

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.

**DEFENDANT'S ANSWERS TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES,  
REQUEST FOR PRODUCTION  
OF DOCUMENTS AND REQUEST FOR ADMISSIONS**

Come now the Defendant, Epworth Forest Administration Committee, Inc., and in answer to Defendant's First Set of Interrogatories, Request for Production of Documents and Request for Admissions (hereinafter collectively "Discovery") and states as follows:

**PREFATORY STATEMENT, GENERAL OBJECTIONS AND RESERVATIONS**

1. Defendant objects to Plaintiff's Discovery to the extent they are not limited to the claims of the Plaintiff or the defenses of Defendant. Such requests for production are overly broad, unduly burdensome, and neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

2. Defendant objects to Plaintiff's Discovery to the extent they call for disclosure of information and documents that would violate: the privacy of third parties; the confidentiality of financial records; and all applicable state and federal statutes and regulations that protect records, reports or information from disclosure.

3. Defendant objects to Plaintiff's Discovery to the extent they call for information and documents protected from disclosure by the attorney work product doctrine, the attorney-client privilege and any other applicable doctrines or privileges.

4. Defendant's responses are made solely for purposes of this action. They are subject to all objections as to competence, relevance, materiality, and admissibility, and to any and all other objections on any grounds that would require the exclusion of evidence in court, all of which objections and grounds are expressly reserved so that these may be made at trial.

5. Defendant objects to Plaintiff's Discovery to the extent they purport to require Defendant to conduct an investigation to obtain information beyond those records currently in their possession, as unduly burdensome and oppressive.

6. Defendant objects to Plaintiff's Discovery to the extent they purport to require Defendant to produce materials which are equally accessible to Plaintiff or are in Plaintiff's possession.

7. The following Interrogatory responses are given without prejudice to Defendant's right to produce information or documents which Defendant may later recall or subsequently discover. Defendant accordingly reserves the right to change his responses as additional facts are ascertained, analyses are made, legal research is completed and contentions are formulated. Defendant's responses are made in a good faith effort to supply information presently known, and should in no way be to the prejudice of Defendant in relation to further discovery, research or analysis, and are made without prejudice to Defendant using or relying on at the trial any subsequently discovered documents or information, any evidence or documents not currently existing, or any documents or information omitted from this response as a result of good faith oversight or error.

8. These general objections apply to and are deemed incorporated into each and every response below to Plaintiff's Discovery. To the extent that any of the above objections are cited specifically in response to an Interrogatory, those citations are provided because they are believed to be particularly applicable to that request for production and are not to be construed as a waiver of any of the other general or specific objections.

**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:** Defendant will admit that the deed attached as Exhibit A appears to transfer the parcel of land between Lot 15 and the lake to the Plaintiff.

**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:** Defendant will admit that the deed attached as Exhibit A appears to transfer the parcel of land between Lot 15 and the lake to the Plaintiff.

**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:** Admit.

**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:** EFAC has possession and 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.

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 28th day of March, 2018.

COMMITTEE, INC.

EPWORTH FOREST ADMINISTRATION

By:   
Its: Vice President/Offshore Director

AS TO OBJECTIONS,

/s/ Matthew R. Shipman  
Matthew R. Shipman  
Attorney No. 20664-49

BLOOM GATES SHIPMAN & WHITELEATHER, LLP  
119 S. Main Street, P.O. Box 807  
Columbia City, Indiana 46725  
(260) 248-8900  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was served on April 9, 2018, upon opposing counsel, via first class mail, postage pre-paid, at the address below:

Richard K. Helm  
105 East Main Street  
Warsaw, IN 46580

/s/ Matthew R. Shipman  
Matthew R. Shipman