

INDIANA SUPREME COURT

The Board of Commissioners of Union County, Indiana v. Joe McGuinness, in His Official Capacity as Commissioner of the Indiana Department of Transportation and the Indiana Department of Transportation

80 N.E.3d 164 (Ind. 2017) · No. 81S01-1708-PL-529 · Decided August 15, 2017

SUMMARY

The Indiana Supreme Court affirmed dismissal of Union County’s action against the Indiana Department of Transportation and its commissioner for lack of standing. The court held that the County had not pleaded a personal property interest supporting declaratory relief and could not invoke public standing, associational standing, or parens patriae authority to seek injunctive relief on behalf of its residents.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice Massa; Chief Justice Rush; Justice David; Justice Slaughter; Justice Goff
JURISDICTION	Indiana
DECIDED	August 15, 2017
DOCKET	81S01-1708-PL-529
DISPOSITION	affirmed
PROCEDURAL POSTURE	Union County appealed the Union Circuit Court's dismissal under Indiana Trial Rule 12(B)(6) of its complaint seeking declaratory and injunctive relief. The Indiana Court of Appeals reversed, but the Indiana Supreme Court granted transfer and vacated the Court of Appeals' decision.
STANDARD OF REVIEW	De novo review of the grant or denial of a motion under Indiana Trial Rule 12(B)(6), viewing the complaint in the light most favorable to the plaintiff and drawing every inference in its favor. Dismissal is improper unless it appears to a certainty that the plaintiff would not be entitled to relief under any set of facts.
PRECEDENTIAL VALUE	Published Indiana Supreme Court opinion; precedential

PARTIES

The Board of Commissioners of Union County, Indiana v. Joe McGuinness, in his official capacity as Commissioner of the Indiana Department of Transportation, Indiana Department of Transportation

TOPICS

standing

declaratory judgment

injunctions

motions to dismiss

civil procedure

PRACTICE AREAS

Civil procedure

Standing

Declaratory judgment

Injunctive relief

Municipal law

QUESTIONS PRESENTED

1. Whether Union County adequately pleaded a personal interest sufficient to maintain a declaratory-judgment action concerning INDOT's responsibility for U.S. Route 27 and alleged septic-system damage.
2. Whether Union County could seek injunctive relief based on the public-standing doctrine.
3. Whether Union County could invoke associational standing on behalf of the affected landowners.
4. Whether a county may invoke parens patriae authority to assert claims on behalf of its residents.

HOLDINGS

1. Union County lacked personal standing to maintain its declaratory-judgment action because it failed to plead operative facts showing that it had a direct property or other legal interest affected by INDOT's conduct.
2. Union County could not invoke Indiana's public-standing doctrine because that doctrine permits a citizen, rather than a county, to enforce public rights.
3. Assuming without deciding that associational standing is available in Indiana, Union County failed to satisfy the requirements for associational standing.
4. Union County could not act as parens patriae to assert claims belonging to its residents because a county has no sovereign powers and may not assert its residents' claims in that capacity.

KEY QUOTATIONS

"A dismissal under Trial Rule 12(B)(6) is improper unless it appears to a certainty that the plaintiff would not be entitled to relief under any set of facts." (at 3)

"In short, by crafting its complaint to avoid any connection to U.S. Route 27, Union County has also managed to avoid pleading any personal interest in its own case." (at 5)

"In sum, the trial court did not err in dismissing this action, as Union County has failed to plead any viable theory of standing to support its alleged cause of action." (at 8)

FACTUAL BACKGROUND

In 2010 or 2011, the Indiana Department of Transportation performed construction and repair work on U.S. Route 27 in Union County. Union County alleged that the work caused septic-system problems on the private property of three neighboring landowners. After unsuccessful discussions with INDOT, the county sought a declaratory judgment and injunction requiring repair of the septic systems and declaring responsibility for the highway and associated storm drain.

PROCEDURAL HISTORY

Union County sued the Indiana Department of Transportation and its commissioner, alleging negligent highway construction and repair damaged neighboring private septic systems. The trial court dismissed for lack of standing and denied Union County's motion to correct error. The Court of Appeals reversed, concluding that Union County could seek declaratory and injunctive relief under various standing theories. The Supreme Court granted transfer, vacated the Court of Appeals' decision, and affirmed the trial court's dismissal.

DISPOSITION

affirmed

CASES CITED

- Board of Commissioners of Union County v. Hendrickson, 67 N.E.3d 1061, 1066–71 (Ind. Ct. App. 2016)
- Caesars Riverboat Casino, LLC v. Kephart, 934 N.E.2d 1120, 1122 (Ind. 2010)
- King v. S.B., 837 N.E.2d 965, 966 (Ind. 2005)
- State ex rel. Cittadine v. Indiana Department of Transportation, 790 N.E.2d 978, 979, 983–84 (Ind. 2003)
- Redevelopment Commission of Town of Munster v. Indiana State Board of Accounts, 28 N.E.3d 272, 276 (Ind. Ct. App. 2015), trans. denied
- Contel of Indiana, Inc. v. Coulson, 659 N.E.2d 224, 227 (Ind. Ct. App. 1995)
- Reich v. Lincoln Hills Christian Church, Inc., 888 N.E.2d 239, 244 (Ind. Ct. App. 2008)
- Harris v. State, 427 N.E.2d 658, 662 (Ind. 1981)
- State v. Holtsclaw, 977 N.E.2d 348, 350–51 (Ind. 2012)
- Hamilton v. State ex rel. Bates, 3 Ind. 452, 458 (1852)
- Board of Commissioners of Decatur County v. State, 86 Ind. 8, 12–13 (1882)
- Board of Commissioners in County of Allen v. Northeast Indiana Building Trades Council, 954 N.E.2d 937, 941 (Ind. Ct. App. 2011), trans. denied
- Save the Valley, Inc. v. Indiana-Kentucky Electric Corp., 820 N.E.2d 677, 682 (Ind. Ct. App. 2005), trans. denied
- Hunt v. Washington State Apple Advertising Commission, 432 U.S. 333, 343–44 (1977)
- Board of Commissioners of Howard County v. Kokomo City Plan Commission, 263 Ind. 282, 295, 330 N.E.2d 92, 101 (1975)
- Shoemaker v. Board of Commissioners of Grant County, 36 Ind. 175, 183–84 (1871)

