



FOR IMMEDIATE RELEASE

U.S. Supreme Court Agrees to Hear Indianapolis Homeowners' Appeal in Suit against City for Unequal Treatment in Collection of Sewer Tax

Indianapolis, Indiana –November 15, 2011: The Supreme Court of the United States has granted a petition for certiorari in the case of the *Christine Armour v. City of Indianapolis*. The plaintiffs in the case are homeowners of 31 properties who contend that they were treated unfairly, and in violation of the U.S. Constitution, when the City forgave the sewer tax assessment for all homeowners in their subdivision who were paying in installments but granted no forgiveness or refund to the plaintiff homeowners who had paid in one lump sum. They were stuck with paying the full assessment.

In 2004, the City had assessed each property \$9,278 for a sanitary sewer project in the Northern Estates subdivision. The following year, the Indianapolis Board of Public Works decided to change the way it financed sewer projects and while doing so, adopted a policy which forgave 90% or more of the sewer assessments to the residents of Northern Estates who had elected to pay in installments. The Board, however, denied any forgiveness to those homeowners who had paid in one lump sum which resulted in the lump sum payers being out of pocket the full amount of \$9,278 while many of their neighbors paid only \$309 for exactly the same benefit.

In December of 2009, the Indiana Court of Appeals concluded that this differing treatment of identically situated homeowners violated the Equal Protection Clause of the U.S. Constitution. The City of Indianapolis was ordered to pay back \$8,968 to the homeowners in addition to paying interest and attorneys' fees. The case then moved to the Indiana Supreme Court, where the majority ruled in favor of the City, reversing the judgment in a 3-2 decision in May of 2011. Now, the U.S. Supreme Court has decided to take up the issue.

Ron Waicukauski, one of the attorneys for the homeowners, commented: "The Supreme Court only accepts about one case out of a hundred. We're thrilled that they've granted our petition and we are hopeful the Court will act to correct the injustice that occurred when the City forgave the installment payers but refused to extend forgiveness to the homeowners who had paid in full." The case is expected to be heard by the U.S. Supreme Court during February 2012.

Price Waicukauski & Riley, LLC, of Indianapolis, focuses on complex plaintiff's litigation and has represented the plaintiffs during the several years of this litigation. In the Supreme Court, the plaintiffs are also being represented by Roy Englert and Mark Stancil of Robbins, Russell,



Englert, Orseck, Untereiner & Sauber LLP of Washington, D.C., a firm with a specialty in Supreme Court Practice.

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