

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 14

DANE COUNTY

MACHINISTS LOCAL
LODGE 1061, et al.,

Plaintiffs,

v.

STATE OF WISCONSIN, et al.,

Defendants.

RECEIVED

APR 18 2016

CLERK OF COURT OF APPEALS
OF WISCONSIN

Case No. 15-CV-0628

NOTICE OF APPEAL

TO: Fred Perillo
Erin Medeiros
Attorneys for Plaintiffs
The Previant Law Firm S.C.
310 West Wisconsin Ave.
Suite 100 MW
Milwaukee, WI 53203

Diane M. Fremgen
Clerk of Court of Appeals
Post Office Box 1688
Madison, WI 53701-1688

PLEASE TAKE NOTICE that Defendants State of Wisconsin, and Scott Walker, Brad Schimel, James R. Scott, and Rodney G. Pasch, in their official capacities, by their undersigned counsel, appeals to the Wisconsin Court of Appeals, District III, from the Judgment entered in Dane County Circuit Court Case No. 2015-CV-000628 on April 15, 2016, by the Honorable C. William Foust, presiding. This appeal also appeals the circuit court's grant of Summary Judgment dated April 8, 2016, and its denial of Defendants' Motion to Dismiss dated Nov. 9, 2015.

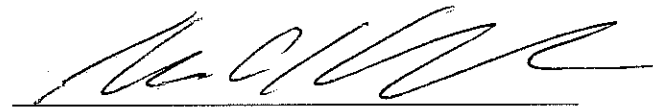
This is not an appeal under Wis. Stat. § 752.31(2).

This is not an appeal to be given preference in the circuit court or in the court of appeals pursuant to statute.

Dated this 18th day of April 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General



STEVEN C. KILPATRICK
Assistant Attorney General
State Bar #1025452

DANIEL P. LENNINGTON
Assistant Attorney General
State Bar #1088694

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 267-8901 (Lennington)
(608) 266-1792 (Kilpatrick)
(608) 267-2223 (Fax)

Case Caption (Case Name)

Machinists Local Lodge 1061 et al. v. Scott Walker et al.

DOCKETING STATEMENTCircuit Court Case No. 2015cv628

Case Number Issued by Court of Appeals

| | | |
|--|---|--|
| Appellant(s) (Cross-Appellant) Scott Walker State of Wisconsin Brad Schimel James Scott Rodney Pasch | Attorney's Name and Address Steven C. Kilpatrick Wisconsin Department of Justice 17 W. Main Street Madison, WI 53703 Attorney's Telephone Number 608-266-1792 | (Space for file stamp.) <div style="text-align: center;"> RECEIVED APR 18 2016 CLERK OF COURT OF APPEALS OF WISCONSIN </div> |
| Respondent(s) (Cross-Respondent) Machinists Local Lodge 1061 United Steelworkers District 2 Wisconsin State AFL-CIO | Attorney's Name and Address Fred Perillo 310 West Wisconsin Avenue Suite 100 MW Milwaukee, WI 53203 Attorney's Telephone Number 414-203-0514 | |

CRITERIA FOR EXPEDITED APPEALS

- This Docketing Statement is used solely to determine whether an appeal should be placed on the expedited appeal calendar. The respondent is not required to respond to the Docketing Statement. Generally, an appeal is appropriate for the expedited appeal calendar if:
 1. no more than 3 issues are raised;
 2. the parties' briefs will not exceed 15 pages in length; and
 3. the briefs can be filed in a shorter time than normally allowed.
 These requirements can be modified somewhat in appropriate cases.
- Parties should assume that the appeal will proceed under regular appellate procedure unless the court notifies them that the appeal is being considered for placement on the expedited appeals calendar.

JURISDICTION

Has judgment or order appealed from been "entered" (filed with the clerk of circuit court)?

 Yes No If yes, date of entry April 15, 2016

Is appeal timely? (See §808.04, Wisconsin Statutes)

 Yes No

Is judgment or order final (does it dispose of the entire matter in litigation as to one or more of the parties)?

 Yes No (If "no", explain jurisdiction basis for appeal on separate sheet.)**NATURE OF ACTION** – Briefly describe the nature of action and the result in circuit court:

Plaintiffs brought an action against Defendants claiming that 2015 Wisconsin Act 1 is an unconstitutional taking of private property for public use. Plaintiffs sought injunctive and declaratory relief. On April 15, 2016, the circuit court granted summary judgment to the Plaintiffs and issued injunctive and declaratory relief in a final order.

ISSUES – Specify the issues to be raised on appeal: (Attach separate sheet if necessary.)

(Failure to include any matter in the docketing statement does not constitute waiver of that issue on appeal.

The court may impose sanctions if it appears available information was withheld. Court of Appeals Internal Operating Procedures, sec. VII(2)(b).)

Whether 2015 Wisconsin Act 1 constitutes an unconstitutional taking of private property for public use without just compensation;

Whether State of Wisconsin, and Scott Walker and Brad Schimel, in their official capacities, are proper defendants.

Whether the circuit court's choice of remedies was appropriate against these defendants.

STANDARD OF REVIEW – Specify the proper standard of review for each issue to be raised, citing relevant authority:
A circuit court's decision granting summary judgment is reviewed de novo. Olson v. Town of Cottage Grove, 2008 WI 51, ¶ 32-34, 309 Wis. 2d 365, 749 N.W.2d 211

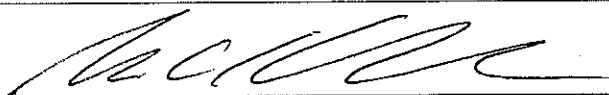
Do you wish to have this appeal placed on the expedited appeals calendar? (See Criteria For Expedited Appeals.)
 Yes No If "no", explain : The parties' briefs will exceed 15 pages.

Will a decision in this appeal meet the criteria for publication in Rule 809.23(1)?
 Yes No

Will you request oral argument?
 Yes No

List all parties in trial court action who will not participate in this appeal:
Party Attorney's Name and Telephone Number Reason for not Participating

Are you aware of any pending or completed appeal arising out of the same or a companion trial court case that involves the same facts and the same or related issue?
 Yes No Name of Case _____
Appeal Number _____



Signature of Person Preparing Docketing Statement

Steven C. Kilpatrick

Name Printed or Typed

April 18, 2016

Date

Appellant Note:

You MUST attach a copy of the following trial court documents to this form:

1. Trial court's judgment or order and findings of fact.
2. Conclusions of law.
3. Memorandum decision or opinion upon which the judgment or order is based.

You MUST also furnish all opposing counsel with a copy of this completed Docketing Statement and attached trial court documents.