

Bond Case Briefs

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Williamson v. Razer

Court of Appeals of Indiana - March 31, 2022 - N.E.3d - 2022 WL 965211

County residents brought actions against county council and county redevelopment commission for violations of Open Door Law, and seeking declaratory judgment voiding ordinances and resolution related to project to construct zinc oxide manufacturing plant and other public improvements.

Actions were consolidated, and county filed motion for residents to post bond under Public Lawsuit Statute, which the Superior Court denied. County filed interlocutory appeal.

The Court of Appeals held that:

- Action was “public lawsuit” within meaning of Public Lawsuit Statute, and
- Claims sought to vindicate public, rather than private interests, as required to warrant bond under Public Lawsuit Statute.

Consolidated lawsuit alleging violations of Open Door Law and seeking to void county ordinances and resolution related to project to construct zinc oxide manufacturing plant and other public improvements was a “public lawsuit,” within meaning of provision of Public Lawsuit Statute requiring plaintiffs to post a bond, in action brought by county residents against county council and county redevelopment commission; alleged Open Door Law violations directly challenged the validity of the financing of the project, which would prevent the funding and construction of the project.

County residents’ claims alleging violations of Open Door Law and seeking to void county ordinances and resolution related to project to construct zinc oxide manufacturing plant and other public improvements sought to vindicate public, rather than private interests, thus warranting requirement that residents post bond under Public Lawsuit Statute, where complaint alleged that county created a secret committee that negotiated with the manufacturing plant certain financial and environmental terms for the construction of the project, that the negotiated terms were incorporated into the resolution, and that the public was not granted proper access to the meeting in which the ordinances required for the construction of the project were passed.