

IN THE CIRCUIT COURT NO. 2 FOR CLARK COUNTY

STATE OF INDIANA

STATE OF INDIANA,

Plaintiff,

vs.

CASE NO. 10C02-1208-PL-088

**Special Appointed Judge: Susan Orth**

KEVIN ZIPPERLE,  
MARY LOU TRAUTWEIN-  
LAMKIN, SHARON CHANDLER, and  
FRANK PRELL

Defendants.

**MARY LOU TRAUTWEIN-LAMKIN'S RESPONSES  
TO PLAINTIFF'S INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Now comes the Defendant, Mary Lou Trautwein-Lamkin, by and through the undersigned counsel, to respond to Plaintiff's First Set of Interrogatories and Requests for Production pursuant to Civil Rules 33 and 34 and other applicable rules.

- a. The information contained in these Answers is being provided in accordance with the provisions and intent of the Rules of Civil Procedure which require the disclosure of all facts which may be relevant or may lead to the discovery of relevant information. Accordingly, the party answering this discovery, by providing the information requested, does not waive objections to its admission into evidence on grounds of materiality or relevancy or other proper grounds for objection.
- b. The information supplied in these Answers is not based solely on the knowledge of the executing party, but includes knowledge of the party, his agents, representatives and attorneys unless privileged.
- c. The word usage, sentence structure, and syntax may be that of the attorney assisting in the preparation of these responses, and thus, does not necessarily purport to be the precise language of the executing party.
- d. Because the duty to respond is ongoing, respondent reserves the right to modify, amend or correct any answer as warranted as information becomes available.

**GENERAL OBJECTIONS**

1. Defendant objects to the instructions in Plaintiff's Interrogatories and Requests for Production, ("Discovery Requests") as vague and ambiguous.
2. Defendant objects to the Discovery Requests as seeking information and material that is protected by the attorney-client privilege.
3. Defendant objects to the Discovery Requests as seeking information not reasonably calculated to lead to the discovery of admissible evidence.
4. Defendant objects to the Discovery Requests as seeking information and material that is protected by the work product doctrine.
5. Defendant generally objects to the Discovery Requests as overly broad and unduly burdensome.
6. Defendant objects to the Discovery Requests to the extent they attempt to impose obligations upon Defendant other than those imposed or authorized by the law or which call for Defendant to draw a legal conclusion.
7. Defendant objects to the Discovery Requests to the extent that they seek confidential information regarding persons who are not parties to this action and/or that is protected from disclosure pursuant to the physician/patient privilege and/or federal or state statutory and regulatory law, including, without limitation, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
8. Defendant objects to the Discovery Requests to the extent that they assume facts not in evidence or duties not imposed by law.
9. Defendant objects to the Discovery Requests to the extent they seek or purport to seek information that is already known to Plaintiff or that is in the public domain. To the extent Plaintiff seeks such information that is more readily available from other sources or already known to it, Defendant objects to the Discovery Requests as unduly burdensome.
10. These General Objections shall be deemed continuing as to the Discovery Requests, incorporated in each response to the Discovery Requests whether or not specifically stated in each response to the Discovery Requests, and are not waived or in any way limited by the following responses.
11. The relevant time of the events and circumstances surrounding this matter is from February 1, 2007 to present. Defendant objects to the extent that the Discovery Requests seek information outside that time period as it is irrelevant to the events of this case and not likely to lead to any discoverable information. Further, such Discovery Requests are overly broad and unduly burdensome.
12. Again, Defendant reserves the right to supplement these responses at any time as responsive information may become available.

## Interrogatory Responses

1. Identify each person who provided information in responding to these interrogatories.

**ANSWER:**

Mary Lou Trautwein-Lamkin

2. List the name, address and occupation of each person you intend to call as a witness at the trial of this case, and indicate whether he or she will be an expert witness.

**ANSWER:**

Respondent objects to this request as it seeks privileged attorney/client information and attorney work product. Respondent further objects that the request is premature as discovery is ongoing and it has not been determined who will be called as a witness in trial of this case.

Subject to these objections, Respondent anticipates that Kevin Zipperle, Sharon Chandler and she would be witnesses. Respondent reserves the right to supplement this response.

3. List all units you, and/or your spouse, have owned or currently own, in the Harbours. Include the Unit number(s), owner(s), dates of ownership, price paid and type of ownership interest.

**ANSWER:**

Respondent objects to this request to the extent that it exceeds any time period for which discovery would reasonably be relevant or lead to further discoverable information. Subject to these objections, Respondent does provide the following:

- a) Unit 603, purchased 3/22/01 for \$158,500 in the name of Mary Lou Trautwein-Lamkin, Trustee of the Mary Lou Trautwein-Lamkin revocable trust.
- b) Unit 604, purchased 3/22/01 for \$130,500 in the name of Mary Lou Trautwein-Lamkin, Trustee of the Mary Lou Trautwein-Lamkin revocable trust.
- c) Quit claim deed combining the units 603-604 10/01 in the name of Mary Lou Trautwein-Lamkin, Trustee of the Mary Lou Trautwein-Lamkin revocable trust. Units came with parking spaces 449 and 450.

- d) Sold 603-604 9/12/12 to Mary Fishburn for \$289,000. Parking spaces 139 and 140 went with this condo.
- e) Condo 717 purchased 1/8/04 for \$164,900 from the developer with parking space 242 in the names of Francis Howard Lamkin and Mary Lou Trautwein-Lamkin.
- f) Sold 717 to Kevin and Renee Finnegan 3/06 for \$155,000 with parking space 450. Respondent lost approximately \$9,900 on this sale.
- g) Condo 605 purchased 4/3/04 from Susan Rabinovich as personal representative of the Estate of Charles Eugene Houk for \$225,000 in the name of Mary Lou Trautwein-Lamkin, Trustee of the Mary Lou Trautwein-Lamkin revocable trust. This was considered 603-604-605 until late in 2011 when she rented it. The unit came with parking spaces 112 and 603. Respondent currently owns this unit and those parking spaces.
- h) Condo 1104 purchased 7/23/12 by Special Warranty Deed from Fannie Mae for \$220,000 in the name of Mary Lou Trautwein-Lamkin. By assignment, parking spaces 217 and 218 came with this condo. Respondent currently owns it and the two parking spaces.
- i) Condo 1103, 8/22/12 quitclaim deed from Kevin Zipperle to Mary Lou Trautwein-Lamkin. Parking space 332 came with it. Respondent currently owns it.
- j) Quitclaim deed from Mary Lou Trautwein-Lamkin to Mary Lou Trautwein-Lamkin 9/6/13 combining units 1103 and 1104.
- k) Quitclaim deed from Mary Lou Trautwein-Lamkin to Mary Lou Trautwein-Lamkin 7//24/12 conveying life estate to Mary Lou Trautwein-Lamkin with remainder interest to Deborah Zipperle. Another like deed dated 9/7/13.

4. List all parking spaces you, and/or your spouse, have owned or currently own, in the Harbours. Include the number(s), owner(s), dates of ownership and type of ownership interest.

**ANSWER:**

Respondent objects to this request to the extent that it exceeds any time period for which discovery would reasonably be relevant or lead to further discoverable information. Subject to these objections, Respondent does provide the following:

Respondent answers this request to the best of her ability from the records in her possession. It is possible that some of the assignments were transferred from one of her condominiums to another and not shown here, but the response show the parking spaces currently owned and to which condo they are attached. Respondent reserves the right to supplement this response as and when additional responsive information becomes known to her. Respondent references Exhibit B to the complaint and states that three of the parking spaces referred to herein were purchased pursuant to this advertisement from the developer. All homeowners were privileged to this information and could have purchased spaces from the developer.

- a) No. 449 and No. 450 came with condos 603 and 604 by deed 3/01. 450 was transferred to unit 717 and sold with it.
- b) No. 449 was transferred to Eldena and Donald Maas in an even exchange for No. 121 1/27//06. Respondent currently owns 121.
- c) Respondent purchased 120 from the developer 4/4/06. Respondent currently owns 120. Putting 120 and 121 together allowed space for a handicap van. Spaces 120 and 121 were transferred from condo 603 to condo 605 on 9/5/12.
- d) No. 112 came on the deed with 605 4/04. Respondent currently owns it.
- e) No. 113 was purchased from the developer 9/12/05, allowing for another handicap space for Respondent's car. Respondent currently owns 113 with condo 605.
- f) Purchased No. 136 from Deborah Zipperle 11/06. The space was not assigned to Respondent, but was transferred to Dr. Majd and he in turn assigned No. 139 to her. The space was sold with 603-604, 9/12.

- g) No. 242 traded evenly to Deborah Zipperle for No. 137, 5/7/07. Respondent currently owns 137 with condo 605.
- h) No. 138 was purchased from Deborah Zipperle 11/06. 137 and 138 allowed for a handicap parking place for Respondent's sister-in-law who lived at the Harbours to help care for Respondent's husband. Respondent currently owns both 137 and 138 with condo 605.
- i) No. 140 was purchased from the developer 4/06. Space 140 was sold with condos 603-604 9/12. Spaces 139 and 140 allowed for another handicap parking space for Mr. Lamkin's children when they took him to the doctor, etc.
- j) No. 319 was purchased from Kevin Zipperle 7/10 and immediately exchanged with Sharon Chandler for space No. 322. The space was transferred from condo 604 to condo 605 on 9/5/12. Respondent still owns it.
- k) No. 603 came on the deed to condo 605. Respondent currently owns it.

All of the above spaces were in the name of Mary Lou Trautwein-Lamkin, Trustee of the Mary Lou Trautwein-Lamkin revocable Trust.

- a) No. 332 came with condo 1103. Respondent still owns it.
- b) Nos. 217 and 218 came with condo 1104. Respondent still owns them.

The last three would be in the name of Mary Lou Trautwein-Lamkin.

5. List the dates, position held and responsibilities for all periods of service as a Board member or Officer of the Home Owners Association of the Harbours. Additionally, list the dates and responsibilities for any sub-committee or special assignments you held as a Board member.

**ANSWER:**

Respondent served as the Secretary of the Association from 2004 through 2012 with the exception of approximately March to December of 2011 when she was President of the Association.

As Secretary, she helped the Property Manager compile and mail election materials. There were at least four other individuals who helped with this activity. Respondent did not perform this duty in any year she ran for election; in those years the duties were performed by an assistant.

At some point Respondent was Chairperson of the Finance Committee for approximately a year and on the committee for maybe another two years. She does not remember these dates.

Respondent was Chair of the Election Committee as part of her secretarial duties. This committee never acted, but rather its purpose was to recruit persons to run for the Board.

Respondent was on the resolution committee for a short period, but does not remember dates. She believes they heard one case during her tenure on that committee.

Respondent also handled the armbands and parking stickers for Thunder for many years, but she does not believe this was a special committee.

Respondent does not recall any other committees upon which she may have sat, but reserves the right to supplement this response as and when she may recall further responsive information. These started in 2004 and she may not remember every one.

I AFFIRM UNDER THE PENALTY OF PERJURY THAT THE FOREGOING RESPONSES TO INTERROGATORIES ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Mary Lou Trautwein-Lamkin

### **Documents Production Responses**

1. All documents you intend to refer to or to introduce into evidence as exhibits or testimony at the final hearing.

#### **ANSWER**

Respondent objects to this request to the extent that it seeks confidential attorney/client information or privileged attorney work product. Respondent further objects to the extent that discovery is still ongoing and she does not yet know what information she intends to introduce at the trial of this matter. Subject to these specific and the general objections previously listed, Respondent identifies all depositions taken in this matter and all documents and information produced by any party and non-party to discovery requests as items she may present at the trial of this matter. Information that has been received through non-party subpoenas, that has not yet been produced will be provided.

2. Provide all documentation regarding the funding provided to Mary Lou Trautwein from any source including Kevin Zipperle for the purchase of Unit 1104.

#### **ANSWER**

See attached.

3. Provide records showing repayment of the funds provided to purchase Unit 1104.

#### **ANSWER**

See attached.



Respectfully Submitted,

Dated: October \_\_, 2014

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Defendant's Responses to Interrogatories was served via U.S. mail, postage pre-paid, on this \_\_ day of October, 2014 upon:

Paula J. Beller  
Office of Attorney General  
Indiana Government Center South  
302 W. Washington Street, 5<sup>th</sup> floor  
Indianapolis, IN 46204

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J. Clayton Culotta