

WHEREFORE THE COURT FURTHER FINDS that the action of said Board of Works was illegal and capricious in that it appears to this Court that the said Cozzy did not have a fair trial and before an unprejudiced and unbiased tribunal.

WHEREFORE THE COURT ORDERS AND ADJUDGES AND DECREES that the verdict and the finding of the said Board of Works on September 9, 1957, should be set aside and held for naught and that the said suspension of said Cozzy should be abrogated and set aside and the Court further orders and directs that said Board shall pay the appellant Cozzy any salary or wages from such party to which he is entitled under the judgment of this Court.

Costs versus the City of Lebanon. The Clerk of this Court is directed to furnish a certified copy of this decision to the president of the Board of Works of Lebanon, Indiana, by mailing the same to said president.

(Signed) John S. Niblack  
Special Judge Boone Circuit  
Court  
May 25, 1959

PETITION NO. 39 - Protesting Passage of Building Code Ordinance No. 78.

We, the undersigned contractors, sub-contractors, interested persons and current holders of license under the Building Code of the City of Lebanon, Indiana, do protest the passage of the Building Ordinance #78, passed by the members of the Common Council on Feb. 8, 1960.

The old Ordinance passed by the Common Council on the 11th day of August 1952 as Ordinance #8 and the amendment thereto, passed by the Common Council on the 27th day of October 1958 as Ordinance #63, should be substituted and passed by the Common Council.

The reason being that for the efficient operation of and in carrying out the extent of said Building Code, in question the office of Building Inspector should be taken out of politics.

(Signed:)

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|--------------------|-----------------------|
| 1. Gene Bramblett  | 12. Floyd A. Williams |
| 2. Max Bowen       | 13. Wayne Alkire      |
| 3. Fred Giddings   | 14. James M. Wall     |
| 4. Ezra Myers      | 15. William Wainscott |
| 5. Wm. Sloan       | 16. Kenneth Cory      |
| 6. Charles H. Carr | 17. Philip Don Bowers |
| 7. H. T. Carr      | 18. Harry D. Hawkins  |
| 8. M. Nester       | 19. Elmer Ping        |
| 9. Ross McCoy      | 20. Paul F. Kays      |
| 10. John Wild      | 21. Alfred A. Harmon  |
| 11. Victor Brown   | 22. H. Strawmyer      |

*See Minute Book Pg 37*

IN THE APPELLATE COURT OF INDIANA

CITY OF LEBANON, INDIANA )

APPELLANT )

VS )

JOSEPH COZZY )

APPELLEE )

CAUSE NO. 19413

WITHDRAWAL OF ATTORNEY'S APPEARANCE

*Filed "Cozzy"*

Ora A. Kincaid, of the firm of Kincaid and Goodwin, having heretofore been appointed Attorney for the City of Lebanon, Indiana and the undersigned having delivered all papers, including Appellant's copy of Appellant's Brief and Petition for Oral Arguement, heretofore filed in the above entitled appeal from the Boone Circuit Court said Ora A. Kincaid, Wendell B. Iddings, hereby respectfully submits to this Honorable Court the withdrawal of his appearance as Attorney for the Appellant, City of Lebanon, Indiana.

(Signed) Wendell B. Iddings

I hereby certify that a copy of the above and foregoing withdrawal of appearance was served on the Appellant City of Lebanon, Indiana; on Ora A. Kincaid, Attorney for the Appellant City of Lebanon, Indiana and James L. Goodwin, Attorney for Joseph Cozzy, Appellee by Certified United States Mail this 26th day of February, 1960.

(Signed) Wendell B. Iddings