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February 15, 2013

RECEIVED
2/19/13

VIA MESSENGER

Clerk to the
Honorable Christopher Foley, Branch 14
Milwaukee County Circuit Court
901 North Ninth Street, Room 403
Milwaukee, WI 53233

Re: *Jerusalem Empowered African Methodist Episcopal Church v.*
City of Milwaukee
Case No. 12-CV-008079

Dear Clerk:

Enclosed for filing is the defendant's Answer, filed in response to the court's ruling of February 7, 2013. I would appreciate your please returning a conformed copy to our waiting representative. Thank you.

Very truly yours,


CHRISTINE M. QUINN
Assistant City Attorney

CMQ:cdr

Enclosure

c: Attorney Thomas Kamenick (w/enc.)

1056-2012-1862/189261

JERUSALEM EMPOWERED AFRICAN
METHODIST EPISCOPAL CHURCH,

Plaintiff,

v.

Case No. 12CV008079

CITY OF MILWAUKEE,

Defendant.

ANSWER

NOW COMES defendant City of Milwaukee, by its attorney, Grant F. Langley, City Attorney, Assistant City Attorney Christine M. Quinn, and as and for an answer to plaintiff's complaint, admits, denies, alleges and states to the court as follows:

1. Answering paragraph 1, defendant acknowledges the plaintiff's description of the action as one of alleged property tax exemption but denies the allegations contained herein.

2. Answering paragraph 2, defendant acknowledges plaintiff's description of this action but denies the allegations that Wisconsin Statute § 74.35(2m) unconstitutionally deprives plaintiff of due process of law, equal protection of law or violates the Wisconsin Constitution's "right to remedy" clause, and plaintiff denies that this action may be brought as a declaratory judgment action pursuant to Wis. Stat. § 806.04.

3. Answering paragraph 3, defendant denies the allegations contained therein

4. Answering paragraph 4, defendant denies the allegations contained therein.

5. Answering paragraph 5, defendant admits the allegations contained therein.

6. Answering paragraph 6, defendant admits the allegations contained therein but clarifies the address is 200 East Wells Street, Milwaukee Wisconsin 53202.

7. Answering paragraph 7-12, defendant admits the allegations contained therein.

8. Answering paragraph 13, the defendant is unable to admit or deny the allegations contained therein at this time, and states that the burden is upon the plaintiff to prove this allegation at trial.

9. Answering paragraphs 14-27, plaintiff admits the allegations contained therein.

AFFIRMATIVE DEFENSES

AS AND FOR AFFIRMATIVE DEFENSES, defendant City of Milwaukee alleges and states to the court as follows:

1. The plaintiff's complaint fails to state a claim upon which relief can be granted under Wis. Stat. § 70.11(4).

2. The complaint must be dismissed as the claims set forth therein fail to meet the extremely high burden of showing express entitlement to an exemption under Wis. Stat. § 70.11(4).

WHEREFORE, defendant City of Milwaukee requests that:

1. The court denies the plaintiff's prayers for relief.
2. The court find that Wis. Stat. §74.35 is constitutional, and does not

unconstitutionally deprive the plaintiff their due process rights nor their rights to equal protection or laws and does not violate the Wisconsin Constitution's "Right to remedy" clause.

3. The court sustains the assessment and the City's denial of plaintiff's claim for an exemption.

4. The court declares that the City acted within the law.

5. The court awards the City such other remedies, costs and fees as the law may deem appropriate.

Dated at Milwaukee, Wisconsin this 15th day of February, 2013.

GRANT F. LANGLEY
City Attorney



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1056-2012-1862/189260