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June 19, 2013

Honorable Daniel A. Noonan
Room 414, Courthouse
901 North 9th Street
Milwaukee, WI 53233

RECEIVED
6/21/13

RE: State of Wisconsin ex rel. Joseph Rice v. Marina Dimitrijevic, et al.
Case No. 13-CV-4222

Dear Judge Noonan:

Enclosed please find the original of the Defendants' Answer to the Plaintiff's Complaint in the above-captioned matter, a copy of which is being mailed to counsel for the Plaintiff under cover of a copy of this letter. Thank you.

Sincerely,

Mark A. Grady
Deputy Corporation Counsel

MAG/jg

Enclosure

c: Richard M. Esenberg

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

STATE OF WISCONSIN ex rel.
JOSEPH A. RICE,

Plaintiff,

vs.

Case No. 13-CV-004222

MARINA DIMITRIJEVIC, WILLIE
JOHNSON, JR., DAVID CULLEN and
MILWAUKEE COUNTY BOARD OF
SUPERVISORS,

Defendants.

ANSWER OF DEFENDANTS TO PLAINTIFF'S COMPLAINT

NOW COMES the Defendants, by their attorneys, Office of Corporation Counsel, by Mark A. Grady, and as and for an Answer to the Complaint of the Plaintiff, allege to the Court as follows:

1. Answering paragraph 1, Defendants admit the allegations contained therein.
2. Answering paragraph 2, Defendants admit the allegations contained therein.
3. Answering paragraph 3, Defendants admit the allegations contained therein.
4. Answering paragraph 4, Defendants admit the allegations contained therein.

5. Answering paragraph 5, Defendants admit the allegations contained therein.

6. Answering paragraph 6, Defendants admit the allegations contained therein.

7. Answering paragraph 7, Defendants admit the allegations contained therein.

8. Answering paragraph 8, Defendants admit the allegations contained therein.

9. Answering paragraph 9, Defendants admit the allegations contained therein.

10. Answering paragraph 10, Defendants allege that this paragraph contains legal conclusions to which no response is required. Subject to that response, Defendants allege that the paragraph contains partial quotes from the statutes and ordinances in effect at the time of the events referenced in the complaint.

11. Answering paragraph 11, Defendants admit the allegations contained therein.

12. Answering paragraph 12, Defendants admit that the referenced notice contained the quoted information, but allege that the notice contained additional relevant information and that no exhibit is attached to the complaint. Defendants deny any other allegations of that paragraph.

13. Answering paragraph 13, Defendants admit the allegations of that paragraph except to state that no exhibit is attached to the complaint.

14. Answering paragraph 14, Defendants admit the allegations contained therein.

15. Answering paragraph 15, Defendants allege that they can neither admit nor deny the allegations contained in that paragraph without improperly disclosing matters discussed in closed session and without waiving attorney-client privileged communications. Defendants further allege that whether such discussions occurred is irrelevant to determining whether the FPAC complied with the notice requirements of the open meetings law.

16. Answering paragraph 16, Defendants allege that they can neither admit nor deny the allegations contained in that paragraph without improperly disclosing matters discussed in closed session and without waiving attorney-client privileged communications. Defendants further allege that whether such discussions occurred is irrelevant to determining whether the FPAC complied with the notice requirements of the open meetings law.

17. Answering paragraph 17, Defendants allege that they can neither admit nor deny the allegations contained in that paragraph without improperly disclosing matters discussed in closed session and without waiving attorney-client privileged communications. Defendants further allege that whether such discussions occurred is irrelevant to determining whether the FPAC complied with the notice requirements of the open meetings law.

18. Answering paragraph 18, Defendants allege that they can neither admit nor deny the allegations contained in that paragraph without improperly disclosing matters discussed in closed session and without waiving attorney-client privileged

communications. Defendants further allege that whether such discussions occurred is irrelevant to determining whether the FPAC complied with the notice requirements of the open meetings law.

19. Answering paragraph 19, Defendants allege that they can neither admit nor deny the allegations contained in that paragraph without improperly disclosing matters discussed in closed session and without waiving attorney-client privileged communications. Defendants further allege that whether such discussions occurred is irrelevant to determining whether the FPAC complied with the notice requirements of the open meetings law.

20. Answering paragraph 20, Defendants admit the allegations contained therein.

21. Answering paragraph 21, Defendants admit the allegations contained therein.

22. Answering paragraph 22, Defendants allege that this paragraph contains legal conclusions to which no response is required. Subject to that response, Defendants deny the allegations of that paragraph.

23. Answering paragraph 23, Defendants allege that this paragraph contains legal conclusions to which no response is required. Subject to that response, Defendants deny the allegations of that paragraph.

24. Answering paragraph 24, Defendants allege that this paragraph contains legal conclusions to which no response is required. Subject to that response, Defendants deny the allegations of that paragraph.

25. Answering paragraph 25, Defendants admit that the 10 listed members of the Board appeared at the referenced legislative hearing during some portion of the day that the hearing was held. Defendants deny any other allegations of that paragraph.

26. Answering paragraph 26, Defendants admit that 7 of the 9 members of the FPAC appeared at the referenced legislative hearing during some portion of the day that the hearing was held. Defendants deny any other allegations of that paragraph.

27. Answering paragraph 27, Defendants allege that this paragraph contains legal conclusions to which no response is required. Subject to that response, Defendants allege that the paragraph contains partial quotes from the referenced bill.

28. Answering paragraph 28, Defendants admit the allegations contained therein.

29. Answering paragraph 29, Defendants admit the allegations contained therein.

30. Answering paragraph 30, Defendants deny knowledge and information sufficient to form a belief as to the truth of the allegations set forth therein at the present time and therefore denies the same and puts the Plaintiff to his proof thereon.

31. Answering paragraph 31, Defendants deny the allegations contained therein.

32. Answering paragraph 32, Defendants admit the allegations contained therein.

33. Answering paragraph 33, Defendants admit the allegations contained therein.

34. Answering paragraph 34, Defendants admit the allegations of that paragraph except to state that no exhibit is attached to the complaint.

35. Answering paragraph 35, Defendants admit the allegations of that paragraph except to state that no exhibit is attached to the complaint.

36. Answering paragraph 36, Defendants admit the allegations contained therein.

37. Answering paragraph 37, Defendants reallege their responses to paragraphs 1 – 36.

38. Answering paragraph 38, Defendants admit the paragraph contains a partial quote from the statutes.

39. Answering paragraph 39, Defendants allege that this paragraph contains legal conclusions to which no response is required.

40. Answering paragraph 40, Defendants deny the allegations contained therein.

41. Answering paragraph 41, Defendants deny the allegations contained therein.

42. Answering paragraph 42, Defendants deny the allegations contained therein.

43. Answering paragraph 43, Defendants deny the allegations contained therein.

44. Answering paragraph 44, Defendants reallege their responses to paragraphs 1 – 43.

45. Answering paragraph 45, Defendants admit the paragraph contains a partial quote from the statutes.

46. Answering paragraph 46, Defendants deny the allegations contained therein.

47. Answering paragraph 47, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

48. Answering paragraph 48, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

49. Answering paragraph 49, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

50. Answering paragraph 50, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

51. Answering paragraph 51, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

52. Answering paragraph 52, Defendants reallege their responses to paragraphs 1 – 51.

53. Answering paragraph 53, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

54. Answering paragraph 54, Defendants deny the allegations contained therein.

55. Answering paragraph 55, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

56. Answering paragraph 56, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

57. Answering paragraph 57, Defendants reallege their responses to paragraphs 1 – 56.

58. Answering paragraph 58, Defendants admit the paragraph contains a partial quote from the statutes.

59. Answering paragraph 59, Defendants admit the paragraph contains a partial quote from the statutes.

60. Answering paragraph 60, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

61. Answering paragraph 61, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

62. Answering paragraph 62, Defendants allege that this paragraph contains legal conclusions to which no response is required, but Defendants deny the allegations contained therein.

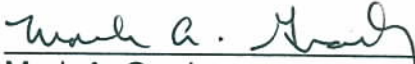
AFFIRMATIVE DEFENSES

63. Defendants allege that the complaint fails to state a claim upon which relief may be granted.

64. Defendants allege that they are not liable for a forfeiture or for any damages because with respect to some or all of the actions alleged in the complaint they acted in good faith reliance on the advice of counsel.

WHEREFORE, Defendants demand judgment dismissing the complaint of the plaintiff, together with their costs, disbursements and attorneys' fees and such further relief as the court deems just and equitable.

Dated at Milwaukee, Wisconsin this 19th day of June, 2013.



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Deputy Corporation Counsel
Attorney for Defendants
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