

STATE OF INDIANA)
) SS:
COUNTY OF LAPORTE)

IN THE LAPORTE SUPERIOR COURT NO. 2
2020 TERM

CAUSE NO. **46D02-2011-CT-001933**

KENNETH NIRENBERG and)
LAURA NIRENBERG,)
 Plaintiffs)

vs.)

JUSTIN TRUMBLE and STACI)
REUER,)
 Defendants)

COMPLAINT

Comes now Plaintiffs, KENNETH NIRENBERG and LAURA NIRENBERG, by counsel, and for their Complaint and Cause of Action against the Defendants, allege, claim and state as follows:

1. Plaintiffs, Kenneth Nirenberg and Laura Nirenberg, (“Plaintiffs” or “Nirenbergs”) are and, at all relevant times, are residents of the County of LaPorte, State of Indiana, and are the owners of 2 separate parcels of real property consisting of approximately 19 acres, located in Center Township, LaPorte County, Indiana, and commonly known as 4988 West 150North, LaPorte, Indiana.

2. Plaintiff Laura Nirenberg is the President and founding Executive Director at the Center for Wildlife Ethics, Inc., a non-profit organization and incorporated in Indiana. CWE has been headquartered on Plaintiffs’ property since its existence and has been working extensively to educate the public about wild-life related matters of public concern.

3. Defendant Justin Trumble (“Defendant” or “Trumble”), is a resident of the County of LaPorte, State of Indiana, and currently resides at 5901 West 300 North, LaPorte, Indiana.

4. Defendant Staci Reuer (“Reuer”) is a resident the County of LaPorte, State of Indiana and the owner of residential property located in Center Township, LaPorte County, Indiana, which is commonly known as 1265 North 500 West, LaPorte, Indiana, and is adjacent to Plaintiffs’ real property above-described above.

5. In April, 1997, the Plaintiffs purchased the 14-acre parcel of property, designed, situated, and built their home in 1998 to emphasize the property’s seclusion. Plaintiffs maintained said seclusion at their own expense, and have owned and enjoyed said property ever since.

6. In May, 2001 Plaintiffs purchased an adjacent 7-acre parcel to further protect and peacefully enjoy their privacy interests.

7. The Plaintiffs real property is posted with several “No trespassing” signs and much of the real property is surrounded by fencing which clearly defines the boundaries.

8. Plaintiffs’ real property adjacent to Defendant Reuer’s is 150’-wide, is fenced; there is a “No trespassing” sign securely attached to that fence; and, pine trees are planted parallel to a significant section of the fence line to further protect Plaintiffs’ privacy and define the boundary. Said fence has been in existence since at least 1997 and was improved in 2008;

9. To the best of Plaintiffs’ knowledge and belief, the fence dividing their 14-acre parcel and Defendant Reuer’s 2-acre lot was erect on or about November 17, 2018.

10. Defendant Reuer is the owner of the residential (Single Family (R-1)); Parcel #460629300006000042) 2.202-acre property located at: 1265 N. 500 West, La Porte, La Porte, County, Indiana; the western portion of which apparently extends west of County Road 500 West, dividing her lot.

11. On or about November 19, 2018, Defendant Reuer permitted and authorized Defendant Trumble to hunt with a high-powered rifle on her small residential lot. Defendant Reurer

does not possess such authority in a residentially-zoned neighborhood.

12. Defendant Reuer did not demand that Defendant Trumble's person or weapon projectiles, stay within the boundaries of her residential property.

13. Defendant Trumble had a duty to know where his hunting permission physically ended. At no time did Defendant Trumble have a contractual right to enter upon Plaintiffs' real property or to hunt "game" that was on Plaintiffs' real property; nor did Defendant Trumble ever request permission to enter the Plaintiffs' well posted and defined real property.

14. Defendant Trumble has a documented history of reckless activities allegedly stemming from recreational hunting, and he further exhibits an inability to properly manage inherently dangerous devices. Defendant Trumble has further exhibited a blatant disregard for the safety and property rights of adjacent parcel owners while engaged in hunting activities.

15. On November 19, 2018, at approximately 9:10 a.m., Plaintiff Laura Nirenberg discovered Defendant Trumble pushing a deer cart on Plaintiffs' real property.

16. On November 19, 2018, Plaintiff Laura Nirenberg discovered a deceased male deer upon Plaintiffs' real property that had been allegedly shot by Defendant Trumble. Plaintiffs believe that the deer was shot while physically located upon Plaintiffs' real property.

17. Defendant Trumble entered Plaintiffs' real property for the purpose of retrieving the deceased male deer.

18. Plaintiffs reasonably believe that Defendant Trumble entered the Plaintiffs' real property via Defendant Reuer's neighbors real property adjacent to the north of her lot.

I. CAUSES OF ACTION

Count I – Common Law Trespass

19. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1-18 as if fully set forth herein.

20. On November 19, 2018, Defendant Trumble, knowingly and intentionally entered Plaintiffs' real property without permission and with actual knowledge that Defendant Trumble did not have permission to enter/access Plaintiffs' real property.

21. The Plaintiffs' fencing and "No Trespass" signs were clear notice to Defendant Trumble that he was not allowed upon Plaintiffs' real property without their permission.

Count II – Private Nuisance

22. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1-21 as if fully set forth herein.

23. Defendant Reuer permitted Defendant Trumble to deer hunt her small residential lot with a long-range rifle – an inherently dangerous instrumentality – at the detriment of Plaintiffs' use and enjoyment of their property.

24. Defendant Trumble engaged in injurious activity while hunting on Defendant Reuer's property including the discharging of a dangerous firearm, pointing a long-range rifle in the direction of Plaintiffs' homestead, consuming alcohol while covertly monitoring Plaintiffs' comings and goings, and illegally invading Plaintiffs' well-posted property.

25. Defendant Reuer did nothing to contain the projectiles of Defendant Trumble's high-capacity rifle or to provide Plaintiffs with any notice or warning of the highly dangerous activity she was permitting him to engage in, despite her actual knowledge that Plaintiffs would deem this activity indecent.

26. Due to the hunting access Defendant Reuer provided to Defendant Trumble, Defendant Trumble engaged in conduct and activity that resulted in extraordinary circumstances offensive to Plaintiffs' senses. Plaintiffs were forced to witness the violence inflicted on the mature, white-tailed buck on their own property and subsequently obligated to clean up the gruesome mess

that Defendant Trumble created.

Count III – Intrusion Upon Seclusion

26. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1-26, as if fully set forth herein.

27. On or about November 19, 2018, Defendant Trumble intentionally and without authorization, physically entered upon Plaintiffs' real property and attempted to remove a mature male deer carcass;

28. Defendant Trumble's actions constituted an illegal invasion of the privacy of Plaintiffs' home and real property, and further intruded upon Plaintiffs' solitude, seclusion, and private affairs.

29. Defendant Trumble's intrusion on Plaintiffs' home and real property have caused Plaintiffs significant mental anguish and suffering; Plaintiff Laura Nirenberg had to seek medical assistance; and Plaintiff Laura Nirenberg had to seek a protective order against Defendant Trumble.

Count IV – Common Law Assault

30. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1-29, as if fully set forth herein.

31. On November 19, 2018, Defendant Trumble displayed both verbal and physical hostility towards Plaintiff Laura Nirenberg causing her imminent apprehension of a harmful or offensive contact.

32. Defendant Trumble, a complete stranger who was presumably armed and quite possibly intoxicated, repeatedly and loudly insisted that Plaintiff Laura Nirenberg come down off the second story deck. This further escalated Plaintiff Laura Nirenberg's apprehension and prompted calls for assistance to her husband and law enforcement.

Count V – Intentional Infliction of Emotional Distress

33. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1-32, as if fully set forth herein.

34. Defendant Trumble's wrongful actions detailed herein, were extreme in degree, outrageous in character, and beyond the bounds of decency and intolerable in a residential community.

35. Defendant Trumble's verbally assaulted Plaintiff Laura Nirenberg while illegally on Plaintiffs' land.

36. Defendant Trumble's familiarity with Plaintiff Laura Nirenberg's name and her work, his creepy statements, and knowledge later uncovered that Defendant Trumble was drinking while stalking Plaintiffs' activities, all compounded the outrageousness of his actions.

37. Defendant Trumble's failure to abide by the law, to know, acknowledge, and remain within the boundaries of Reuer's property, and to keep his lethal projectiles and deer cart off of Plaintiffs' land, violated Plaintiffs' privacy, stole Plaintiff's peace of mind, and intentionally inflicted extreme emotional distress on Plaintiffs.

COUNT VI – Injunctive Relief

38. The Plaintiffs incorporate herein by reference rhetorical paragraphs 1 - 37, as if fully set forth herein.

39. The Plaintiffs request a preliminary injunction enjoining, restraining, prohibiting and preventing Defendant Trumble from hunting on any property adjacent to Plaintiffs' properties located in LaPorte County, Indiana.

40. The Plaintiffs request a preliminary injunction enjoining, restraining, prohibiting and preventing Defendant Reuer from leasing, providing hunting access, or offering any opportunity

for the taking of wildlife to anyone on her property located on 500 West, La Porte County, Indiana.

II. RELIEF

WHEREFORE, Plaintiffs, Kenneth Nirenberg and Laura Nirenberg, respectfully request that this Court enter Judgment on their behalf and against the Defendants, Staci Reuer and Justin Trumble, for compensatory damages, punitive damages, injunctive relief and for all other damages appropriate in the premises.

Respectfully submitted,

/s/ Ryan A. Beall

Ryan A. Beall, #17857-46

Attorney for Plaintiffs

DEMAND FOR TRIAL BY JURY

Plaintiffs, by counsel, Ryan Beall, hereby demand Trial by Jury on their Complaint against Defendants.

/s/ Ryan A. Beall

Ryan A. Beall, #17857-46

Attorney for Plaintiffs