

INDIANA TAX COURT
Cases Transmitted
Week of 5/9/05

Name: Alcoa, Inc. and Subsidiaries v. Ind. Dept. of State Revenue
Case No. 49T10-0505-TA-00049
Date Filed: 5/12/05
Attorneys: Larry J. Stroble
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7248

Julie E. McGuire
HULL McGUIRE PC
600 grant St.
U.S. Steel Tower, 32nd Fl.
Pittsburgh, PA 15219-2702
(412) 261-2600

Type of Tax: Income – the taxpayer challenges whether resource recovery deduction should be allow; whether certain capital gain is business income; whether certain royalty payments should be included in income; and whether taxpayer had a net operating loss as adjusted by the State's audit.

INDIANA TAX COURT
Cases Transmitted
Week of 5/30/05

Name: Eugene A. Bonfiglio v. Ind. Dept. of Revenue
Case No. 02T10-0506-TA-00050
Date Filed: 5/27/05
Attorneys: Eugene A. Bonfiglio, pro se
Type of Tax: Sales & Use – the taxpayer challenges whether it owes sales and use tax on purchase of aircraft.

INDIANA TAX COURT
Cases Transmitted
Week of 6/6/05

Name: KFC Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0506-TA-00051
Date Filed: 6/8/05
Attorneys: Francina A. Dlouhy
BAKER & DANIELS
300 N. Meridian St. Ste. 2700
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(317) 237-0300

Paul H. Frankel, Craig B. Fields, Roberta Moseley Nero
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, NY 10104-0050

Type of Tax: Income – the taxpayer challenges whether it had a business situs in Indiana; whether it did business in Indiana; whether it had a tax situs in Indiana; whether imposition of tax violates U.S. Constitution; and whether it owes penalties and interest.

INDIANA TAX COURT
Cases Transmitted
Week of 6/20/05

Name: Riverboat Development Inc. v. Ind. Dept. of State Revenue

Case No. 49T10-0506-TA-00052

Date Filed: 6/20/05

Attorneys: Larry J. Stroble, Peter Rusthoven, Randal J. Kaltenmark

BARNES & THORNBURG

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Type of Tax: Income – the taxpayer challenges whether its adjusted gross income was from Indiana sources and whether it had tax nexus in the taxable year.

INDIANA TAX COURT
Cases Transmitted
Week of 6/27/05

Name: MBNA American Bank, N.A. & Affiliates v. Ind. Dept. of State Revenue
Case No. 49T10-0506-TA-00053
Date Filed: 6/30/05
Attorneys: Larry J. Stroble, Randal J. Kaltenmark
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(317) 231-7248
Type of Tax: FIT – the taxpayer challenges whether it owes financial institute tax on income received from Indiana credit card customers when taxpayer had no Indiana offices, employees, etc.

INDIANA TAX COURT
Cases Transmitted
Week of 7/4/05

Name: Westfield Golf Practice Center, LLC v. Washington Township Assessor, et. al.

Case No. 49T10-0507-TA-00054

Date Filed: 7/7/05

Attorneys: Jeffrey T. Bennett, Bradley D. Hasler

BINGHAM MCHALE LLP

2700 Market Tower

10 W. Market Street

Indianapolis, IN 46204

(317) 635-8900

Type of Tax: Real estate – the taxpayer challenges that the land value of portion of land where golf balls land (taxpayer's golf driving range) is assessed as undeveloped useable commercial land and should have a golf course land value or secondary land value.

INDIANA TAX COURT
Cases Transmitted
Week of 7/4/05

Name: Timothy Vilbrandt v. Ind. Bd. of Tax Review, et. al.
Case No. 49T10-0507-TA-00055
Date Filed: 7/8/05
Attorneys: Teri M. Lorenz
HUNT HASSLER & LORENZ LLP
100 Cherry St.
P.O. Box 1527
Terre Haute, IN 47808
(812) 232-9691
Type of Tax: Real – the taxpayer challenges whether assessment is support by substantial and reliable evidence.

INDIANA TAX COURT
Cases Transmitted
Week of 7/11/05

Name: Edward J. Raskosky & Dorothea Raskosky, Husband & Wife v. Ind. Bd. of Tax Review, et. al.
Case No. 49T10-0507-TA-00056
Date Filed: 7/6/05
Attorneys: Kenneth D. Reed
ABRAHAMSON & REED
200 Russell Street
Hammond, IN 46320
(219) 937-1500
Type of Tax: Real – the taxpayer challenges whether land was assessed at correct front foot value; constitutionality; and whether property has been over-assessed in light of assessment of “Big Four” assessments..

INDIANA TAX COURT
Cases Transmitted
Week of 7/18/05

Name: Susan Barker v. Johnson Co. Assessor and Blue River Township Assessor
Case No. 49T10-0507-TA-00057
Date Filed: 7/14/05
Attorneys: Timothy J. Vrana,
Attorney at Law
636 3rd Street
P.O. Box 527
Columbus, IN 47202
(812) 375-9306
Type of Tax: Real – the taxpayer challenges whether land assessment was arbitrary and capricious, and whether grade must be the same on a GCK or GSA classification.

INDIANA TAX COURT
Cases Transmitted
Week of 7/18/05

Name: Vectren Corp. v. Ind. Dept. of State Revenue

Case No. 49T10-0507-TA-00058

Date Filed: 7/18/05

Attorneys: Larry J. Stroble, Randal J. Kaltenmark

BARNES & THORNBURG LLP

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Indianapolis, IN 46204

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Type of Tax: Income – the taxpayer challenges whether the numerator in the apportionment factor is correct.

INDIANA TAX COURT
Cases Transmitted
Week of 7/18/05

Name: Brothers of Holy Cross v. St. Joseph Co. PTABOA
Case No. 49T10-0507-TA-00059
Date Filed: 7/20/05
Attorneys: Stephen H. Paul, Brent A. Auberry
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(574) 631-9951

Type of Tax: Real – the taxpayer challenges whether it is entitled to exemption for senior citizen housing complex.

INDIANA TAX COURT
Cases Transmitted
Week of 7/18/05

Name: Andrew Hanis v. Ind. Bd. of Tax Review
Case No. 49T10-0507-TA-00060
Date Filed: 7/20/05
Attorneys: Andrew Hanis, pro se
Type of Tax: Real – the taxpayer challenges whether city appraisal should have been considered.

INDIANA TAX COURT
Cases Transmitted
Week of 7/18/05

Name: Geoffrey, Inc. v. Ind. Dept. of State Revenue

Case No. 49T10-0507-TA-00061

Date Filed: 7/22/05

Attorneys: Francina A. Dlouhy
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Type of Tax: Income – the taxpayer challenges whether it owes income tax in Indiana on receipts for trademark when it has no Indiana business situs.

INDIANA TAX COURT
Cases Transmitted
Week of 7/25/05

Name: Koch Fertilizer & Storage Terminal Co. Ind. Dept. of State Revenue
Case No. 49T10-0507-TA-00062
Date Filed: 7/27/05
Attorneys: Larry J. Stroble, Randal J. Kaltenmark
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7248
Type of Tax: Income – the taxpayer challenges whether it owes income tax in Indiana on receipts for trademark when it has no Indiana business situs.

INDIANA TAX COURT
Cases Transmitted
Week of 8/15/05

Name: Americredit Corp. & Americredit Financial Ser. Inc. v. Ind. Dept. of State Revenue

Case No. 49T10-0508-TA-00063

Date Filed: 8/16/05

Attorneys: Stephen H. Paul, Brent A. Auberry
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Peter O. Larsen, R. Raye Curry
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50 N. Laura St., Ste. 2500
Jacksonville, FL 32202
(904) 798-3700

Type of Tax: Sales – the taxpayer challenges whether the correct party filed claim for refund of sales tax under bad debt provision.

INDIANA TAX COURT
Cases Transmitted
Week of 8/15/05

Name: Lake County Assessor v. Dept. of Local Government Finance and Ispat Inland, Inc.

Case No. 49T10-0508-TA-00064

Date Filed: 8/18/05

Attorneys: John S. Dull
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(219) 756-7677

Type of Tax: Real – the taxpayer challenges whether DLGF correctly assessed Ispat Inland's property.

INDIANA TAX COURT
Cases Transmitted
Week of 8/15/05

Name: Ispat Inland, Inc. v. Dept. of Local Government Finance and Lake County Assessor
Case No. 49T10-0508-TA-00065
Date Filed: 8/19/05
Attorneys: Stephen H. Paul, Brent A. Auberry
BAKER & DANIELS, LLP
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Type of Tax: Real – the taxpayer challenges whether the sales price of property is the appropriate value for property tax purposes.

INDIANA TAX COURT
Cases Transmitted
Week of 8/15/05

Name: SJK Leasing Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0508-TA-00066
Date Filed: 8/19/05
Attorneys: Stephen H. Paul, Brent A. Auberry, Kathy L. Osborn
BAKER & DANIELS, LLP
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Indianapolis, IN 46204
(317) 237-0300
Type of Tax: Sales – the taxpayer challenges whether sales tax is due on the purchase of aircraft that was purchased for rental and leasing.

INDIANA TAX COURT
Cases Transmitted
Week of 8/15/05

Name: Huse Aviation, Inc. v. Ind. Dept. of State Revenue
Case No. 49T10-0508-TA-00067
Date Filed: 8/19/05
Attorneys: Stephen H. Paul, Brent A. Auberry, Kathy L. Osborn
BAKER & DANIELS, LLP
300 N. Meridian St. Ste. 2700
Indianapolis, IN 46204
(317) 237-0300
Type of Tax: Sales – the taxpayer challenges whether sales tax is due on the purchase of aircraft that was purchased for rental and leasing.

INDIANA TAX COURT
Cases Transmitted
Week of 8/22/05

Name: Rubystean Perry v. Ind. Bd. of Tax Review
Case No. 49T10-0508-TA-00068
Date Filed: 8/18/05
Attorneys: Rubystean Perry, pro se
Type of Tax: Real – the taxpayer challenges whether assessment was correct in light of comparative values submitted.

INDIANA TAX COURT
Cases Transmitted
Week of 8/22/05

Name: Mitsubishi Motors North America, Inc. and Subsidiaries v. Ind. Dept. of Revenue
Case No. 49T10-0508-TA-00069
Date Filed: 8/24/05
Attorneys: Ronald M. Soskin, Robert B. Clemens
BOSE MCKINNEY & EVANS, LLP
2700 First Indiana Plaza
135 N. Pennsylvania St.
Indianapolis, IN 46206
(317) 684-5000
Type of Tax: Income – the taxpayer challenges whether gross income tax is due on receipts of sales made in California to Indiana dealers when taxpayer has no Indiana presence and whether income received in financing dealer purchases is subject to Indiana gross income tax.

INDIANA TAX COURT
Cases Transmitted
Week of 8/22/05

Name: Joyce Robinson v. Dept. of Local Government Finance
Case No. 45T10-0508-TA-00070
Date Filed: 8/25/05
Attorneys: Joyce Robinson, pro se
Type of Tax: Real – taxpayer challenges whether property was assessed correctly and procedural issue regarding statement by assessor that there was, in fact, an error in assessment.

INDIANA TAX COURT
Cases Transmitted
Week of 8/29/05

Name: Richard Stahl d/b/a Richard Stahl Stone Carver v. Ind. Dept. of Revenue
Case No. 49T10-0508-TA-00071
Date Filed: 8/26/05
Attorneys: John B. Laszlo, Attorney at law
200 East 80th Place, Ste. 200
Merrillville, IN 46410
(219) 736-5010
Type of Tax: Sales– the taxpayer challenges whether it owes sales tax on item delivered outside of Indiana and on items purchased for resale.

INDIANA TAX COURT
Cases Transmitted
Week of 8/29/05

Name: Kimberly-Clark Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0508-TA-00072
Date Filed: 8/29/05
Attorneys: Francina A. Dlouhy, J. Daniel Ogren
BAKER & DANIELS, LLP
300 N. Meridian St. Ste. 2700
Indianapolis, IN 46204
(317) 237-0300
Type of Tax: Income – the taxpayer challenges whether intangible payments made to subsidiary are deductible and whether the State is forcing a unitary reporting method.

INDIANA TAX COURT
Cases Transmitted
Week of 8/29/05

Name: Heritage Acceptance Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0509-TA-00073
Date Filed: 9/1/05
Attorneys: Stephen H. Paul, Brent A. Auberry
BAKER & DANIELS, LLP
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(317) 237-0300
Type of Tax: Sales- the taxpayer challenges whether it is entitled to refund under bad debt provision.

INDIANA TAX COURT
Cases Transmitted
Week of 8/29/05

Name: MBNA American Bank, N.A. & Affiliates v. Ind. Dept. of State Revenue
Case No. 49T10-0509-TA-00074
Date Filed: 9/1/05
Attorneys: Larry J. Stroble
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7248
Type of Tax: FIT – the taxpayer challenges whether it owes financial institute tax on income received from Indiana credit card customers when taxpayer had no Indiana offices, employees, etc.

INDIANA TAX COURT
Cases Transmitted
Week of 9/5/05

Name: Laboratory Corp. of America Holdings v. Ind. Dept. of State Revenue
Case No. 49T10-0509-TA-00075
Date Filed: 9/9/05
Attorneys: Larry J. Stroble, Randal J. Kaltenmark, Ziaaddin Mollabashy
BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7248
Type of Tax: Income – the taxpayer challenges whether gross income tax is due on services performed outside of Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 9/12/05

Name: Wayne Township, Marion Co., Indiana v. Dept. of Local Government Finance
Case No. 49T10-0509-TA-00076
Date Filed: 9/15/05
Attorneys: Stephen R. Buschmann, Jeffrey Bellamy
THRASHER BUSCHMANN GRIFFITH & VOELKEL, P.C.
151 N. Delaware St. Ste. 1900
Indianapolis, IN 46204
(317) 686-4773
Type of Tax: The taxpayer challenges whether the DLFGF correctly computed the distributive share of county option,
income tax due taxpayer.

INDIANA TAX COURT
Cases Transmitted
Week of 9/12/05

Name: W & J Leasing, Inc. v. Dept. of Local Government Finance
Case No. 49T10-0509-TA-00077
Date Filed: 9/16/05
Attorneys: Dan R. Dunbar
DUNBAR & ROMACK
820 Ellington Court
Indianapolis, IN 4634
(317) 523-9361
Type of Tax: Sales – taxpayer challenges whether sales tax is due on aircraft purchased and subsequently leased.

INDIANA TAX COURT
Cases Transmitted
Week of 9/22/05

Name: American Honda Finance Corp. v. Ind. Dept. of State Revenue

Case No. 49T10-0509-TA-00078

Date Filed: 9/27/05

Attorneys: Barton T. Sprunger, Mark J. Richards

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Raymond D. Anderson

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52 East Gay Street

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Columbus, OH 43216-1008

Type of Tax: Income – taxpayer challenges whether it owes gross income tax on certain leasing receipts since it is not located nor conducts business in Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 10/3/05

Name: Thomas C. O'Donnell and Kathy L. O'Donnell v. Dept. of Local Government Finance
Case No. 49T10-0510-TA-00079
Date Filed: 10/1/05
Attorneys: Thomas C. O'Donnell
Attorney at Law
9729 Prairie Avenue
Highland, IN 46322
(219) 922-1010
Type of Tax: Real – taxpayer challenges land value, grade, and uniformity.

INDIANA TAX COURT
Cases Transmitted
Week of 10/3/05

Name: Federated Publications, Inc. v. Ind. Dept. of State Revenue

Case No. 49T10-0510-TA-00080

Date Filed: 10/7/05

Attorneys: Barton T. Sprunger, Mark J. Richards, Randall B. Pollard

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Type of Tax: Income – the taxpayer challenges whether certain income is allocable outside of Indiana and whether certain income is non-business income.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Fifth Third Bancorp. And Subsidiaries. v. Ind. Dept. of State Revenue
Case No. 49T10-0510-TA-00081
Date Filed: 10/11/05
Attorneys: Larry J. Stroble, Randal J. Kaltenmark
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7248
Type of Tax: FIT – the taxpayer challenges whether there was an overpayment of FIT and whether the correct apportionment factor was applied.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: 117 Republic Limited Partnership v. Brown Township Assessor, et al.
Case No. 49T10-0510-TA-00082
Date Filed: 10/13/05
Attorneys: Jeffrey T. Bennett, Bradley D. Hasler
BINGHAM MCHALE LLP
2700 Market Tower
10 W. Market Street
Indianapolis, IN 46204
(317) 635-8900
Type of Tax: Real - the taxpayer challenges whether assessed value exceeds property value use.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Lafayette Square Amoco, Inc. v. Ind. Dept. of Revenue
Case No. 49T10-0510-TA-00083
Date Filed: 10/13/05
Attorneys: Steven P. Meyer
BALL EGGLESTON, PC
810 Bank One Building
P.O. Box 1535
Lafayette, IN 47902
(765) 742-9046
Type of Tax: Sales - the taxpayer challenges whether sales tax is due on certain receipts for oil changes.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Cook Group, Inc. v. Ind. Dept. of State Revenue
Case No. 49T10-0510-TA-00084
Date Filed: 10/14/05
Attorneys: Francina A. Dlouhy, Jon Laramore
BAKER & DANIELS, LLP
300 N. Meridian St. Ste. 2700
Indianapolis, IN 46204
(317) 237-0300
Type of Tax: Income – the taxpayer challenges whether overstated its Indiana sales factor numerator in apportioning income.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Taco Bell Corp. as successor in interest to Taco Bell Royalty Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0510-TA-00085
Date Filed: 10/14/05
Attorneys: Francina A. Dlouhy
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Craig B. Fields
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Type of Tax: Income – the taxpayer challenges whether it is subject to income tax on receipts from franchise use of intellectual property when it has no place of business or other contacts in Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Taco Bell Corp. v. Ind. Dept. of State Revenue

Case No. 49T10-0510-TA-00086

Date Filed: 10/14/05

Attorneys: Francina A. Dlouhy
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Type of Tax: Income – the taxpayer challenges whether it is subject to income tax on receipts from franchise use of intellectual property when it has no place of business or other contacts in Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 10/10/05

Name: Pizza Hut, Inc. v. Ind. Dept. of State Revenue

Case No. 49T10-0510-TA-00087

Date Filed: 10/14/05

Attorneys: Francina A. Dlouhy
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Type of Tax: Income – the taxpayer challenges whether it is subject to income tax on receipts from franchise use of intellectual property when it has no place of business or other contacts in Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 10/17/05

Name: Metaldyne Corp. & TriMas Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0510-TA-00088
Date Filed: 10/21/05
Attorneys: Larry J. Stroble, Randal J. Kaltenmark,
BARNES & THORNBURG
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Type of Tax: Income – the taxpayer challenges whether returns showing net operating loss carryback resulting in refunds were timely filed; whether non-business income can be used to create net operating loss & is a change in position.

INDIANA TAX COURT
Cases Transmitted
Week of 10/24/05

Name: Roman & Eva Sobula v. Ind. Bd. of Tax Review
Case No. 45T10-0510-TA-00089
Date Filed: 10/17/05
Attorneys: Roman & Eva Sobula, pro se
Type of Tax: Real – the taxpayers challenge whether real property was correctly assessed.

INDIANA TAX COURT
Cases Transmitted
Week of 10/24/05

Name: Bob Rohrman Motors, Inc., et. al. v. Ind. Dept. of State Revenue

Case No. 49T10-0510-TA-00090

Date Filed: 10/28/05

Attorneys: Charles M. Layden
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Type of Tax: Sales – the taxpayers challenge whether they owe sales tax on what purportedly was remitted by finance company; whether use tax is due on postage.

INDIANA TAX COURT
Cases Transmitted
Week of 11/14/05

Name: American Honda Finance Corp. v. Ind. Dept. of State Revenue
Case No. 49T10-0511-TA-00091
Date Filed: 11/16/05
Attorneys: Barton T. Sprunger, Mark J. Richards
ICE MILLER
One American Square
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Indianapolis, IN 46282-0002
(317) 236-2100
Type of Tax: Income – the taxpayer challenges whether gross income tax on receipts from leasing activities are due when it has no physical presence in Indiana.

INDIANA TAX COURT
Cases Transmitted
Week of 11/21/05

Name: Ford Motor Co. v. Ind. Dept. of State Revenue
Case No. 49T10-0511-TA-00092
Date Filed: 11/18/05
Attorneys: Barton T. Sprunger, Mark J. Richards
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Type of Tax: Income - Taxpayer challenges whether claims for refund were filed in the appropriate time frame.

INDIANA TAX COURT
Cases Transmitted
Week of 11/28/05

Name: AM General LLC v. Ind. Dept. of State Revenue

Case No. 49T10-0511-TA-00093

Date Filed: 11/29/05

Attorneys: Larry J. Stroble, Randal J. Kaltenmark

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Type of Tax: Income - Taxpayer challenges whether income tax returns were timely filed allowing for a refund and whether property taxes paid should have been added back to arrive at adjusted gross income.

INDIANA TAX COURT
Cases Transmitted
Week of 11/28/05

Name: Phi Delta Theta Foundation v. Joline Ohmart, Washington Township Assessor, Marion County, IN, et. al.
Case No. 49T10-0512-TA-00094
Date Filed: 12/2/05
Attorneys: Philip S. Kappes
LEWIS & KAPPES
1700 One American Square
Indianapolis, IN 46282-0002
(317) 236-2100
Type of Tax: Exemption - Taxpayer challenges whether a fraternity house they own on the Butler University campus is exempt even if they allegedly filed their application late.

INDIANA TAX COURT
Cases Transmitted
Week of 12/5/05

Name: James A. and Martha J. Dresniak v. Ind. Bd. of Tax Review
Case No. 45T10-0512-TA-00095
Date Filed: 12/3/05
Attorneys: James A. & Martha J. Dresniak, pro se
Type of Tax: Real - Taxpayers challenge whether they received a fair administrative hearing and whether appraisal submitted is sufficient.

INDIANA TAX COURT
Cases Transmitted
Week of 12/5/05

Name: Mike T. and Angela Lazo, et. al. v. Dept. of Local Government Finance
Case No. 45T10-0512-TA-00096
Date Filed: 12/2/05
Attorneys: Mike T. and Angela Lazo, pro se
Type of Tax: Real - Taxpayers challenge land value.

INDIANA TAX COURT
Cases Transmitted
Week of 12/5/05

Name: James F. Barnaby a/k/a/ Barnaby Construction v. Ind. Dept. of State Revenue
Case No. 49T10-0512-TA-00097
Date Filed: 12/9/05
Attorneys: John Paul Cook
DUNN & COOK
199 N. Main St.
Franklin, IN 46131
(317) 738-3030
Type of Tax: Income - Taxpayer challenges certain contractor equipment should have been disallowed.