
NATIONAL COUNCIL ON
TEACHER QUALITY and LAURA
POMERANCE,

Plaintiffs,

v.

Case No. 12-CV-63

Unclassified - Civil: 30703

BOARD OF REGENTS OF THE
UNIVERSITY OF WISCONSIN
SYSTEM,

Defendant.

ANSWER

Defendant Board of Regents of the University of Wisconsin System, by its attorneys J.B. Van Hollen, Attorney General, and Carrie M. Benedon, Assistant Attorney General, answers plaintiffs' Complaint as follows:

FACTUAL ALLEGATIONS

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 1 of the Complaint.
2. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 2 of the Complaint.
3. Defendant ADMITS the allegations in paragraph 3 of the Complaint.
4. Defendant ADMITS the allegations in the first sentence of paragraph 4 of the Complaint, DENIES the remaining allegations, and AFFIRMATIVELY ALLEGES that each campus of the University of Wisconsin System is custodian of its own records and appoints a

legal records custodian pursuant to Wis. Stat. § 19.33(4) who is responsible for that campus's compliance with Wisconsin's public records law.

5. Defendant ADMITS the allegations in paragraph 5 of the Complaint.

6. Defendant ADMITS the allegations in paragraphs 6.a. through 6.j. and 6.l. of the Complaint. Defendant DENIES the allegations in paragraph 6.k. of the Complaint, AFFIRMATIVELY ALLEGES that the request to UW-Superior was improperly sent to a temporary employee who no longer worked for UW-Superior at the time, and further AFRIRMATIVELY ALLEGES that the request was resubmitted and received on or around February 13, 2012.

7. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 7 of the Complaint.

8. Defendant ADMITS the allegations in paragraph 8 of the Complaint.

9. Defendant DENIES the allegations in paragraph 9 of the Complaint.

CLAIM – VIOLATION OF § 19.35(1)

10. Defendant incorporates its responses to paragraphs 1 through 9 as if fully set forth herein.

11. Defendant DENIES that paragraph 11 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 11 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 11.

12. Defendant DENIES that paragraph 12 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in

paragraph 12 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 12.

13. Defendant DENIES that paragraph 13 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 13 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 13.

14. Defendant DENIES that paragraph 14 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 14 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 14.

15. Defendant DENIES that paragraph 15 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 15 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 15.

16. Defendant DENIES that paragraph 16 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 16 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 16.

17. Defendant DENIES that paragraph 17 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 17 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 17.

18. Defendant DENIES that paragraph 18 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 18 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 18.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 19 of the Complaint.

20. Defendant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 209 [sic] of the Complaint.

21. Defendant DENIES that paragraph 21 of the Complaint contains any factual allegations to which a responsive pleading is required. To the extent that the allegations in paragraph 21 misstate the law or contain factual allegations to which a response is required, Defendants DENY the allegations in paragraph 21.

22. Defendant DENIES the allegations in paragraph 22 of the Complaint.

23. Defendant DENIES the allegations in paragraph 23 of the Complaint.

RESPONSE TO RELIEF REQUESTED

24. Defendant DENIES that plaintiffs are entitled to any of the relief requested.

AFFIRMATIVE DEFENSE

A. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.

WHEREFORE, Defendant respectfully requests that judgment be entered in its favor dismissing this action, denying all of the relief requested, and granting such further relief as the Court deems appropriate.

Dated this 28th day of March, 2012.

J.B. VAN HOLLEN
Attorney General



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