

FILED
04-08-2022
CIRCUIT COURT
DANE COUNTY, WI
2021CV002521

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

AMERICAN OVERSIGHT,

Petitioner,

v.

Case No. 21CV2552

ROBIN VOS, in his official capacity,

Respondent.

NOTICE OF MOTION AND MOTION TO RESTRICT ACCESS TO RECORDS

NOW COMES the Respondent, Robin Vos (“Vos”), by and through his attorneys, Ronald Stadler, of Kopka Pinkus Dolin PC and hereby moves the Court for an order requiring Petitioner’s to maintain the confidentiality of the records that were produced to Petitioner on April 6, 2022 until further order of the Court. The grounds for the motion are as follows:

1. The documents that have been produced to Petitioner are from the Legislative Technical Services Bureau’s file servers. Pursuant to § 13.96 Wis. Stats., those records are to remain confidential. *See also, Legislative Technical Services Bureau Custodian of Records v. State*, 2004 WI 65, 272 Wis. 2d 208, 680 N.W.2d 792, 02-3063.
2. The records that were produced to Petitioner on April 6, 2022, are not necessarily responsive to the Records Requests at issue in this case. Rather, they are documents that match search terms and may or may not be public records or responsive to the requests.
3. The date on which the email records that were produced to Petitioner on April 6, 2022 were deleted cannot be determined. Therefore, there is no ability to conclude that the document was a “public record.” Because of that, unless and until it is shown that the

record is a public record, it is only a record that exists on the LTSB file server, and pursuant to § 13.96 Wis. Stats., it should be treated with confidentiality.

4. Respondent does not claim that these documents are privileged. See, *Custodian of Records v. State (In re Doe)*, 2004 WI 65, ¶17, 272 Wis. 2d 208, 680 N.W.2d 792. Rather, they are confidential and should remain confidential until the release of any particular document can be addressed by the parties and ruled upon by the Court.
5. Therefore, Petitioner prays and moves this Court to prohibit the release of any particular document that was released to Petitioner on April 6, 2022 until the release of that document can be addressed by the parties and ruled upon by the Court.

Dated this 8th day of April, 2022.

/s/ Ronald Stadler

Ronald Stadler