

# **Bond Case Briefs**

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## **COUNTIES - INDIANA**

### **Board of Commissioners of Union County v. McGuinness**

**Supreme Court of Indiana - August 15, 2017 - N.E.3d - 2017 WL 3484121**

County board of commissioner sought declaratory judgment and injunction against commissioner of Indiana Department of Transportation (INDOT) and INDOT alleging that INDOT was negligent in its highway repair efforts.

The Circuit Court dismissed due to lack of standing. Board appealed. The Court of Appeals reversed and remanded. INDOT filed petition to transfer, which was granted.

The Supreme Court of Indiana held that:

- Trial court's failure to expressly exclude county's affidavit of its sanitarian as evidence outside of pleadings was harmless error;
- County lacked standing to seek declaratory judgment;
- County lacked third-party standing pursuant to public standing doctrine to seek injunctive relief;
- County lacked third-party associational standing to seek injunctive relief; and
- County board third-party standing pursuant to its parens patriae authority to seek injunctive relief.