

STATE EX REL. KRISTI
LACROIX, KRISTI
LACROIX and
CARRIEANN GLEMBOCKI,

Plaintiffs,

Case No.: 13-CV-1899

v.

REBECCA STEVENS, JO ANN TAUBE, CARL BRYAN,
KYLE FLOOD, KENOSHA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION, KENOSHA UNIFIED SCHOOL
DISTRICT, KENOSHA EDUCATION ASSOCIATION,
SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 168 and AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 2383,

Defendants.

DEFENDANTS KENOSHA UNIFIED SCHOOL DISTRICT, REBECCA STEVENS, JOANN
TAUBE, CARL BRYAN, KYLE FLOOD AND KENOSHA UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION'S ANSWER TO PLAINTIFFS' AMENDED COMPLAINT

Defendants Kenosha Unified School District, Rebecca Stevens, JoAnn Taube, Carl Bryan, Kyle Flood, and Kenosha Unified School District Board of Education, by their attorneys Boardman & Clark LLP, by Attorney JoAnn Hart, for their answer and affirmative defenses to Plaintiffs Kristi Lacroix and CarrieAnn Glembocki's Second Amended Complaint, states as follows:

1. Answering paragraph 1, admit the action is for declaratory judgment and an injunction, and deny any remaining allegations.
2. Answering paragraph 2, admit Plaintiffs seek judgment under Wis. Stat. § 19.97 and deny any remaining allegations.
3. Answering paragraph 3, admit that paragraph 3 describes what Plaintiff LaCroix seeks.

4. Answering paragraph 4, admit that paragraph 4 describes what Plaintiff Glembocki seeks.

5. Answering paragraph 5, admit that paragraph 4 describes what Plaintiffs and Relator seek.

6. Answering paragraph 6, admit that Defendants lack knowledge or information sufficient to form a belief as to the allegations, and therefore deny the same.

7. Answering paragraph 7, state that Plaintiff CarrieAnn Glembocki is currently employed by the School District as a teacher and has been employed by the School District since January 2008. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and therefore deny the same.

8. Answering paragraph 8, admit the allegations.

9. Answering paragraph 9, admit the allegations.

10. Answering paragraph 10, admit the allegations.

11. Answering paragraph 11, admit the allegations.

12. Answering paragraph 12, admit the allegations.

13. Answering paragraph 13, admit the allegations.

14. Answering paragraph 14, admit the allegations.

15. Answering paragraph 15, admit the allegations.

16. Answering paragraph 16, admit the allegations.

17. Answering paragraph 17, admit the allegations.

18. Answering paragraph 18, admit the allegations.

19. Answering paragraph 19, admit the allegations.

20. Answering paragraph 20, admit the allegations.

21. Answering paragraph 21, state that paragraph 21 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, admit the allegations.

22. Answering paragraph 22, state that paragraph 22 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

23. Answering paragraph 23, admit that venue is proper.

24. Answering paragraph 24, state that paragraph 24 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

25. Answering paragraph 25, state that paragraph 25 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

26. Answering paragraph 26, state that paragraph 26 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

27. Answering paragraph 27, state that paragraph 27 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

28. Answering paragraph 28, state that paragraph 28 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

29. Answering paragraph 29, state that paragraph 29 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

30. Answering paragraph 30, state that paragraph 30 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

31. Answering paragraph 31, admit that there was a collective bargaining agreement in place between the School District and Kenosha Education Association on July 1, 2011 and that it expired by its terms on June 30, 2013, and deny any remaining the allegations.

32. Answering paragraph 32, state that paragraph 32 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

33. Answering paragraph 33, admit that the Kenosha Education Association requested that that the School District collectively bargain with it. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations, and therefore deny the same.

34. Answering paragraph 34, admit that the School District did not initially collectively bargain with the Kenosha Education Association and admit that Superintendent Michele Hancock and former Board President Mary Snyder issued a letter regarding collective bargaining, deny the remaining allegations, and object to the attachment of Exhibit A as improper pleading and move to strike all exhibits to the Second Amended Complaint, including Exhibit A.

35. Answering paragraph 35, admit the allegations.

36. Answering paragraph 36, admit the allegations.

37. Answering paragraph 37, admit that Kenosha Education Association stated it would not file for recertification, admit that no election was held to certify Kenosha Education Association as the collective bargaining agreement for Kenosha teachers after the expiration of the previous bargaining agreement, and deny the remaining allegations.

38. Answering paragraph 38, state that Defendants lack knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations, and therefore deny the same.

39. Answering paragraph 39, state that paragraph 39 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

40. Answering paragraph 40, admit the Board approved the adoption of an employee handbook, admit the handbook was scheduled to go into effect July 1, 2013, deny the remaining allegations and object to the attachment of Exhibit B as improper pleading and move to strike Exhibit B from the Second Amended Complaint.

41. Answering paragraph 41, admit that the handbook was not implemented on July 1, 2013, admit the Kenosha Unified School District met with the Kenosha Education Association regarding the handbook, and deny the remaining allegations.

42. Answering paragraph 42, state that the paragraph recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, admit that on October 21, 2013, Honorable Judge Juan Colas issued a contempt order against the Wisconsin Employment Relations Commission commissioners for implementing Act 10.

43. Answering paragraph 43, state that Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and therefore deny the same.

44. Answering paragraph 44, admit the allegations.

45. Answering paragraph 45, admit the allegations, except object to the attachment of Exhibit C and the reference to a website as improper pleading and move to strike Exhibit C and the website reference from the Second Amended Complaint.

46. Answering paragraph 46, admit the allegations.

47. Answering paragraph 47, admit the allegations, except object to the attachment of Exhibit D as improper pleading and move to strike Exhibit D from the Second Amended Complaint.

48. Answering paragraph 48, admit the allegations.

49. Answering paragraph 49, state that paragraph 49 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

50. Answering paragraph 50, deny the allegations.

51. Answering paragraph 51, admit the allegation that the School District along with KEA, SEIU, and AFSCME signed a copy of a Tentative Agreement on Monday, November 11th, deny the remaining allegations of paragraph 51, and object to the attachment of Exhibit E as improper pleading and move to strike Exhibit E from the Second Amended Complaint.

52. Answering paragraph 52, admit the allegations.

53. Answering paragraph 53, admit the allegations.

54. Answering paragraph 54, admit the allegations, except object to the attachment of Exhibit F as improper pleading and move to strike Exhibit F from the Second Amended Complaint.

55. Answering paragraph 55, deny the allegations.

56. Answering paragraph 56, admit the allegations.

57. Answering paragraph 57, admit the allegations.

58. Answering paragraph 58, state that Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations, and object to the attachment of Exhibit G as improper pleading and move to strike Exhibit G from the Second Amended Complaint

59. Answering paragraph 59, state that the paragraph 59 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

60. Answering paragraph 60, state that paragraph 60 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

61. Answering paragraph 61, deny the allegations.

62. Answering paragraph 62, state that Defendants lack knowledge or information sufficient to form a belief as to the allegations, and therefore deny the same, and object to the attachment of Exhibit H as improper pleading and move to strike Exhibit H from the Second Amended Complaint.

63. Answering paragraph 63, state that Defendants lack knowledge or information sufficient to form a belief as to the allegations, and therefore deny the same.

64. Answering paragraph 64, admit the allegations.

65. Answering paragraph 65, admit the allegations, but object to the attachment of Exhibit I as improper pleading and move to strike Exhibit I from the Second Amended Complaint.

66. Answering paragraph 66, state that paragraph 66 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

67. Answering paragraph 67, restate and incorporate their answers to the previous paragraphs.

68. Answering paragraph 68, admit that paragraph 68 correctly quotes Wis. Stat. § 19.84(2).

69. Answering paragraph 69, admit the allegations.

70. Answering paragraph 70, admit the allegations.

71. Answering paragraph 71, admit the allegations.

72. Answering paragraph 72, state that paragraph 72 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

73. Answering paragraph 73, admit the allegations.

74. Answering paragraph 74, admit the allegations.

75. Answering paragraph 75, deny the allegations.

76. Answering paragraph 76, state that paragraph 76 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

77. Answering paragraph 77, state that paragraph 77 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

78. Answering paragraph 78, state that paragraph 78 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

79. Answering paragraph 79, state that paragraph 79 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

80. Answering paragraph 80, state that paragraph 80 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

81. Answering paragraph 81, state that paragraph 81 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

82. Answering paragraph 82, state that paragraph 82 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

83. Answering paragraph 83, state that paragraph 83 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

84. Answering paragraph 84, state that paragraph 84 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

85. Answering paragraph 85, state that paragraph 85 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

86. Answering paragraph 86, deny the allegations.

87. Answering paragraph 87, deny the allegations.

88. Answering paragraph 88, deny the allegations.

89. Answering paragraph 89, deny the allegations.

90. Answering paragraph 90, deny the allegations.

91. Answering paragraph 91, deny the allegations.

92. Answering paragraph 92, Defendants restate and incorporate their answers to the previous paragraphs.

93. Answering paragraph 93, state that paragraph 93 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

94. Answering paragraph 94, deny the allegations.

95. Answering paragraph 95, deny the allegations.

96. Answering paragraph 96, deny the allegations.

97. Answering paragraph 97, deny the allegations.

98. Answering paragraph 98, deny the allegations.
99. Answering paragraph 99, deny the allegations.
100. Answering paragraph 100, deny the allegations.
101. Answering paragraph 101, deny the allegations.
102. Answering paragraph 102, deny the allegations.
103. Answering paragraph 103, deny the allegations.
104. Answering paragraph 104, Defendants restate and incorporate their answers to the previous paragraphs.
105. Answering paragraph 105, admit that paragraph 105 correctly quotes Wis. Stat. § 111.70(1)(a).
106. Answering paragraph 106, admit that paragraph 106 correctly quotes Wis. Stat. § 111.70(4)(mb)(1).
107. Answering paragraph 107, state that paragraph 107 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.
108. Answering paragraph 108, admit the allegations.
109. Answering paragraph 109, admit the allegations.
110. Answering paragraph 110, deny the allegations.
111. Answering paragraph 111, deny the allegations.
112. Answering paragraph 112, deny the allegations.
113. Answering paragraph 113, defendants restate and incorporate their answers to the previous paragraphs.
114. Answering paragraph 114, state that paragraph 114 recites legal conclusions and arguments that require no answer, but to the extent any answer is necessary, deny the allegations.

115. Answering paragraph 115, admit that paragraph 115 correctly quotes from Exhibit G to the Second Amended Complaint, and deny any remaining allegations.

116. Answering paragraph 116, deny the allegations.

117. Answering paragraph 117, deny the allegations.

118. Answering paragraph 118, Defendants restate and incorporate their answers to the previous paragraphs.

119. Answering paragraph 119, admit that paragraph 119 correctly quotes Wis. Stat. § 111.70(3g).

120. Answering paragraph 120, deny the allegations.

121. Answering paragraph 121, deny the allegations.

122. Answering paragraph 122, deny the allegations.

123. Answering paragraph 123, deny the allegations.

AFFIRMATIVE DEFENSES

For their affirmative defenses, Defendants Kenosha Unified School District, Rebecca Stevens, JoAnn Taube, Carl Bryan, Kyle Flood, and Kenosha Unified School District Board of Education allege as follows:

1. The Second Amended Complaint fails to state a claim upon which relief may be granted.

2. Plaintiffs lack standing for the purpose of pursuing some or all of the claims made in the Second Amended Complaint.

3. Plaintiffs failed to comply with the requirements, provisions, terms and limitations of Wis. Stat. § 893.80.

4. To the extent Plaintiffs seek punitive and/or compensatory damages, the District is immune to punitive damages, and compensatory damages are limited pursuant to the provisions of Wis. Stat. § 893.80.

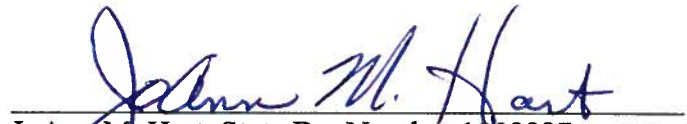
5. At all times relevant to matters alleged in Plaintiffs' complaint, Defendants acted in good faith in accordance with established laws and administrative rules.

WHEREFORE, Defendants respectfully requests that the Court dismiss Plaintiffs' Second Amended Complaint in its entirety, award Defendants costs and attorneys' fees and order such other relief as the Court may deem just and equitable.

Dated this 15th day of April, 2014.

Respectfully submitted,

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