

September 12, 2022

VIA CERTIFIED MAILPlainfield Fire Territory
591 Moon Road
Plainfield, IN 46168Plainfield Town Council
206 West Main Street
Plainfield, IN 46168Indiana Political Subdivision Risk
Management Commission
311 West Washington Street, Suite 103
Indianapolis, IN 46204Andrew Klinger
Plainfield Town Manager
206 West Main Street
Plainfield, IN 46168Office of Attorney General
Attn: Tort Claim Investigations
Government Center South, 5th Floor
302 W. Washington St.
Indianapolis, IN 46204Brent Anderson, Fire Chief
Plainfield Fire Territory
591 Moon Road
Plainfield, IN 46168

Re: Address of Loss: 9590 Allpoints Parkway, Plainfield (Avon), Indiana 46123
 Date of Loss: March 16, 2022
 Claimed Loss: Property Loss and Damage
 Cause of Loss: Fire
 Damages Claimed: The amount of damages is still being investigated.
 However, the amount is currently known to exceed the
 \$5,000,000 statutory limit of the Indiana Tort Claims Act.

NOTICE OF TORT CLAIM FOR PROPERTY LOSS AND DAMAGE

Dear Sirs and/or Madams:

Please be advised that this Notice of Tort Claim is being sent on behalf of Walmart Inc. and its subsidiaries, including Walmart Fulfillment Services, LLC (“Claimant”). The purpose of this letter is to provide notice of intent to pursue a tort claim, if ultimately deemed appropriate, for property loss, loss of inventory, loss of business earnings, loss of use and enjoyment, and related damages in accordance with the requirements of the Indiana Tort Claims Act, IND. CODE § 34-13-3-1 *et seq.*, § 34-13-3-10 (2022) (requiring a “short and plain statement” of the facts on which the claim is based and the “circumstances which brought about the loss, the extent of the loss, the time

and place the loss occurred, the names of all persons involved if known, the amount of the damages sought, and the residence of the person making the claim at the time of the loss and at the time of filing the notice”).

1. Circumstances of the loss

On March 16, 2022, a fire occurred at or in the vicinity of 9590 Allpoints Parkway in Plainfield (Avon), Indiana (the “Premises”). The Plainfield Fire Territory directed and participated in fire suppression activities and/or acted as the command staff. Upon information and belief, such fire suppression activities and/or command staff functions may have caused, contributed to and/or exacerbated the extent of the property loss and damages at the Premises. Those activities, which are the subject of ongoing investigation, included, but are not limited to, deactivating or disabling the fire suppression system, risers and/or pumps during fire response activities, and/or opening the facility doors which allowed additional oxygen to enter the Premises before the fire was extinguished. After these activities occurred, the fire at the Premises grew and spread quickly.

2. Extent of the loss

The fire resulted in the total loss of the Premises and its contents.

3. Time and place the loss occurred

The fire at issue began at approximately 11:45 a.m. on March 16, 2022.

9590 Allpoints Parkway
Plainfield (Avon), Indiana 46123

4. Names of all persons involved if known

Brent Anderson
Fire Chief
Plainfield Fire Territory

Gregory Williams
Assistant Fire Chief
Plainfield Fire Territory

Jeffrey Dixon
Deputy of Operations
Plainfield Fire Territory

Wade Stevens
Division Chief of Prevention & Administration
Plainfield Fire Territory

Byron Anderson
Battalion Chief
Plainfield Fire Territory

Wayne Long
Fire Prevention Officer
Plainfield Fire Territory

Alan Trauner
Captain
Plainfield Fire Territory

Matthew King
Lieutenant
Plainfield Fire Territory

Michael Thompson
Lieutenant
Plainfield Fire Territory

Chad Anspach
Lieutenant
Plainfield Fire Territory

Paul Wise
Michael Davies
Roger Harris
Mark Peterson
Joseph Quinn
Christopher Little
Ryan Schatko
Daniel Woehlecke
Tyler Peterson
Stephen Rodkey
Dennis Speer
Michael Hildebrand
Justin Holliday
Donald Herrmann
Jacob Steckler
Wyatt Waddell

Tyler Wilson
Joshua Ford
Robyn Lynn
Plainfield Fire Territory

Edward Moore, III
Battalion Chief
Wayne Township Fire Department

Justin Sparks
Lieutenant
Wayne Township Fire Department

Gordon Walker
Lieutenant
Wayne Township Fire Department

Pedro Caceres
Richard Poling
Joseph Cougan Jr.
Justin Sparks
Jacob Cougan
Wayne Township Fire Department

Brian Perisho
Lieutenant
Washington Township Avon Fire Department

Todd Gordon
FF Finchum
FF Myers
Washington Township Avon Fire Department

Brownsburg Fire Territory
Decatur Township Fire Department
Consolidated City of Indianapolis and Marion County
Indianapolis Fire Department
Pittsboro Fire Department
Speedway Fire Department
Danville Fire Department
Pike Township Fire Department
Amo Fire Department
Coatesville Fire Department
Stilesville Fire Department

Lizton Union Township Fire Department
North Salem Fire Department
Indianapolis International Airport Fire Department
Jamestown Fire Department
Perry Township Fire Department
Madison Township Fire Department
Monroe Township Fire Department
 Mooresville Fire Department
Whitestown Fire Department
Carmel Fire Department
Westfield Fire Department
Bargersville Community Fire Department
Greenwood Fire Department
Zionsville Fire Department
Greencastle Fire Department
Martinsville Fire Department
Lebanon Fire Department
Hendricks County Fire Buffs
White River Township Fire Department
Indiana State Fire Marshal

5. Amount of the damages sought

The amount of damages is still being investigated, but currently exceeds the \$5,000,000 statutory limit of the Indiana Tort Claims Act.

6. Residence of the person making the claim at the time of the loss

Walmart Inc.
702 S.W. 8th Street
Bentonville, AR 72716

Walmart Fulfillment Services, LLC
702 S.W. 8th Street
Bentonville, AR 72716

7. Residence of the person making the claim at the time of filing the notice

Walmart Inc.
702 S.W. 8th Street
Bentonville, AR 72716

Walmart Fulfillment Services, LLC
702 S.W. 8th Street
Bentonville, AR 72716

Claimant reserves the right to amend and/or supplement this notice.

In accordance with the purpose of the Indiana Tort Claims Act, we have sent you this notice to aid in your investigation of the surrounding circumstances of this incident.

Finally, please also consider this letter a request to preserve all evidence regarding the Premises and the fire at the Premises. This preservation request includes both tangible documents and electronically stored information. Thank you for your attention to this matter.

Very truly yours,

LEWIS WAGNER, LLP

Lesley A. Pfleging

LESLEY A. PFLEGING