

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF THE )  
TOWN OF WINFIELD, LAKE COUNTY, INDIANA, )  
FOR APPROVAL OF A REGULATORY )  
ORDINANCE ESTABLISHING A SERVICE ) CAUSE NO. 45992  
TERRITORY FOR THE TOWN'S MUNICIPAL )  
SEWER SYSTEM PURSUANT TO IND. CODE § 8- )  
1.5-6 ET. SEQ. )

**THE CITY OF CROWN POINT, INDIANA'S RESPONSE  
TO WINFIELD'S MOTION FOR EXTENSION OF TIME**

The City of Crown Point, Indiana ("Crown Point"), by counsel, hereby responds to the Town of Winfield's ("Winfield") Motion for Extension of Time ("Motion") and shows the Indiana Utility Regulatory Commission ("Commission") as follows:

1. On March 19, 2025, the Presiding Officers issued a docket entry ("March 19 Docket Entry") in this Cause establishing, among other things, that objections and responses to discovery requests are due within ten (10) days of receipt thereof. This response period is the response period for discovery established by 170 IAC 1-1.1-16(b).

2. On March 20, 2025, only one day after the procedural schedule was established, Crown Point served its First Set of Discovery Requests to Winfield ("Data Requests" or "DRs"). Winfield's responses to the Data Requests are due on or before March 31, 2025.

3. On March 28, 2025, one business day before the deadline for Winfield to respond to the Data Requests, Winfield filed its Motion, requesting a 30-day extension of time to provide its discovery responses to Crown Point to make the Responses due on or before April 30, 2025. Motion at 2, ¶ 6.

4. In its Motion, Winfield argues that the sheer number of Data Requests "warrant[] an extension of time. To answer these requests, even by distributing them amongst its witnesses,

some of whom have experience preparing discovery responses and some of whom do not, Winfield will need more than 10 days to answer these requests which will require careful consideration and do not merely seek ‘simple, easy responses.’” *Id.* at 2, ¶ 8.

5. Crown Point’s Data Requests are directed at four individuals, Winfield’s witnesses Jennifer Wilson, Michael Duffy, and Jeremy Lin and Winfield’s Town Manager Nick Bellar. Crown Point has served approximately 25 Data Requests per witness, which is neither excessive nor uncommon for technical witnesses such as these in Commission cases. As noted by Crown Point’s counsel in the email provided with the Motion as Attachment B, Winfield’s expert technical witnesses are likely well experienced at responding to discovery.

6. The Data Requests largely seek the production of utility operations and planning documents that should be readily accessible in Winfield’s own files. In its Motion, Winfield has failed to explain any specific challenges posed by any particular requests that would warrant the extension of time requested. Winfield has also failed to provide any information about how much more time might be needed to respond to any specific data requests, but instead has requested an excessive, blanket 30-day extension of time to respond to *all* of the requests. **That is in total an excessive 40 days to object or respond.**

7. Nowhere in the Motion (or anywhere else) does Winfield state that prior to filing its Motion it had even sent the Data Requests to the individual witnesses to whom they are directed, which Data Requests its witnesses might be able to answer within ten days, which Data Requests need more time, and how much time is needed.

8. In an attempt to informally resolve this discovery dispute, Crown Point’s counsel wrote to Winfield’s counsel, stating, in part, as follows:

I suggested prior to considering an extension, that you first convey the DRs to your several witnesses to determine which could be readily responded to and which

might require more time. I told you we would discuss extensions on any particularly difficult DRs for good cause. But, Winfield, curiously, seems unwilling to undertake that reasonable inquiry.

Attachment B to Motion. Winfield's counsel never provided any further response to Crown Point's counsel on these matters. Instead of agreeing to this normal approach of providing some responses, making its objections and cooperatively working with its counterparty on extensions for the remaining DRs, Winfield is attempting to gain a strategic advantage by delaying Crown Point's receipt of discovery responses. Winfield also complains that preparing responses to the Data Requests will require that it take time that it needs to "devote to conducting discovery regarding the service needs of the Intervenor, reviewing the discovery responses, meeting with its witnesses, research regarding the changed circumstances since Winfield filed its case in 2023, and incorporating the discovery responses, research, and updated circumstances into Winfield's updated testimony. Winfield anticipates that its updates to its case-in-chief will require a significant expenditure of time and resources." *Id.* at 3, ¶ 10.

9. However, in direct contradiction to those assertions, in Winfield's Notice Following March 4, 2025 Attorneys' Conference ("Notice"), Winfield stated to the Commission that it planned to only make minor updates to the testimony of its witness Michael P. Duffy, Jr., P.E., "to reflect and memorialize the concepts and content of paragraphs 8 through 12 of Mr. Duffy's affidavit that was previously filed in this Cause on April 4, 2024. ***The parties have had [sic] known about to [sic] the general nature and substance of this information for approximately eleven (11) months.***" Notice at 1-2, ¶ 3 (emphasis added; internal footnote omitted). Yet now Winfield complains that it needs ***more*** time for discovery because of the purportedly extensive updates it plans to make to its case-in-chief, which are apparently far more significant than it described in the Notice. Winfield stated it would make only minor updates to its

case-in-chief, but now, in furtherance of its proposed discovery extension, its updates suddenly require a significant expenditure of time and resources. Winfield cannot have it both ways.

10. Winfield fails to provide any reason why it apparently waited until now to change its mind and realize it needed extensive updates to its case-in-chief and begin working on the updates with its witnesses. In its own words in the Notice, Winfield has to have known “about [] the general nature and substance of” the planned updates to its case-in-chief “for approximately eleven (11) months.”

11. Winfield has not even tried to comply with the required ten-day period for providing responses and making objections. Thus, the receipt of DR responses could be further delayed beyond 40 days by dealing with any objections Winfield might make.

12. Winfield’s requested 30-day extension of time is excessive (resulting in Winfield having **40** days to respond to Crown Point’s Data Requests), unreasonably delays the discovery process, and is not warranted by the circumstances. It would also disrupt the procedural schedule established in the March 19 Docket Entry, significantly reducing the time for the other parties to analyze Winfield’s discovery responses. Should the Presiding Officers decide to grant Winfield’s Motion, they should also extend the remaining procedural deadlines established by the March 19 Docket Entry by 30 days (or by the same number of days granted to Winfield as an extension of time), as well.

WHEREFORE, the City of Crown Point, Indiana, respectfully requests that the Presiding Officers deny Winfield’s Motion for Extension of Time and order Winfield to provide responses to Crown Point’s Data Requests on or before April 4, 2025. Should the Presiding Officers decide to grant Winfield’s Motion or grant any extension of time, Crown Point respectfully requests that

the remaining deadlines established by the March 19 Docket Entry also be extended by 30 days (or by the same number of days granted to Winfield as an extension of time).

Respectfully submitted,

/s/ Mark W. Cooper  
Mark W. Cooper, Attorney for Crown Point

/s/ Robert M. Glennon  
Robert M. Glennon, Attorney for Crown Point

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing has been served upon the following counsel of record by electronic mail, this 1<sup>st</sup> day of April, 2025:

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