

**FILED**  
**10-30-2018**  
**John Barrett**  
**Clerk of Circuit Court**  
**2018CV008957**  
**Honorable Marshall B.**  
**Murray-43**  
**Branch 43**

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

CRG ADVOCATES, INC.,  
9272 N. Thrush Ln.  
Bayside, WI 53217

Petitioner,

v.

ALDERMAN RUSSELL W. STAMPER, II,  
200 E. Wells St.  
Milwaukee, WI 53202,

Respondent.

Petition for Writ of Mandamus

Case Code: 30952

Case No. 18-CV-

**AFFIDAVIT OF ORVILLE SEYMER**

STATE OF WISCONSIN    )  
  ) SS  
MILWAUKEE COUNTY    )

Orville Seymer, being duly sworn on oath, states as follows:

1. I am the Field Operations Director of the Petitioner in this matter, CRG Advocates, Inc.
2. I have personal knowledge of the information set forth in this affidavit.
3. On March 8, 2018, I sent an open records request to the Respondent in this matter, Alderman Russell W. Stamper, II, asking for a copy of the Alderman’s calendar. A true and accurate copy of that request is attached as Exhibit S1.
4. On March 13, 2018, Dameon Ellzey, Legislative Assistant to Alderman Stamper, acknowledged receipt of the request and stated that they would “respond promptly.” A true and accurate copy of that email is attached as Exhibit S2.
5. On March 20, 2018, I sent a second open records request to Alderman Stamper asking for a copy of the Alderman’s phone records. A true and accurate copy of that request is attached as Exhibit S3.
6. On April 17, 2018, I followed up with Alderman Stamper on my March 8, 2018 open records request. A true and accurate copy of that email is attached as Exhibit S4.

7. On April 18, 2018, I sent a third open records request to Alderman Stamper asking for emails meeting particular search requirements. A true and accurate copy of that request is attached as Exhibit S5.

8. On April 19, 2018, Dameon Ellzey, Legislative Assistant to Alderman Stamper, acknowledged receipt of the request and stated that they were "working on it." A true and accurate copy of that email is attached as Exhibit S6.

9. On April 26, 2018, I followed up with Alderman Stamper on my March 8, 2018 open records request. A true and accurate copy of that email is attached as Exhibit S7.

10. I never received an acknowledgment from the Alderman that he received my March 20, 2018 record request.

11. I have still not received any responsive records from Alderman Stamper.

12. Alderman Stamper has not denied my requests, explained his delay, asked for clarification, or provided a timeline for responding.

*Orville Seymer*  
ORVILLE SEYMER

Subscribed and sworn to before me  
this 26<sup>th</sup> day of October, 2018.

*Nick Pendzich*  
Notary Public, State of Wisconsin  
My Commission expires 9-18-2020





# CRG Network

PO Box 371086 Milwaukee, WI 53237 414-801-0800 www.crgnetwork.com crg@crgnetwork.com

EXHIBIT S1

When It's Time for Action

**March 8, 2018**

**Custodian of Records-City of Milwaukee-Ald. Russell Stamper**

Pursuant to Wisconsin Open Records law section 19.31-19.39, I am requesting copies of the following records:

**Please provide a copy of the calendar for Ald. Stamper for the time frame Jan. 1, 2018 until today's date.**

**If these records are available electronically, or in an electronic type of database, please send them to [legal@execpc.com](mailto:legal@execpc.com) or place these records on a computer readable disc.**

As provided by the Open Records law, I will expect your response as soon as practicable and without delay.

I will assume that if we don't hear from you by **March 15<sup>th</sup>, 2018** that you have denied this request.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also please provide all segregable portions of otherwise exempt material.

Please be advised that we are prepared to pursue whatever remedy necessary to obtain access to the requested records. I would note that a violation of the Open Records law could result in the award of court costs, attorney fee's and actual damages of not less than \$100.00. I would further note that if a court determines that your non-compliance with the law was arbitrary or capricious, it may award our organization punitive damages and attorney fees as well as fine you up to \$1,000 dollars.

Thank You in advance for your help. I can be reached at [legal@execpc.com](mailto:legal@execpc.com) for any questions regarding this request.

Sincerely

**Orville Seymer**

**From:** [Orville Seymer](#)  
**To:** [Tom](#)  
**Subject:** Fwd: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018  
**Date:** Thursday, October 25, 2018 11:36:29 AM

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EXHIBIT S2

**From:** **Stamper II, Russell** <[Russell.StamperII@milwaukee.gov](mailto:Russell.StamperII@milwaukee.gov)>  
**Date:** Tue, Mar 13, 2018 at 4:24 PM  
**Subject:** RE: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018  
**To:** Orville Seymer <[legal@execpc.com](mailto:legal@execpc.com)>

We have received your request and will respond promptly. Thank you.

Dameon Ellzey  
Legislative Assistant  
15th Aldermanic District  
200 East Wells Street, #205  
Milwaukee, WI 53202  
414-286-3771 direct  
414-286-3456 fax

-----Original Message-----

**From:** Orville Seymer [mailto:[legal@execpc.com](mailto:legal@execpc.com)]  
**Sent:** Thursday, March 08, 2018 2:19 PM  
**To:** Stamper II, Russell  
**Subject:** Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018

Please see the attached Open Records Request.

Please acknowledge receipt of this request.

Thank You

Orville Seymer

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at [www.milwaukee.gov/email\\_disclaimer](http://www.milwaukee.gov/email_disclaimer)



# CRG Network

PO Box 371086 Milwaukee, WI 53237 414-801-0800 www.crgnetwork.com crg@crgnetwork.com

EXHIBIT S3

When It's Time for Action

**March 20, 2018**

**Custodian of Records-City of Milwaukee-Ald. Russell Stamper**

Pursuant to Wisconsin Open Records law section 19.31-19.39, I am requesting copies of the following records:

**Please provide a copy of the phone records for Ald. Stamper for the time period of Oct. Nov. & Dec. of 2017**

**If these records are available electronically, or in an electronic type of database, please send them to [legal@execpc.com](mailto:legal@execpc.com) or place these records on a computer readable disc.**

As provided by the Open Records law, I will expect your response as soon as practicable and without delay.

I will assume that if we don't hear from you by **March 27<sup>th</sup>, 2018, 2018** that you have denied this request.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also please provide all segregable portions of otherwise exempt material.

Please be advised that we are prepared to pursue whatever remedy necessary to obtain access to the requested records. I would note that a violation of the Open Records law could result in the award of court costs, attorney fee's and actual damages of not less than \$100.00. I would further note that if a court determines that your non-compliance with the law was arbitrary or capricious, it may award our organization punitive damages and attorney fees as well as fine you up to \$1,000 dollars.

Thank You in advance for your help. I can be reached at [legal@execpc.com](mailto:legal@execpc.com) for any questions regarding this request.

Sincerely

**Orville Seymer**

**From:** [Orville Seymer](#)  
**To:** [Tom](#)  
**Subject:** Fwd: Re: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018  
**Date:** Thursday, October 25, 2018 12:22:39 PM

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EXHIBIT S4

----- Forwarded Message -----

**Subject:** Re: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018

**Date:** Tue, 17 Apr 2018 15:17:38 -0500

**From:** Orville Seymer <[legal@execpc.com](mailto:legal@execpc.com)>

**To:** [russell.stamper@milwaukee.gov](mailto:russell.stamper@milwaukee.gov)

Dear Ald. Stamper

I submitted the attached Open Records Request nearly a month and a half ago.

The Attorney General of the State of Wisconsin has said that 10-14 days is a reasonable time to respond to most Open Records Requests.

We are way past that time frame. Please give me a date certain when the requested records will be released.

Thank You

Orville Seymer

On 3/8/2018 2:18 PM, Orville Seymer wrote:

> Please see the attached Open Records Request.

>

> Please acknowledge receipt of this request.

>

> Thank You

>

> Orville Seymer

>



# CRG Network

PO Box 371086 Milwaukee, WI 53237 414-801-0800 www.crgnetwork.com crg@crgnetwork.com

EXHIBIT S5  
When It's Time for Action

**April 18, 2018**

**Custodian of Records-City of Milwaukee Ald. Russell Stamper**

Pursuant to Wisconsin Open Records law section 19.31-19.39, I am requesting copies of the following records:

**Please provide copies of any e-mails (sent, received and deleted files) for Ald. Stamper or any of his legislative assistants that mention the key words, "jobs, workforce, occupation, employment or task. The time frame for this request is Sept. 1, 2017- Dec. 31, 2017**

**If these records are available electronically, or in an electronic type of database, please send them to [legal@execpc.com](mailto:legal@execpc.com) or place these records on a computer readable disc.**

As provided by the Open Records law, I will expect your response as soon as practicable and without delay.

I will assume that if we don't hear from you by **April 25<sup>th</sup>, 2018** that you have denied this request.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. Also please provide all segregable portions of otherwise exempt material.

Please be advised that we are prepared to pursue whatever remedy necessary to obtain access to the requested records. I would note that a violation of the Open Records law could result in the award of court costs, attorney fee's and actual damages of not less than \$100.00. I would further note that if a court determines that your non-compliance with the law was arbitrary or capricious, it may award our organization punitive damages and attorney fees as well as fine you up to \$1,000 dollars.

Thank You in advance for your help. I can be reached at [legal@execpc.com](mailto:legal@execpc.com) for any questions regarding this request.

Sincerely

**Orville Seymer**



**From:** [Orville Seymer](mailto:Orville.Seymer)  
**To:** [Tom](mailto:Tom)  
**Subject:** Fwd: Fwd: Open Records Request-City of Milwaukee Ald. Stamper April 18, 2018  
**Date:** Thursday, October 25, 2018 11:22:00 AM

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EXHIBIT S6

From: **Stamper II, Russell** <[Russell.StamperII@milwaukee.gov](mailto:Russell.StamperII@milwaukee.gov)>  
Date: Thu, Apr 19, 2018 at 12:18 PM  
Subject: RE: Open Records Request-City of Milwaukee Ald. Stamper April 18, 2018  
To: Orville Seymer <[legal@execpc.com](mailto:legal@execpc.com)>, "Stamper II, Russell"  
<[Russell.StamperII@milwaukee.gov](mailto:Russell.StamperII@milwaukee.gov)>

We have received your request and are working on it. Thank you.

Dameon Ellzey  
Legislative Assistant  
15th Aldermanic District  
200 East Wells Street, #205  
Milwaukee, WI 53202  
414-286-3771 direct  
414-286-3456 fax

-----Original Message-----

From: Orville Seymer [mailto:[legal@execpc.com](mailto:legal@execpc.com)]  
Sent: Wednesday, April 18, 2018 2:34 PM  
To: Stamper II, Russell  
Subject: Open Records Request-City of Milwaukee Ald. Stamper April 18, 2018

Please see the attached Open Records Request.

Please acknowledge receipt of this request.

Thank You

Orville Seymer

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**From:** [Orville Seymer](#)  
**To:** [Tom](#)  
**Subject:** Fwd: Re: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018  
**Date:** Thursday, October 25, 2018 12:23:07 PM

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EXHIBIT S7

----- Forwarded Message -----

**Subject:** Re: Open Records Request-City of Milwaukee-Ald. Stamper March 8, 2018

**Date:** Thu, 26 Apr 2018 14:48:54 -0500

**From:** Orville Seymer <[legal@execpc.com](mailto:legal@execpc.com)>

**To:** [russell.stamper@milwaukee.gov](mailto:russell.stamper@milwaukee.gov)

Ald. Stamper

It has been a week and a half since I asked about the status of my Open Records Request, and nearly two months since I originally sent the request.

Again, the Attorney General of the State of Wisconsin has said that 10-14 days is a reasonable period of time in which to respond to simple Open Records Request.

This is a very simple request.

Please provide me with a date when the records will be released.

Thank You

Orville Seymer

On 4/17/2018 3:17 PM, Orville Seymer wrote:

> Dear Ald. Stamper

>

> I submitted the attached Open Records Request nearly a month and a half ago.

>

> The Attorney General of the State of Wisconsin has said that 10-14 days is a reasonable time to respond to most Open Records Requests.

>

> We are way past that time frame. Please give me a date certain when the requested records will be released.

>

> Thank You

>

> Orville Seymer

>

> On 3/8/2018 2:18 PM, Orville Seymer wrote:

>> Please see the attached Open Records Request.

>>

>> Please acknowledge receipt of this request.

>>

>> Thank You

>>

>> Orville Seymer

>>

>