

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

JERUSALEM EMPOWERED AFRICAN
METHODIST EPISCOPAL CHURCH,

Plaintiff,

v.

Case No. 12CV008079

CITY OF MILWAUKEE,

Defendant.

ANSWER TO AMENDED COMPLAINT

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.
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 14-31, the defendant 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 20th day of June, 2013.

GRANT F. LANGLEY
City Attorney



CHRISTINE M. QUINN
State Bar No. 1037777
Assistant City Attorney
Attorney for Defendant

ADDRESS:
800 City Hall
200 East Wells Street
Milwaukee, WI 53202
Telephone: (414) 286-2601
Fax: (414) 286-8550
cquinn@milwaukee.gov

1056-2012-1862/193148