

PLEASE TAKE NOTICE that at a time, date, and place set by the court, Defendant Board of Regents for the University of Wisconsin System will move this court for an order

reopening this case, for the reasons stated in the accompanying Emergency Motion for a Permanent Injunction.

This motion is made pursuant to this court's inherent authority to enforce its own orders, *In re Attorney Fees in Yu v. Zhang*, 2001 WI App 267, ¶ 14, 248 Wis. 2d 913, 925, 637 N.W.2d 754, 760

GROUND S for this motion are as follows:

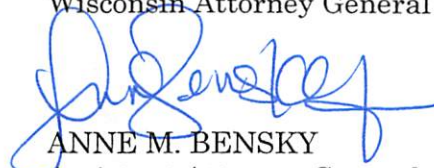
1. On May 3, 2017, Plaintiff Willis Hagen commenced an action under Wis. Stat. § 19.356(4) to enjoin release of certain employee disciplinary records that Intervenor Alexander Nemec had requested. The records requester, Alexander Nemec, intervened in the action. The court reviewed the records in camera, and, on September 22, 2017, denied the Plaintiff's request to enjoin release of the records and ordered that the "records shall remain in redacted form," except that certain redactions would be eliminated.
2. Hagen appealed this decision, and on June 21, 2018, the court of appeals upheld this court's decision. The court of appeals issued a remittitur on July 26, 2018, returning the file to the circuit court. Hagen did not petition for Supreme Court review.
3. The records custodian mistakenly released, via email, a version of the records to Nemec in unredacted form. When she asked Nemec to delete the records in place of the correct version, he refused.
4. Circuit Courts have inherent authority to enforce their own orders. *Zhang*, 248 Wis. 2d 913, ¶ 14. This court ordered that certain records must be released with redactions. By mistake, the unredacted records were released to Nemec. As a party to the action, Nemec is aware the court ordered that certain information be redacted from the records release. Nemec's refusal to agree to delete the unredacted records directly contravenes the court's determination that certain information must not be publicly released.

WHEREFORE, the Board of Regents asks this court to reopen this case to hear its emergency motion for a permanent injunction.

Dated: October 3, 2018.

Respectfully submitted,

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PLEASE TAKE NOTICE that at a time, date, and place set by the court, Defendant Board of Regents for the University of Wisconsin System will move this court for an

emergency permanent injunction enjoining the intervenor, Alexander Nemec, from publishing information that had been mistakenly released to him under the public records law, and requiring him to destroy the document that had been sent to him in error.

This motion is made pursuant to this court's order in this case, dated September 2, 2017 and Wis. Stat. § 813.02(1)(a).

GROUND S for this motion are as follows:

1. On May 3, 2017, Plaintiff Willis Hagen commenced an action under Wis. Stat. § 19.356(4) to enjoin release of certain employee disciplinary records that Intervenor Alexander Nemec had requested. The records requester, Alexander Nemec, intervened in the action. The court reviewed the records in camera, and, on September 22, 2017, denied the Plaintiff's request to enjoin release of the records and ordered that the "records shall remain in redacted form," except that certain redactions would be eliminated.
2. Hagen appealed this decision, and on June 21, 2018, the court of appeals upheld this court's decision. The court of appeals issued a remittitur on July 26, 2018, returning the file to the circuit court. Hagen did not petition for Supreme Court review.
3. On Wednesday, August 15, 2018, the records custodian emailed Alexander Nemec the records responsive to the request that were the subject of the Section 19.356 action. The records custodian mistakenly emailed the unredacted version of the records to Nemec. Hagen's attorney, who was copied on the email releasing the records, recently noticed the error and brought it to the Board's attorney's attention on or around September 30, 2018.
4. On October 1, 2018 the records custodian communicated to Nemec that the records had been released in error, asked Nemec to delete the unredacted records, and explained she would send the proper redacted version. Nemec stated "Your mistake is not my problem," and refused to give assurances that he would destroy the unredacted record.

5. If Nemec is not directed to destroy the unredacted records and to agree not to publicize their contents, irreparable harm will result, not only for Hagen, but for others whose names are mentioned. This court already determined that the redactions, as ordered on September 22, 2017, were in the public interest.

6. There would be no adequate legal remedy if the unredacted records are publicized and retained by Nemec.

7. This court has jurisdiction to enforce its September 22, 2017 order, and has personal jurisdiction over Alexander Nemec, who has full party status in this action.

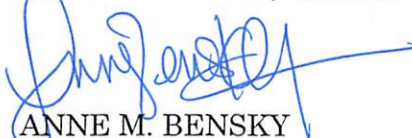
8. This court has discretion to issue this temporary restraining order. *Waste Mgmt., Inc. v. Wisconsin Solid Waste Recycling Auth.*, 84 Wis. 2d 462, 466, 267 N.W.2d 659, 662 (1978).

WHEREFORE, the Board of Regents asks this court to enter an order enjoining Alexander Nemec from publicizing, printing, or sharing, in any manner, whether verbally, in writing, or otherwise, the contents of those portions of the records subject to redaction, and further ordering Nemec to delete and destroy any and all copies of the unredacted records that were sent to him on August 15, 2018, and further order that Nemec take all reasonable efforts to obtain any copies, whether electronic or otherwise, of the unredacted records that he may have sent to others.

Dated: October 3, 2018.

Respectfully submitted,

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