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COPY

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July 21, 2016

John B. Powell, Esq.  
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Fort Wayne, Indiana 46859-1648

Re: Robert Stine, et al. v. Epworth Forest Administration Committee, Inc., et al.  
Kosciusko Circuit Court, Cause No. 43C01-1511-MI-270

Dear John:

With respect to the above referenced case, enclosed please find Plaintiffs' Responses to Intervenor-Defendants' First Set of Interrogatories and Request for Production of Documents. If you have any questions, please do not hesitate to contact me.

Very truly yours,

SNYDER MORGAN<sub>LLP</sub>



Stephen R. Snyder  
[srs@snydermorgan.com](mailto:srs@snydermorgan.com)

SRS/jlb  
Enclosure  
cc: Matthew R. Shipman, Esq.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF KOSCIUSKO )

IN THE KOSCIUSKO CIRCUIT COURT  
CAUSE NUMBER 43C01-1511-MI-270

ROBERT H. STINE and )  
MOLLY MCGINNIS STINE, )  
 )  
Plaintiffs, )  
v. )  
 )  
EPWORTH FOREST ADMINISTRATION )  
COMMITTEE, INC., ROY CHAPMAN and )  
LINDA CHAPMAN, )  
 )  
Defendants. )

**PLAINTIFFS' RESPONSE TO INTERVENOR-DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiffs, Robert H. Stine and Molly McGinnis Stine, pursuant to Ind. Trial Rules 33 and 34, submit the following responses to the First Set of Interrogatories and Request for Production of Documents served by Intervenor-Defendants, Roy Chapman and Linda Chapman.

**INTERROGATORIES**

**INTERROGATORY 1:** Identify all individuals you intend to call as witnesses at the trial in this cause which is currently scheduled for August 18, 2016.

**ANSWER:** Plaintiffs reserve the right to call any of the following as witnesses at trial:

- a. Robert H. Stine;
- b. Any board member of Defendant, Epworth Forest Administration Committee, Inc. ("EFAC");
- c. Any witnesses identified by EFAC in its Answers to Plaintiffs' First Set of Interrogatories dated March 9, 2016;
- d. Any witnesses otherwise identified by the parties hereto;
- e. Any records custodian or other person necessary to lay the evidentiary foundation for any exhibits identified by any party hereto; and
- f. Any witnesses not otherwise identified herein who may be necessary for impeachment or rebuttal purposes.

Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure or any Court Order if and when any additional witnesses are determined.

**INTERROGATORY 2:** If any individual identified in the previous interrogatory is expected to provide an expert or lay opinion, state the following:

- A. The name, address and telephone number of any person providing such opinion;
- B. The qualifications of said person providing such opinion;
- C. The date or dates upon which the person's investigation was conducted and which his or her opinion was rendered; and
- D. If the opinion was reduced to any written report or document, the location of said report or document and the identity of the person, having custody of said report or document.

**ANSWER:** Plaintiffs have retained no expert for purposes of providing testimony at trial. Plaintiffs are further unaware at this point of any identified individual expected to provide opinion testimony at trial. Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure if and when any additional responsive information is obtained.

**INTERROGATORY 3:** In paragraph 7 of the Complaint for Judicial Review, you allege "[T]he actions of Defendant [EFAC], requiring Plaintiffs to move their pier, are in violation of the Bylaws of the Defendant, contrary to the prior orders of this Court, and arbitrary and capricious." With respect to this allegation, state the following:

- A. Identify specifically the Bylaws that EFAC is violating;
- B. Identify specifically all prior orders of this Court that the actions of EFAC are contrary to;
- C. Identify specifically all actions of EFAC that are arbitrary; and
- D. Identify specifically all actions of EFAC that are capricious.

**ANSWER:**

- A. The Bylaws of EFAC, a copy of which was previously served by EFAC in response to Plaintiffs' First Request for Production of Documents and may further be obtained at [www.efpier.org/documents](http://www.efpier.org/documents).

- B. The 1994 Judgment and 2014 Order as specifically defined in Article X of EFAC's Articles of Incorporation.
- C. EFAC has demanded the relocation of Plaintiffs' pier to a location different than that previously approved by the Court and by the prior pier committee. EFAC's actions are without basis and in violation of its Bylaws and prior Orders of the Court (the 1994 Judgment and 2014 Order as specifically defined in Article X of EFAC's Articles of Incorporation) as further addressed in paragraph 6 of Plaintiffs' complaint incorporated herein.
- D. See Plaintiffs' response to Interrogatory 3(C) incorporated herein.

**INTERROGATORY 4:** With respect to the allegation that the actions of EFAC are in violation of Bylaws of the Defendant set forth above, identify all individuals that will testify in support of this allegation and identify all documents that support this allegation.

**ANSWER:** Robert H. Stine; see those Bylaws identified in response to Interrogatory 3. See also the following:

- EFAC Articles of Incorporation;
- 1994 Judgment and 2014 Order as specifically defined in Article X of EFAC's Articles of Incorporation;
- Epworth Forest Pier Administration Policy (Exhibit C to the Court's January 21, 2014 Order);
- Epworth Forest shoreline pier assignment listings;
- Plaintiffs' Submissions to EFAC dated July 24, 2015 and July 30, 2015;
- Memorandum in Support of Appeal in the matter of Jerry and Pat Powell (a copy of which was previously exchanged in discovery with EFAC);
- Kemper Survey of Plaintiffs' Epworth Forest property dated October 12, 2004 (a copy of which was previously exchanged in discovery with EFAC);
- Letter from Richard Mann to Plaintiff, Robert H. Stine, dated July 14, 2006 (a copy of which was previously exchanged in discovery with EFAC);
- Aerial Photographs depicting Plaintiffs' Epworth Forest property and adjoining lakefront properties maintained by the Kosciusko County GIS Department (available online through the Beacon portal link provided at [www.kcgov.com](http://www.kcgov.com)); and
- Photographs previously exchanged in discovery with EFAC.

Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure if and when any additional responsive information is obtained.

**INTERROGATORY 5:** With respect to the allegation that the actions of EFAC are contrary to the prior orders of the Court” as set forth in paragraph 7 of the Complaint for Judicial Review, identify by name and address all individuals that will testify in support of this allegation and identify all documents that support this allegation.

**ANSWER:** Robert H. Stine; see the 1994 Judgment and 2014 Order as specifically defined in Article X of EFAC’s Articles of Incorporation. See also any additional documents identified in response to Interrogatory 4.

Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure if and when any additional responsive information is obtained.

**INTERROGATORY 6:** With respect to the allegation that the actions of EFAC are “arbitrary” as set forth in paragraph 7 of [the] Complaint for Judicial Review, identify all individuals that will testify in support of this allegation and identify all documents that support this allegation.

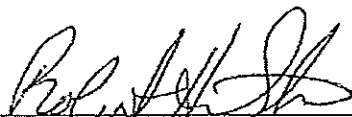
**ANSWER:** Robert H. Stine; see EFAC’s Bylaws. See also the 1994 Judgment and 2014 Order (as specifically defined in Article X of EFAC’s Articles of Incorporation) and any additional documents identified in response to Interrogatory 4.

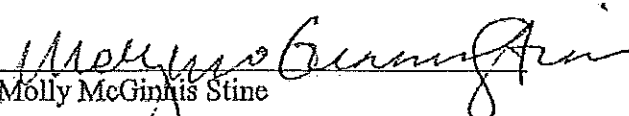
Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure if and when any additional responsive information is obtained.

**INTERROGATORY 7:** With respect to the allegation that the actions of EFAC are “capricious” as set forth in paragraph 7 of your Complaint for Judicial Review, identify all individuals that will testify in support of this allegation and identify all documents that support this allegation.

**ANSWER:** See response to Interrogatory 6 incorporated herein.


We affirm under the penalties of perjury that the foregoing statements are true.

  
\_\_\_\_\_  
Robert H. Stine

  
\_\_\_\_\_  
Molly McGinnis Stine

AS TO ANY OBJECTIONS:

SNYDER MORGAN LLP

By:   
\_\_\_\_\_  
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Telephone: 574/457-3300  
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Attorneys for Plaintiffs

**REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:** Produce copies of all such reports or documents referred to or identified in your answers to Interrogatory Number 2D, 4, 5,6, and 7 above.

**RESPONSE:** Plaintiffs will make such documents available for inspection and photocopying at the office of Plaintiffs' counsel at a mutually convenient time. The following documents are also equally available to Intervenor-Defendants at EFAC's website ([www.efpier.org/documents](http://www.efpier.org/documents)), in the Court's file under Cause No. 43C01-9109-CP-732, and/or through the Beacon portal link available at Kosciusko County's website ([www.kegov.com](http://www.kegov.com)):

- EFAC Articles of Incorporation;
- EFAC Bylaws;
- 1994 Judgment and 2014 Order as defined in Article X of EFAC's Articles of Incorporation;
- Epworth Forest Pier Administration Policy;

- Epworth Forest shoreline pier assignment listings;
- Memorandum in Support of Appeal in the matter of Jerry and Pat Powell; and
- Aerial Photographs depicting Plaintiffs' Epworth Forest property and adjoining lakefront properties maintained by the Kosciusko County GIS Department.

**REQUEST FOR PRODUCTION NO. 2:** Produce legible copies of all exhibits that you intend to introduce at the trial of this cause currently scheduled for August 18, 2016.

**RESPONSE:** Plaintiffs have not yet made a final determination with respect to those exhibits they intend to introduce at trial. Subject to the foregoing qualification, Plaintiffs will make those documents they may seek to introduce as exhibits at trial, including any documents identified herein or previously exchanged in discovery, available for inspection and photocopying at the office of Plaintiffs' counsel at a mutually convenient time. See also certain of those documents equally available to Intervenor-Defendants as addressed in response to Request for Production No. 1. Discovery is ongoing. Plaintiffs reserve the right to supplement this response to the extent required by the Indiana Rules of Trial Procedure or any Court Order if and when additional exhibits intended to be introduced at trial are determined.

Respectfully submitted,

SNYDER MORGAN <sup>LLP</sup>

By: 

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned certifies that on the 21<sup>st</sup> day of July, 2016, a true and correct copy of the foregoing pleading was served upon the following by first class U.S. mail, postage prepaid:

John B. Powell, Esq.  
Shambaugh, Kast, Beck & Williams, LLP  
229 West Berry Street, Suite 400  
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Fort Wayne, Indiana 46859-1648

Matthew R. Shipman, Esq.  
Bloom Gates & Whiteleather, LLP  
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A handwritten signature in black ink, appearing to read 'SR Snyder', is written above a horizontal line.

Stephen R. Snyder