

RED CARD MEDIA,
d/b/a ISTHMUS PUBLISHING
100 State Street
Madison, WI 53703,

Plaintiff,

v.

Unclassified

Case Code: 30952
Case No. 18-CV-

MADISON POLICE DEPARTMENT,
211 South Carroll Street
Madison, Wisconsin 53703,

Defendant.

AFFIDAVIT OF DYLAN BROGAN

STATE OF WISCONSIN)
) SS
DANE COUNTY)

Dylan Brogan, being duly sworn on oath, states as follows:

1. I am an employee of Red Card Media, d/b/a Isthmus Publishing, the Plaintiff in the above-referenced matter.
2. I have personal knowledge of the information set forth in this affidavit.
3. On March 22, 2017, I paid the Madison Police Department (MPD) \$182.25 in prepayment for the record request sent to MPD by my collaborator Gil Halsted.
4. Over the next several months, I called Lieutenant Radovan of the Madison Police Department at least six times asking for MPD’s records. Each time, I was given variations of the same story – Radovan apologized for the delay, offered excuses for why the records were not ready to be produced, and promised to get right on it.
5. Over the next several months my collaborator Gil Halsted and I received emails from Lieutenant Radovan. In those emails, Radovan promised to give updates every two weeks, stated that he will do the redaction on their request as soon as he finishes another one, and said

he “expect[s] to be done with this by the end of June,” and then later “by the end of July.” True and accurate copies of those emails are attached to the Affidavit of Gil Halsted as Exhibit H3.

6. On August 1, 2017, Radovan emailed me and Gil Halsted, telling us that he was finished and just had to go over the material with the city’s attorney in a meeting scheduled for “next Thursday.” He also noted that there would be a 12-day waiting period due to having to notify employees under Wis. Stat. § 19.356(3). A true and accurate copy of that email is attached to the Affidavit of Gil Halsted as Exhibit H4.


7. On August 28, 2017, I forwarded that email to the Madison City Attorney, Roger Allen, asking when the records would be produced. The next day, Allen responded saying he would “try to expedite this.” True and accurate copies of those emails are attached as Exhibit B1.

8. As of the date of this affidavit, MPD has neither fulfilled the December 7, 2016 request nor denied it.



DYLAN BROGAN

Subscribed and sworn to before me
this 26 day of January, 2018.



Notary Public, State of Wisconsin
My Commission expires 9/9/19.





Dylan Brogan <dylanbrogan@gmail.com>

MPD Records Request

Dylan Brogan <dylanbrogan@gmail.com>
Draft To: dbrogan@isthmus.com

Mon, Oct 23, 2017 at 6:34 PM

----- Forwarded message -----

From: **Dylan Brogan** <dylanbrogan@gmail.com>
Date: Tue, Aug 29, 2017 at 10:09 AM
Subject: Re: MPD Records Request
To: "Allen, Roger" <RAllen@cityofmadison.com>

EXHIBIT B1

Thank you!

On Tue, Aug 29, 2017 at 09:47 Allen, Roger <RAllen@cityofmadison.com> wrote:

Thank you. I've spoken with my client and we will try to expedite this. But, as to the twelve day waiting period, it is statutorily required and there is nothing I can do to expedite that time period.

From: Dylan Brogan [mailto:dylanbrogan@gmail.com]
Sent: Monday, August 28, 2017 9:06 PM
To: Allen, Roger
Subject: Fwd: MPD Records Request

Mr. Allen,

I'm aware you can't give me legal advice. But as the city's attorney, how much longer do I have to wait before your office says it's been too long?

----- Forwarded message -----

From: Radovan, John <JRadovan@cityofmadison.com>
Date: Tue, Aug 1, 2017 at 14:29
Subject: MPD Records Request
To: Dylan Brogan <dylanbrogan@gmail.com>, gil halsted <gilmuni@gmail.com>

Dylan and Gil,

I wanted to give you an update. I am done with going over the records and have a meeting set up at the city attorney's office Thursday to go over questions. After that meeting I expect to have things where I need in terms of redactions. I do have Friday off and then am off Tuesday through Friday of next week so don't know if I'll have much time to spend on finishing things up before then. Since much of these records are from employee conduct investigations the statutes (Wis 19.356(3) in particular) require me to give the employees, even ex-employees, notice followed by a statutorily required 12-day waiting period before a release of those records occurs.