

FILED
02-08-2019
CIRCUIT COURT
DANE COUNTY, WI
2019CV000351

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.,
1139 E. Knapp St.
Milwaukee, WI 53202

Petitioner,

v.

Petition for Writ of Mandamus

Case Code: 30952

Case No. 19-CV-

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION,
125 S. Webster St.
Madison, WI 53703,

Respondent.

AFFIDAVIT OF THOMAS C. KAMENICK

STATE OF WISCONSIN)
) SS
COUNTY OF MILWAUKEE)


Thomas Kamenick, being duly sworn on oath, states as follows:

1. I am Deputy Counsel and Litigation Manager for the Petitioner in this matter, Wisconsin Institute for Law & Liberty, Inc. ("WILL").
2. I have personal knowledge on the information set forth in this affidavit.
3. On November 12, 2018, on behalf of WILL, I sent a follow-up letter to a request made by Lucas Vebber demanding that DPI comply with the Open Records Law and release the requested records. A true and accurate copy of that letter is attached as Exhibit K1.



THOMAS C. KAMENICK

Subscribed to and sworn before me
this 7th day of ~~January~~, 2019.
Feb



Notary Public, State of Wisconsin
My commission expires: 6/29/22



EXHIBIT K1



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
1139 E. Knapp Street, Milwaukee, WI 53202-2828
414-727-WILL
Fax 414-727-6385
www.will-law.org

November 12, 2018

Superintendent Tony Evers
Wisconsin Department of Public Instruction
125 South Webster Street
Madison, WI 53703

Re: August 29, 2018 Open Records Request

Dear Superintendent Evers:

The purpose of this letter is to inquire as to the status of a record request made by Deputy Counsel & Director of Regulatory Reform and Federalism Lucas Vebber on August 29, 2018. A copy of that request is attached for your convenience.

As you know, the law requires you to respond to this request “as soon as practicable and without delay.” Wis. Stat. § 19.35(4)(a). Your office responded on September 21, 2018 that the request was “in-progress.” To date, no records have been provided.

The Attorney General recommends 10 business days to comply with a record request. Through today, it has been 55 business days. DPI has always responded promptly to our requests in the past; this delay is unexplained and inexcusable.

Failure to promptly respond with the records requested will result in a lawsuit.

Sincerely,

Thomas Kamenick
Deputy Counsel & Litigation Manager