

STATE OF INDIANA  
IN THE MARION COUNTY CIRCUIT/SUPERIOR COURT

CAUSE NO. \_\_\_\_\_

STATE OF INDIANA,

Plaintiff,

v.

BLUE LAKE, INC. d/b/a I-70  
MOBILE HOME PARK,

Defendant.

**MOTION FOR PRELIMINARY  
INJUNCTION**

The State of Indiana, by Attorney General Curtis T. Hill, Jr. and Deputy Attorneys General Tamara Weaver and Erica S. Sullivan, respectfully moves the Court pursuant to Rule 65 of the Indiana Rules of Trial Procedure and Indiana Code § 24-5-0.5-4(c) to issue a Preliminary Injunction Enjoining the Defendant, Blue Lake, Inc. from any of the following actions at or affecting the I-70 Mobile Home Park: closing or otherwise ceasing operation of the I-70 Mobile Home Park, engaging or permitting any excavation to occur, shutting off or otherwise interfering with the provision of utilities to residents, and hindering or obstructing residents' use and enjoyment of their mobile homes.

The State of Indiana ("State"), in support of its Motion for Preliminary Injunction ("Motion") states as follows:

1. The Defendant, Blue Lake, Inc. ("Blue Lake"), doing business as I-70 Mobile Home Park, plans to shut down the I-70 Mobile Home Park without

providing residents title to their mobile homes. In doing so, Defendant's actions are deceptive, and constitute violations of Indiana's Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a). The allegations of the State's Complaint are incorporated herein and made a part of this Motion by reference.

2. As alleged in the State's Complaint, Blue Lake failed to provide titles to at least six Indiana consumers who purchased their mobile homes from Blue Lake.
3. Consumer Clark purchased a mobile home from Blue Lake on June 1, 2019, made all agreed upon down payments, and did not receive the title to the mobile home from Blue Lake on June 1, 2019 or any date since. A true and accurate copy of the Affidavit of Consumer Tonia Clark is attached and marked as Exhibit A.
4. Consumer Gibson purchased a mobile home from Blue Lake on January 20, 2018, made all agreed upon down payments, and did not receive the title to the mobile home from Blue Lake on January 20, 2018 or any date since. A true and accurate copy of the Affidavit of Consumer Carl Gibson is attached and marked as Exhibit B.
5. Consumer Hughes, along with his significant other, Rachel Andrews, purchased a mobile home from Blue Lake on March 4, 2019, made all agreed upon down payments, and did not receive the title to the mobile home from Blue Lake on March 4, 2019 or any date since. A true and accurate copy of

the Affidavit of Consumer Ronald Hughes is attached and marked as Exhibit C.

6. Consumer Williams purchased a mobile home from Blue Lake on May 18, 2018, made all agreed upon down payments, and did not receive the title to the mobile home from Blue Lake on May 18, 2018 or any date since. A true and accurate copy of the Affidavit of Consumer Nancy Williams is attached and marked as Exhibit D.
7. Despite Indiana statutory provisions requiring title delivery for mobile homes at the time of purchase, Defendant failed to provide the title on that date or on any date since for at least six consumers.
8. On or about August 15, 2019, residents were provided with a notice from Blue Lake indicating that the I-70 Mobile Home Park was closing on October 15, 2019. On or before October 4, 2019, another notice was posted at the office building in the I-70 Mobile Home Park telling residents to “move your mobile home” and providing contact info for a local mobile home park. This October 4, 2019 notice also provided that “the deadline is still October 15, 2019.” A true and accurate copy of Attorney General Analyst Michael Buckman is attached and marked as Exhibit E.
9. Residents must have a mobile home permit issued by the County Treasurer in order to move their mobile home.

10. Without title to their mobile homes, the residents of the I-70 Mobile Home Park are unable to obtain a permit from the Marion County Treasurer to move their mobile homes.
11. Unless enjoined during the pendency of this action, Defendant will continue to violate Indiana law by closing down the I-70 Mobile Home Park without providing residents titles to the mobile homes they purchased from Blue Lake, Inc. After October 15, 2019, because of planned actions by Blue Lake, residents are told they will be without utilities and that their homes must be left for disposal if they are unable to move them.
12. A party moving for a preliminary injunction “must demonstrate, by a preponderance of the evidence, that: (1) its remedies at law are inadequate, thus causing irreparable harm pending resolution of the substantive action; (2) the movant has at least a reasonable likelihood of success at trial by establishing a prima facie case; (3) threatened injury to the movant outweighs the potential harm to the nonmoving party resulting from the granting of an injunction; and (4) the public interest would not be disserved.” Thornton-Tomasetti Engineers v. Marion County Pub. Library, 851 N.E.2d 1269, 1277 (Ind. Ct. App. 2006) (citing City of Gary v. Mitchell, 843 N.E.2d 929, 933 (Ind. Ct. App.2006)).
13. The above standard is modified when the moving party, here the State, invokes the *per se* rule. The *per se* rule provides that when the acts sought to be enjoined are unlawful or clearly against the public interest, the State need

not show irreparable harm or a balance of hardship in its favor. Indiana Alcohol & Tobacco Comm'n., 945 N.E.2d at 197 (Ind. Ct. App. 2011); City of Gary v. Stream Pollution Control Bd., Ind. App., 422 N.E.2d 312 (1981).

14. Defendants' violations of the Deceptive Consumer Sales Act set forth in the State's Complaint and sought to be enjoined are unlawful and *per se* irreparable.
15. There is substantial likelihood that the State will prevail on the merits of its Complaint in this action.
16. Defendants' violations of the Deceptive Consumer Sales Act set forth in the State's Complaint and sought to be enjoined are unlawful and clearly against the public interest and the State need not show a balance of hardship in its favor.
17. The State does not have an adequate remedy at law to protect the public interest of Indiana consumers regarding the matters raised in this Motion.
18. Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(C) of the Indiana Rules of Trial Procedure.

WHEREFORE, Plaintiff requests the Court issue an order for a preliminary injunction enjoining the Defendant, Blue Lake, Inc., doing business as I-70 Mobile Home Park, from the following:

- a. Closing or otherwise ceasing operation of the I-70 Mobile Home Park;

- b. Engaging or permitting any excavation to occur at the I-70 Mobile Home Park;
- c. Shutting off or otherwise interfering with the provision of utilities to residents of the I-70 Mobile Home Park;
- d. Hindering or obstructing residents' use and enjoyment of their mobile homes located at the I-70 Mobile Home Park; and
- e. all other just and proper relief.

Respectfully submitted,

CURTIS T. HILL, JR.  
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