unqualified affirmative, please provide production of all documents which you rely upon for your response.

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 23:** Please produce a legible, unaltered copies of all of the minutes of Board of Directors and any committees of the Epworth Forest Administration Committee, Inc. from April 15, 2014, to current date.

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 24:** Please produce legible, unaltered copies of any and all records (such as but not limited to writings, memoranda, letters, e-mails) within the possession or control of EFAC which mention either a community pier, a group pier, or Kokomo Grace United Methodist Church, Inc. (including abbreviations such as but not limited to "Kokomo Grace").

**REQUEST FOR PRODUCTION OF DOCUMENTS NO. 25:** With regard to the preceding Request for Production of Documents No. 24, please provide any and all such records and/or communications by, among, or between EFAC board members.

**INTERROGATORY NO. 30:** With regard to an e-mail from Epworth Forest Administration Committee sent Thursday, April 13, 2017, at 9:36 a.m., to a number of persons listed, please provide the following information:

- a) Is the attachment, Discovery Exhibit A, a true copy of the communication?

- b) What was the purpose of this communication?
- c) To what specific "vested interest" does the last sentence in the communication speak? Please describe the specific vested interest and the persons perceived to hold the vested interest.

**ANSWER:**

VERIFICATION

The undersigned affirms, under the penalties for perjury, that the above and foregoing representations are true to the best of my knowledge and belief this \_\_\_ day of \_\_\_\_\_, 201\_\_.

---

Respectfully submitted,

ROCKHILL PINNICK LLP



Richard K. Helm  
Attorney #7646-43  
105 East Main Street  
Warsaw, Indiana 46580  
574-267-6116  
Attorneys for Plaintiff

Certificate of Service

I hereby certify that a copy of the foregoing document was served upon Matthew R. Shipman, Bloom Gates, Shipman & Whiteleather, LLP, 119 S. Main St., P.O. Box 807, Columbia City, IN 46725, Attorney for Defendant, in accordance with Trial Rule 5, this 4<sup>th</sup> day of December, 2017.



Richard K. Helm

H:\WORDDOC\DISCOVERY\KokomoGraceCombinedDiscoveryRequest.docx