

STATE OF WISCONSIN

MILWAUKEE COUNTY
Branch 22

CIRCUIT COURT

VICTORIA MARONE
5502 West Washington Boulevard
Milwaukee, WI 53208,

Plaintiff,

v.

Case no. 13-CV-4154
Case code 30701

MILWAUKEE AREA TECHNICAL
COLLEGE DISTRICT,
700 West State Street
Milwaukee, WI 53233,

Defendant,

AMERICAN FEDERATION OF TEACHERS,
LOCAL 212, WFT, AFL-CIO
739 West Juneau Avenue
Milwaukee, WI 53233,

Proposed Intervenor-Defendant.



**ANSWER OF PROPOSED INTERVENOR DEFENDANT
AMERICAN FEDERATION OF TEACHERS, LOCAL 212, WFT, AFL-CIO**

Proposed intervenor-defendant American Federation of Teachers, Local 212, WFT, AFL-CIO, answers the complaint as follows:

Introduction

1. Answering paragraph 1, intervenor-defendant admits that plaintiff has styled this action as being brought as a declaratory judgment action, under Wis. Stat. §806.04, and that plaintiff is seeking the relief as stated in the first two sentences. Intervenor-defendant is without

knowledge or information sufficient to form a belief as to the truth of the allegations in the third sentence. Intervenor-defendant neither admits nor denies the allegations in the fourth sentence because it is a legal conclusion, not an allegation of fact.

2. Answering paragraph 2, intervenor-defendant admits that plaintiff seeks the relief stated.

Parties

3. Answering paragraph 3, intervenor-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations.

4. Answering paragraph 4, intervenor-defendant admits but is without knowledge or information sufficient to form a belief as to the truth of the allegation of the second sentence regarding the headquarters offices of defendant MATC.

Jurisdiction and Venue

5. Answering paragraph 5(a) intervenor-defendant admits that this Court has jurisdiction over declaratory judgment actions, pursuant to Wis. Stat. §806.04; answering paragraph 5(b), admits; answering paragraph 5(c), neither admits nor denies the allegation because it is a legal conclusion; answering paragraph 5(d), neither admits nor denies the allegations because they are legal conclusions.

6. Answering paragraph 6, intervenor-defendant admits.

Facts Act 10

7. Answering paragraph 7, intervenor-defendant admits.

8. Answering paragraph 8, intervenor-defendant admits the allegation in the first sentence; admits the allegations of the second and third sentences to the extent that they restate Wis. Stat. §111.70(4)(mb).

9. Answering paragraph 9, intervenor-defendant responds that the allegations are plaintiff's characterizations of historical facts and are not factual allegations which require an answer.

The 2011-2014 MATC Contract

10. Answering paragraph 10, intervenor-defendant admits that Local 212 and MATC negotiated successor contracts and is without sufficient information to admit or deny the remaining allegations.

11. Answering paragraph 11, intervenor-defendant admits the allegation of the first sentence; neither admits nor denies the allegations of the second sentence because they are legal conclusions; and admits the allegations of the third sentence.

12. Answering paragraph 12, intervenor-defendant neither admits nor denies the allegation of the first sentence because it is a legal conclusion and is without knowledge or information sufficient to form a belief as to the truth of the allegations of the second and third sentences.

13. Answering paragraph 13, intervenor-defendant neither admits nor denies the allegations because they are legal conclusions.

Litigation

14. Answering paragraph 14, intervenor-defendant admits the allegations of the first sentence, denies the allegations of the second sentence, and admits the allegations of the third sentence. In the fourth sentence, intervenor-defendant admits that MATC was not a party to *WEAC v. Walker* and *Madison Teachers, Inc. v. Walker*, intervenor-defendant denies that Local 212 was not a party to *WEAC v. Walker*, and admits that Local 212 was not a party to *Madison Teachers, Inc. v. Walker*. Intervenor-defendant admits the allegations of the fifth sentence.

15. Answering paragraph 15, intervenor-defendant neither admits nor denies because the decision referred to and quoted from speaks for itself.

16. Answering paragraph 16, intervenor-defendant neither admits nor denies because the allegations are legal conclusions, not allegations of fact.

The Unlawful 2014-2015 Labor Agreement

17. Answering paragraph 17, intervenor-defendant admits that MATC and Local 212 entered negotiations for a successor contract in November 2012, neither admits nor denies the remaining allegations because they are legal conclusions, and admits the existence of Exhibit A and asserts that it speaks for itself.

18. Answering paragraph 18, intervenor-defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence, admits that Michael Rosen is Local 212 president and to the extent that he is quoted in the article referenced in the second sentence, asserts that it speaks for itself, and is without knowledge or information sufficient to form a belief as to the truth of the allegations of the third sentence.

19. Answering paragraph 19, intervenor-defendant admits the existence of the letter in Exhibit B to the complaint and asserts that it speaks for itself.

20. Answering paragraph 20, intervenor-defendant admits the existence of Exhibit C to the complaint and asserts that it speaks for itself.

21. Answering paragraph 21, intervenor-defendant admits the existence of Exhibit C to the complaint and asserts that it speaks for itself.

22. Answering paragraph 22, intervenor-defendant admits the existence of Exhibit D to the complaint and asserts that it speaks for itself.

23. Answering paragraph 23, intervenor-defendant admits the existence of Exhibit C to the complaint and asserts that it speaks for itself.

First Cause of Action
For a Declaration that the Labor Agreement Violates Wis. Stat. §111.70(4)(mb)

24. Answering paragraph 24, intervenor-defendant incorporates, as if set forth fully herein, each and every answer to the paragraphs above.

25. Answering paragraph 25, intervenor-defendant admits the existence of the statutes cited and quoted from and asserts that the statutes speak for themselves.

26. Answering paragraph 26, intervenor-defendant admits the existence of the statute and asserts that the statute and document quoted from speak for themselves.

27. Answering paragraph 27, intervenor-defendant admits the existence of the statute and asserts that the statute quoted from speaks for itself.

28. Answering paragraph 28, intervenor-defendant admits the existence of the statute and asserts that the statute quoted from speaks for itself.

29. Answering paragraph 29, intervenor-defendant neither admits nor denies because the allegation is a legal conclusion.

30. Answering paragraph 30, intervenor-defendant neither admits nor denies the allegation of the first sentence because it is a legal conclusion and not an allegation of fact, admits the allegations of the second sentence, admits the existence of Exhibit D and neither admits nor denies the allegations of the third sentence because they are legal conclusions.

31. Answering paragraph 31, intervenor-defendant neither admits nor denies because the allegation is a legal conclusion and that the decisions cited speak for themselves.

32. Answering paragraph 32, intervenor-defendant neither admits nor denies the allegations because they are legal conclusions.

33. Answering paragraph 33, intervenor-defendant denies.

Second Cause of Action
For a Declaration that the Labor Agreement Violates Wis. Stat. §133.03

34. Answering paragraph 34, intervenor-defendant incorporates as if set forth fully herein, each and every answer to the paragraphs above.

35. Answering paragraph 35, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and asserts that the statutes cited speak for themselves.

36. Answering paragraph 36, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and not allegations of fact.

37. Answering paragraph 37, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and not allegations of fact.

38. Answering paragraph 38, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and not allegations of fact.

39. Answering paragraph 39, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and not allegations of fact.

40. Answering paragraph 40, intervenor-defendant neither admits nor denies because the allegations are legal conclusions and not allegations of fact.

41. Answering paragraph 41, intervenor-defendant denies.

42. Answering paragraph 42, intervenor-defendant denies.

43. Answering paragraph 43, intervenor-defendant denies.

44. Answering paragraph 44, intervenor-defendant denies.

Affirmative Defenses

1. Plaintiff has failed to state a claim upon which relief may be granted as a matter of law.

2. Plaintiff had not complied with the statutory requirements of Wis. Stat. §893.80.

3. Plaintiff has not alleged a justiciable controversy, in that: plaintiff lacks standing to bring this lawsuit, plaintiff has not alleged a controversy that is ripe for adjudication, and plaintiff has not suffered damages that are amenable to redress.

WHEREFORE, intervenor-defendant respectfully requests that judgment be entered as follows:

A. Dismissing the complaint in its entirety;

B. Awarding intervenor-defendant its costs, disbursements and attorneys' fees

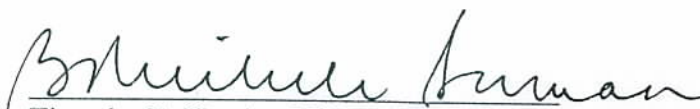
incurred in defending this action; and

C. Granting any further relief this Court deems just and equitable under the circumstances.

June 24, 2013.

HAWKS QUINDEL, S.C.
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American Federation of Teachers, Local 212,
WFT, AFL-CIO

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