

FILED
10-08-2021
CIRCUIT COURT
DANE COUNTY, WI
2021CV002440
Honorable Valerie L.
Bailey-Rihn
Branch 3

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

AMERICAN OVERSIGHT
1030 15th St. NW, B255
Washington, DC 20005

Case No. _____
30952 Petition for Writ of Mandamus

Petitioner,

v.

ROBIN VOS, in his official capacity,
Wisconsin State Assembly Speaker
Room 217 West
State Capitol
PO Box 8953
Madison, WI 53708,

EDWARD BLAZEL, in his official capacity,
Office of the Assembly Chief Clerk
17 West Main St., Room 401
Madison, WI 53703, and

WISCONSIN STATE ASSEMBLY
State Capitol Building
Second Floor, West Wing
PO Box 8952
Madison, WI 53708

Respondents.

SUMMONS

THE STATE OF WISCONSIN, To each party named above as a Respondent:

You are hereby notified that the Petitioner named above has filed a lawsuit or other legal action against you. The petition, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the petition. The court may

reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Dane County Courthouse, 215 S. Hamilton Street, Madison, WI 53703, and to Pines Bach LLP, 122 W. Washington Avenue, Suite 900, Madison, WI 53703. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the petition, and you may lose your right to object to anything that may be incorrect in the petition. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require the assistance of Auxiliary Aides or Services because of a disability, call (608) 266-4678 (TDD (608) 266-2138)) and ask for the Court ADA Coordinator.

Respectfully submitted this 7th day of October, 2021.

PINES BACH LLP

*Electronically signed by:
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**Pro Hac Vice Admission pending*

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PETITION FOR WRIT OF MANDAMUS

Petitioner American Oversight, through its attorneys at Pines Bach LLP, complains against Respondents Robin Vos, Edward Blazel, and the Wisconsin State Assembly under the Wisconsin Open Records Law, Wis. Stat. §§ 19.31 *et seq.* (the “Open Records Law”), as follows:

PARTIES

1. American Oversight is a nonpartisan, nonprofit organization dedicated to ensuring government transparency at all levels. Through research and requests for public records under the federal Freedom of Information Act and state public records laws, American Oversight uses the information it gathers, and its analysis of it, to educate the public about activities and operations of state and federal governments through its reports, published analyses, press releases, and other media. American Oversight has developed a significant focus on voting rights and election oversight, including in Wisconsin, and seeks to ensure the public has access to government records that enable them to monitor the performance and priorities of their public officials. American Oversight's mailing address is 1030 15th St. NW, B255, Washington, DC 20005.

2. Robin Vos is an adult resident of the State of Wisconsin and an elected member of the Wisconsin State Assembly (the "Assembly"), representing the 63rd Assembly District. He also is Speaker of the Assembly. His office is located at Room 217 West, State Capitol, PO Box 8953, Madison, Wisconsin. Speaker Vos is an "authority" as that term is defined in Wis. Stat. § 19.32(1).

3. Edward Blazel is the duly selected Chief Clerk of the Wisconsin Assembly under Wis. Stat. § 13.15(1). His office is located at 17 West Main Street, Room 401, Madison, Wisconsin. The Chief Clerk is an "office" under Wis. Stat. §§ 19.32(1) and 19.42(13)(e), and Assembly Chief Clerk Blazel is an "authority" as that term is defined in Wis. Stat. § 19.32(1).

4. The Wisconsin State Assembly is the lower house of the Wisconsin Legislature. The Assembly's address is State Capitol Building, Second Floor, West Wing,

PO Box 8952, Madison, Wisconsin. The Assembly is an “authority” as that term is defined in Wis. Stat. § 19.32(1).

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this dispute pursuant to Article VII, Section 8 of the Wisconsin Constitution and Wis. Stat. § 753.03.

6. Venue is proper under Wis. Stat. §§ 19.37(1) and 801.50(2).

RELEVANT LEGAL AUTHORITY

7. Wisconsin Open Records Law, Wis. Stat. §§ 19.31 *et seq.*, controls public access to government records and mandates that the public be afforded access “to the greatest possible information regarding the affairs of government.”

8. “Except as otherwise provided by law, any requester has a right to inspect any record.” Wis. Stat. § 19.35(1)(a). “Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority’s determination to deny the request in whole or in part and the reasons therefor.” *Id.* § 19.35(4)(a).

9. Wis. Stat. § 19.36(3) provides that “[e]ach authority shall make available for inspection and copying under s. 19.35(1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.”

FACTS

Background

10. Wisconsin held a general election on November 3, 2020. Over 3.2 million Wisconsinites cast ballots in that election. President Biden won Wisconsin with a margin of over 20,500 votes.

11. In the weeks following the election, and prior to certification on November 30, the results were scrutinized at multiple levels. Among other things, municipal, county, and state-level canvasses each reviewed and confirmed the results. In addition, over six days in November, county and municipal clerks directed the audit of more than 145,000 ballots.

12. Following a request from then-President Trump's campaign on November 18, all ballots cast in Dane and Milwaukee Counties were recounted, resulting in a net gain of 87 votes for President Biden.

13. Before and after the recount and certification process, multiple cases were filed challenging the results of the presidential election in Wisconsin. The Wisconsin Supreme Court rejected each of the challenges that reached that court, *e.g.*, *Trump v. Biden*, 2020 WI 91, 394 Wis. 2d 629, 951 N.W.2d 568, *cert. denied*, 141 S. Ct. 1387 (U.S. 2021); *Wis. Voters Alliance v. Wis. Elections Comm'n*, No. 2020AP1930-OA (Wis. Dec. 4, 2020); *Trump v. Evers*, No. 2020AP1971-OA (Wis. Dec. 3, 2020); *Mueller v. Jacobs*, No. 2020AP1958-OA (Wis. Dec. 3, 2020), and confirmed that former President Trump's campaign could not "succeed in its effort to strike votes and alter the certified winner of the 2020 presidential election," *Trump v. Biden*, 2020 WI 91, ¶ 32.

14. Additional challenges to Wisconsin's election results failed in federal court. *See, e.g.*, *Trump v. Wis. Elections Comm'n*, 506 F. Supp. 3d 620 (E.D. Wis. 2020), *aff'd*, 983 F.3d 919

(7th Cir. 2020), *cert. denied*, 141 S. Ct. 1516 (U.S. 2021); *Feehan v. Wis. Elections Comm'n*, 506 F. Supp. 3d 596 (E.D. Wis. 2020), *appeal dismissed*, Nos. 20-3396 & 20-3448, 2020 WL 9936901 (7th Cir. Dec. 21, 2020), *pet. for writ of mandamus denied*, No. 20-859 (U.S. Mar. 1, 2021).

The Assembly's Investigation and the Role of Contractors

15. Notwithstanding the recount and numerous election challenges, on May 26, 2021, Speaker Vos announced the Assembly planned to hire three former law enforcement officers and a supervising attorney to investigate the November 2020 election. He indicated that the investigation would last three months and that the investigators would provide a report of their findings by the fall.

16. Speaker Vos sent a “mail ballot” to the Committee on Assembly Organization on May 28, 2021, which permitted members to vote, without a hearing, to “authorize[] the Speaker of the Assembly to hire legal counsel and employ investigators to assist the Assembly Committee on Campaigns and Elections in investigating the administration of elections in Wisconsin.” The mail ballot also stated: “Speaker Vos, on behalf of the Assembly, shall approve all financial costs and contractual arrangements for hiring legal counsel and investigators.”

17. In June, the Wisconsin Assembly retained former Wisconsin Supreme Court justice Michael Gableman (“Gableman”) as coordinating attorney to supervise the investigation, including by receiving investigative reports and keeping a weekly report of investigative findings. Gableman’s designated contacts under his independent contractor agreement were Speaker Vos and Steve Fawcett, counsel to Speaker Vos. The Assembly agreed to pay Gableman \$11,000 per month, with a term starting July 1, 2021. A copy of the

fully executed contract signed by Vos and Gableman is attached hereto, as pages A-000006–A-000009 to **Exhibit H**.

18. The Assembly also hired at least two individual investigators, including Michael Sandvick (“Sandvick”) and Steven Page (“Page”) to work with Gableman. Under their independent contractor agreements, Sandvick and Page were to “carry out the day to day investigatory work relating to potential irregularities and/or illegalities connected to the 2020 November election,” including by “collect[ing] data and evidence, interview[ing] witnesses, document[ing] findings, and shar[ing] information with the other Integrity Investigators as needed.” The designated contact for Sandvick and Page under their agreements was Vos, care of Steve Fawcett. The Assembly agreed to pay Sandvick and Page \$3,200 per month each, with terms starting June 1, 2021. A copy of the Assembly’s contracts with Sandvick and Page are attached hereto, as pages A-000010–A-000012 and A-000013–A-000015 to **Exhibit H**, respectively.

19. At the end of July, Speaker Vos announced an expanded investigation and empowered Gableman to hire different or additional investigators. Speaker Vos has on several occasions indicated that Gableman will make key decisions regarding the investigation, including over hiring of consultants and private investigators, and whether to issue subpoenas and to whom.

20. On August 21, 2021, Speaker Vos traveled with former President Trump to Alabama; while there, media reports indicate he discussed “details about our robust efforts in Wisconsin to restore full integrity and trust in elections.” *See* Patrick Marley, Robin Vos Meets with Trump On Wisconsin’s Election Review Two Months After the Former President Trashed Him, Milwaukee J. Sentinel (Aug. 22, 2021, 6:12 PM),

<https://www.jsonline.com/story/news/politics/2021/08/22/robin-vos-spends-day-trump-talking-wisconsin-election-review/8234368002/>. According to the reports, Vos stated that the Wisconsin Assembly had “doubled down on our top-to-bottom investigation by Special Counsel Justice Michael Gableman” and that they “will do whatever it takes to help Justice Gableman uncover reports of systematic fraud in our forensic audit.” *Id.*

21. On August 27, 2021, Speaker Vos sent another mail ballot to the Committee on Assembly Organization. It authorized “the Speaker of the Assembly to designate the legal counsel hired pursuant to the May 28, 2021, ballot adopted by the Committee on Assembly Organization, as special counsel to oversee an Office of Special Counsel. The special counsel shall direct an elections integrity investigation, assist the Elections and Campaign Committee, and hire investigators and other staff to assist in the investigation.”

22. Despite the investigation being of significant public interest and involving expenditure of substantial public funds, the public has largely been left in the dark regarding the conduct of the investigation, leading to significant confusion. For example, on or about September 13, 2021, media reports indicated that a number of Wisconsin county clerks received letters purportedly from Gableman asking them to preserve records relating to the November 2020 election. *See* Scott Bauer, Wisconsin Election Clerks Confused by Investigation Email, Associated Press, Sept. 14, 2021, <https://apnews.com/article/elections-wisconsin-voting-presidential-elections-election-2020-a30b152f4c7c548b11af00dcb116e3ee>. The letters were sent from an email address associated with a third party who had not otherwise been publicly announced as part of the investigation, causing clerks to express concern regarding the security of the email and confusion regarding the nature of the request. *Id.*

American Oversight's Requests for Contractor Records

23. American Oversight has submitted to Speaker Vos and Edward Blazel open records requests regarding the role and activities of the contractors who the Assembly has engaged to perform work in furtherance of the investigation. In each of these requests, American Oversight specifically stated that “responsive records include records that were ‘produced or collected’ under any contract entered by Speaker Vos and/or the Wisconsin Assembly” pursuant to Wis. Stat. § 19.36(3).

24. On July 20, 2021, American Oversight submitted to Speaker Vos and Clerk Blazel its first set of requests for records “produced or collected” by the Assembly’s contractors. True and correct copies of these requests (the “July Requests”) are attached as **Exhibits A–C**.

25. The first July Request (the “July Organizing Materials Request,” **Ex. A**) seeks:

1. A complete copy (including any attachments) of any contract, sub-contract, amendment, memorandum of understanding, or other written agreement (A) between the Wisconsin Assembly and individuals or entities associated with the legislature’s investigation of the November 2020 election related to the planning, preparation, or execution of the investigation, including but not limited to agreements between named contractors former Milwaukee police Detective Mike Sandvick, former Eau Claire police Detective Steven Page, or former Wisconsin Supreme Court Justice Michael Gableman, and (B) between any of the individuals or entities named above in item 1(A) of this request and any assistants, consultants, counsel, formal or informal advisors, temporary workers, or unpaid volunteers, as well as any external sources of funds.

2. A complete copy (including any attachments) of any resume, bid, project proposal, cost or time estimate, scope of work, application form, or other document submitted to any of the individuals or entities named in item 1 of this request, as well as any records regarding the solicitation and evaluation of

any bids or proposals.

3. Records identifying or referring to the scope of the investigative authority of the Assembly's investigators or their agents, including but not limited to authority regarding compelling witnesses, issuing subpoenas, or making referrals to the Wisconsin Department of Justice, the U.S. Department of Justice or its subcomponents, or any other law enforcement agency.

4. Any project plans or other documents detailing the steps or procedures to be followed in each aspect of the investigation, including but not limited to: records regarding identifying, prioritizing, and investigating "potential irregularities and/or illegalities," including a complete copy of any reports of alleged irregularity or wrongdoing; protocols, guidelines, or scripts for contacting and interviewing witnesses; records describing investigative methodology, equipment, or supplies; or guidelines for ensuring the safe handling and privacy of confidential voter information and ballot equipment.

5. A complete copy (including any attachments) of any invoice received from or records reflecting any payment made to former Milwaukee police Detective Mike Sandvick, former Eau Claire police Detective Steven Page, the third investigator (not yet publicly named), or former Wisconsin Supreme Court Justice Michael Gableman, in connection with their services to the Wisconsin Assembly.

6. Any criteria, schedule, or other guidelines for the completion of work product related to the investigation, including, but not limited to, interim updates to the Assembly and the construction and presentation of a final report of findings.

26. The July Organizing Materials Request seeks responsive records from March 23, 2021, through the date the search is conducted.

27. The second July Request (the "July Work Product Request," **Ex. B**) seeks:

A complete copy (including any attachments) of any interim reports, analyses, notifications, or other work product produced or collected by individuals or entities under contract to investigate the November 2020 election (including but not limited to named contractors former Milwaukee police

Detective Mike Sandvick, former Eau Claire police Detective Steven Page, or former Wisconsin Supreme Court Justice Michael Gableman) in connection with the legislature's investigation of the November 2020 election.

28. The July Work Product Request seeks responsive records from June 1, 2021, through the date the search is conducted.

29. The third July Request (the "July Communications Request," **Ex. C**) seeks:

A. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) the Wisconsin Assembly's investigators, including Mike Sandvick, Steven Page, and the third, unnamed investigator, as well as their overseeing attorney Michael Gableman and (ii) any of the individuals or entities [listed in the request]. The search should include those sent or received from personal accounts and devices if they were used to conduct official business, as well those sent from any official email addresses or government-issued devices.

...

B. All electronic communications (including emails, email attachments, text messages, or messages on messaging platforms, such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp) between (i) the Wisconsin Assembly's investigators, including Mike Sandvick, Steven Page, and the third, unnamed investigator, as well as their overseeing attorney Michael Gableman and (ii) any other contractor or agent of the Wisconsin Assembly charged with investigating the November 2020 election, including but not limited to, investigators or attorneys directly employed by the Wisconsin Assembly, or subcontractors, assistants, consultants, counsel, formal or informal advisors, temporary workers, unpaid volunteers, or external funders.

...

C. All calendars or calendar entries regarding the legislature's investigation of the November 2020 election and maintained by or on behalf of the Wisconsin Assembly's investigators, including Mike Sandvick, Steven Page, and the third, unnamed

investigator, as well as their overseeing attorney Michael Gableman.

30. The July Communications Request seeks responsive records from June 1, 2021, through the date the search is conducted.

31. American Oversight submitted follow-up requests to the July Requests on August 12. True and correct copies of these follow-up requests (the “August Requests”) are attached as **Exhibits D–G**.

32. All but one of the August Requests seeks substantively the same categories of records as those sought by American Oversight’s previous requests, but for a more recent time period.

33. The only August Request that seeks records that are substantively different than the records sought in the previous requests (the “Resignations Request,” **Ex. G**) seeks:

- A. Any resignation letter for Mike Sandvick or Steven Page
- B. Any departure or transition communications or memoranda sent by, or on behalf of, Mike Sandvick or Steven Page
- C. Any other records associated with the resignation of Mike Sandvick or Steven Page

34. The Resignations Request seeks responsive records from July 1, 2021, through the date the search is conducted.

35. Collectively, the July and August Requests are hereinafter referred to as “American Oversight’s Requests.”

Respondents’ Improper Withholdings

36. In response to all but two of American Oversight’s Requests, Blazel stated that he had no responsive records in his custody. Clerk Blazel provided some records in response

to the July Organizing Materials Request (**Ex. A**) and the related August Request (**Ex. D**), but only records that clearly originated in his own files and not those of the contractors. None of the records produced by Clerk Blazel reflect a search of files maintained by the Assembly's contractors. Copies of Clerk Blazel's responses and produced records are attached hereto as **Exhibits H–N**.

37. On August 6, 2021, American Oversight wrote to Respondents regarding the July Requests, seeking confirmation that they would, as soon as practicable and without delay, provide all responsive records that were produced or collected under any contract entered by Speaker Vos and/or the Assembly, or notify American Oversight of any denial.

38. On August 12, 2021, Steve Fawcett responded to the letter to Clerk Blazel stating the position that Clerk Blazel's office had "turned over to you all relevant records."

39. On August 13, 2021, Steve Fawcett separately wrote to American Oversight on behalf of Speaker Vos, stating that the July Requests "are not simple requests and responding to them will take significant time." Fawcett stated: "Responding to these requests will require identifying and contacting relevant custodians, *who may not be located at the Capitol*" (emphasis added). Fawcett also stated that his communication "should not be viewed as either a denial of the Requests or as a commitment that this office will provide all of the requested records without any objections."

40. On September 2 and 14, Speaker Vos's office indicated that it would be producing documents regarding the July Organizing Materials Request (**Ex. A**) and related August Request (**Ex. D**), and the July Communications Request (**Ex. C**). Despite previously leading American Oversight to believe that Speaker Vos's office considered potential custodians to be individuals "who may not be located at the Capitol," those eventual

productions included *no* documents from Gableman, Sandvick, Page, or any other contractor. Instead, the produced records appear to be from only the files of certain of Speaker Vos's staff.

41. On September 14 and 28, Speaker Vos's office indicated that it had no records responsive to the July Work Product Request (**Ex. B**) or the August Request that sought similar records (**Ex. E**).

42. Copies of Speaker Vos's responses and produced records are attached hereto as **Exhibits O–S**.

43. Speaker Vos has not responded to the remaining two August Requests (**Exs. F, G**), despite nearly two months having passed since they were submitted.

44. The July Requests were submitted nearly two months after Speaker Vos announced the investigation; after at least Sandvick and Page each earned several thousand dollars for performing services for the month of June and the first half of July; and after Gableman had been acting as coordinating attorney for several weeks.

45. The August Requests cover a period in which Speaker Vos announced the expanded investigation; the Assembly paid its contractors thousands of dollars; and Gableman, Sandvick, and Page's contracts provided they would be producing and retaining a number of records.

46. Out of an abundance of caution, and because it was initially unclear what the Assembly's employment and recordkeeping arrangement was with Gableman, Page, and Sandvick, American Oversight also submitted the July and August Requests directly to the three contractors. Sandvick responded, providing minimal documents. Gableman wrote to American Oversight on October 7, 2021, on letterhead for the "Office of Special Counsel," which he indicated the Wisconsin Assembly had created "37 days ago." Gableman said he

would respond “in all prudential speed.” However, the Office of Special Counsel did not exist at the time of the July and August requests, and Respondents remain the proper authority and record custodians for these records. Page did not respond.

47. In total, in July and August, American Oversight submitted to Speaker Vos seven requests and received responses to five of them. In no case has Speaker Vos provided any records that appear to have been maintained by any contractors. *See* Table 1.

48. American Oversight submitted to Clerk Blazel the same seven Requests. While American Oversight has received responses to all of them, in no case has Clerk Blazel provided any records that appear to have been maintained by any contractors. *See* Table 1.

Table 1: Summary of Requests and Responses

Request	Date Submitted	Speaker Vos’s Response	Clerk Blazel’s Response
July Organizing Materials Request (<i>See</i> Ex. A.)	July 20, 2021	Production; no records from contractors. (<i>See</i> Ex. O.)	Production; no records from contractors. (<i>See</i> Ex. H.)
July Work Product Request (<i>See</i> Ex. B.)	July 20, 2021	No responsive records. (<i>See</i> Ex. P.)	No responsive records. (<i>See</i> Ex. I.)
July Communications Request (<i>See</i> Ex. C.)	July 20, 2021	Production; no records from contractors. (<i>See</i> Ex. Q.)	No responsive records. (<i>See</i> Ex. J.)
August Organizing Materials Request (<i>See</i> Ex. D.)	Aug. 12, 2021	Production; no records from contractors. (<i>See</i> Ex. R.)	Production; no records from contractors. (<i>See</i> Ex. K.)
August Work Product Request (<i>See</i> Ex. E.)	Aug. 12, 2021	No responsive records. (<i>See</i> Ex. S.)	No responsive records. (<i>See</i> Ex. L.)

August Communications Request (See Ex. F.)	Aug. 12, 2021	None.	No responsive records. (See Ex. M.)
Resignations Request (See Ex. G.)	Aug. 12, 2021	None.	No responsive records. (See Ex. N.)

49. Respondents have improperly withheld and delayed access to the Assembly's contractors' records, despite their clear obligation to provide such records "to the same extent as if the record[s] were maintained" by the Respondents. Wis. Stat. § 19.36(3).

50. Despite unsuccessful prior attempts to work with Speaker Vos's office to obtain his and the Assembly's contractors' records, American Oversight wrote to Speaker Vos on September 23, stating it was eager for a meeting and highlighting that the productions it had received did not include any records reflecting an attempt to search files maintained by Speaker Vos's and/or the Assembly's contractors. American Oversight did not receive a response to its September 23 letter.

51. American Oversight repeated its July and August requests in September 2021 (again requesting substantively the same records, from a more recent time period), and on October 5, Clerk Blazel replied that he has no responsive records other than two internal Assembly documents related to payment to Gableman. Petitioner is concerned that, without intervention from the Court, it will continue to be unlawfully denied access to records of the Respondents' contractors.

CAUSE OF ACTION

Improper Withholdings in Violation of the Wisconsin Open Records Law

52. Petitioner restates and re-alleges paragraphs 1 through 51 above as if fully set forth herein.

53. It is the declared public policy of the State of Wisconsin “that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them.” Wis. Stat. § 19.31. In keeping with that public policy, Wis. Stat. § 19.31 requires that the Open Records Law “shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business.” Further, “[t]he denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.” *Id.*

54. The Open Records Law provides that “any requester has a right to inspect any record,” Wis. Stat. § 19.36(1)(a), subject to narrow and limited exceptions.

55. American Oversight is a “requester” as defined by the Open Records Law. *See* Wis. Stat. § 19.32(3).

56. American Oversight’s Requests seek “records” as defined by the Open Records Law. *See* Wis. Stat. § 19.32(2).

57. Respondents are “authorities” and “custodians” for the records of the Assembly’s contractors as those terms are used in Wis. Stat. §§ 19.32(1) and 19.33, and are the proper recipients of requests for the records of their contractors, *WIREData, Inc. v. Village of Sussex*, 2008 WI 69, ¶ 74, 310 Wis. 2d 397, 751 N.W.2d 736.

58. Respondents have improperly withheld records responsive to American Oversight’s Requests.

59. Respondents also have failed to “as soon as practicable and without delay, either fill [American Oversight’s] request[s] or notify [American Oversight] of [their] determination[s] to deny the request[s] in whole or in part and the reasons therefor,” Wis. Stat. § 19.35(4), and conduct an adequate search for records, including a search of their contractors’ files.

60. Respondents have flouted the Open Records Law and its “presumption of complete public access.”

61. Respondents’ actions have caused and will continue to cause injury to American Oversight by depriving it and the public of their rights under the Open Records Law.

WHEREFORE, for the foregoing reasons, Petitioner American Oversight respectfully requests this Court grant the following relief pursuant to Wis. Stat. §§ 19.31 *et seq.*:

- A. An order declaring Respondents violated Wisconsin’s Open Records Law, Wis. Stat. §§ 19.31 *et seq.*;
- B. A mandamus order under Wis. Stat. § 19.37(1)(a) compelling Respondents to immediately produce to Petitioner copies of the requested records without further delay and improper withholdings;
- C. An award to Petitioner for its reasonable attorneys’ fees, damages of not less than \$100, and Petitioner’s other actual costs under § 19.37(2);
- D. An award of punitive damages under Wis. Stat. § 19.37(3); and
- E. Any other relief as the Court deems just and equitable.

Respectfully submitted this 7th day of October, 2021.

PINES BACH LLP

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**Pro Hac Vice Admission pending*

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