



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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September 7, 2017

Emily M. Feinstein
Quarles & Brady LLP
33 East Main St., Suite 900
Madison, WI 53703

Dear Ms. Feinstein:

This is in response to your correspondence, received on July 27, 2017, in which you requested "a copy of records for the 3 years prior to this request for: 1) any settlement or payment agreements for cases involving allegations of deliberate indifference to serious medical needs, in violation of the Eighth Amendment; 2) any settlement or payment agreements for cases involving allegations of deliberate indifference to mental health needs, in violation of the Eighth Amendment; 3) any settlement or payment agreements for cases involving allegations of condition of confinement harmful to inmate health or safety, in violation of the Eighth Amendment; and 4) any settlement or payment agreements for cases involving allegations of excessive force in violation of the Eighth Amendment." The Department of Justice (DOJ) construes your correspondence as a public records request pursuant to the Wisconsin Public Records Law, Wis. Stat. §§ 19.31 to 19.39.

As we discussed during our August 2, 2017 telephone conversation, we reviewed our files and determined there were a large volume of case files containing potentially responsive records. The law permits DOJ to impose fees for certain "actual, necessary and direct" costs associated with responding to public records requests. Pursuant to Wis. Stat. § 19.35(3)(f), DOJ may require prepayment for the costs of locating (if the cost is \$50.00 or more), copying, and mailing the requested records if the total amount exceeds \$5.00. Accordingly, we calculated an estimated location cost of 15 hours and sent you an invoice seeking prepayment. Subsequently, you provided payment for the invoice.

The actual, necessary, and direct costs of locating records responsive to your request was higher than the estimated amount that you prepaid. The total time spent locating the requested records was 15.75 hours; additionally, DOJ was required to recall six boxes from storage at a cost of \$6.50 per box. Pursuant to Wis. Stat. § 19.35(3)(e), in this instance, DOJ is waiving any additional fees above the amount that you prepaid. Enclosed, please find the records responsive to your request with no additional cost to you.

Pursuant to Wis. Stat. § 19.35(4)(b), if a determination denies a request, in whole or in part, it is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to a district attorney or the Attorney General.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Ferguson", written in a cursive style.

Paul M. Ferguson
Assistant Attorney General
Office of Open Government

PMF:pjm