

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>KELLY SHAW, BRAD ROSS, SHRLEY CLARK, STEPHANIE ERICKSON, STEVE ARMSTRONG, CHRISTINA BEACH, ERICA SUPINGER and DEBRA WHITE</p> <p>Petitioners,</p> <p>v.</p> <p>IOWA STATE APPEAL BOARD,</p> <p>Respondent,</p> <p>CITY OF INDIANOLA, IOWA,</p> <p>Intervenor.</p>	<p><b>CASE NO. CVCV062042</b></p> <p><b>CITY OF INDIANOLA IOWA’S APPLICATION FOR INTERVENTION</b></p>
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COMES NOW the Intervenor, City of Indianola, Iowa (hereinafter “**Indianola**”) by and through its attorneys and hereby requests an order of the Court granting leave, pursuant to Iowa Rule of Civil Procedure 1.407(1)(b), to allow Indianola to intervene in the above-captioned matter and states to the Court the following:

1. The above-captioned matter concerns a Petition for Petition for Judicial Review of Agency Action by the Petitioners, Kelly Shaw, Brad Ross, Shirley Clark, Stephanie Erickson, Steve Armstrong, Christina Beach, Erica Supinger and Debra White appealing the decision of the Iowa State Appeal Board to dismiss the Petition protesting the Indianola’s budget, and specifically, expenditure of use of Local Option Sales Tax (“LOST”) funds.

2. Indianola, as the party whose budget is being protested has an interest in protecting its rights with regard to the Petition for Judicial Review of the Agency Action and should be allowed to intervene to protect those rights,

3. Pursuant to Iowa Rule of Civil Procedure 1.407(1)(b), Indianola has the right to intervene as it possesses an interest relating to the appeal of the decision of the state to dismiss the petition protesting the budget and the disposition of the action may, as a practical matter, impair or impede Indianola's ability to protect its interests.

4. Indianola's interest in this action is separate and distinct from the interests of existing parties and, as such, cannot be adequately represented by existing parties.

5. This intervention will not delay or prejudice the adjudication of the rights of the original parties and will, in fact, result in savings of judicial economy.

WHEREFORE, the City of Indianola, Iowa respectfully requests that this Court grant this Application to Intervene and allow Indianola twenty (20) days within which to move, answer or otherwise respond to the Petition, and for such further and other relief as the Court deems just and equitable in the premises.

Respectfully submitted

BRICK GENTRY PC

By: /s/ Douglas A. Fulton  
Douglas A. Fulton (AT0002672)  
Amy S. Beattie (AT0000737)  
6701 Westown Parkway, Suite 100  
West Des Moines, IA 50266  
Telephone: 274-1450  
Facsimile: 274-1488  
Email: [douglas.fulton@brickgentrylaw.com](mailto:douglas.fulton@brickgentrylaw.com)  
Email: [amy.beattie@brickgentrylaw.com](mailto:amy.beattie@brickgentrylaw.com)

ATTORNEYS FOR INTERVENOR, CITY OF  
INDIANOLA, IOWA

Original Efiled.

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Notice of Electronic Filing is sent through the electronic document management system to all registered filers for the within case. A review of the filers in this matter indicates that all necessary parties have been or will be served. Any unregistered filer will be served with a paper copy and so noted in a Certificate of Service.

By: /s/ Cindy S. Juhl