

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

RUTHELLE FRANK, et al.,

Plaintiffs,

v.

Case No. 11-CV-1128

SCOTT WALKER, et al.,

Defendants.

**DEFENDANTS' ANSWER TO PLAINTIFFS'
SUPPLEMENTAL COMPLAINT**

All Defendants, by their undersigned counsel, hereby answer the Supplemental Complaint, filed by Plaintiff Ruthelle Frank on July 26, 2016 (Dkt. 303) as follows.

ANSWER

1. Answering paragraph 1, the defendants DENY.
2. Paragraph 2 contains legal conclusions to which no response is required. To the extent that the legal conclusions in paragraph 2 require any response, the defendants DENY. The defendants ADMIT that Melvin Robertson testified in this case in 2011. The defendants DENY that Melvin Robertson is, or has been, unable to get a photo ID as a result of any conduct of the defendants. As to the remaining allegations in Paragraph 2, the defendants are without information sufficient to form a belief as to those allegations, and therefore DENY.

3. Paragraph 3 contains legal conclusions to which no response is required. To the extent that the legal conclusions in paragraph 3 require any response, the defendants DENY. The defendants DENY that Leroy Switlick is, or has been, unable to get a photo ID as a result of any conduct of the defendants. As to the remaining allegations in Paragraph 3, the defendants are without information sufficient to form a belief as to those allegations, and therefore DENY.

4. The defendants DENY that James Green is, or has been, unable to get a photo ID as a result of any conduct of the defendants. As to the remaining allegations in Paragraph 4, the defendants are without information sufficient to form a belief as to those allegations, and therefore DENY.

5. Defendants ADMIT that the plaintiffs have proposed that Robertson, Switlick, and Green be members of a class, but DENY that they are properly members of the proposed class. The defendants DENY the remaining allegations in Paragraph 5.

6. All allegations not specifically admitted are DENIED.

AFFIRMATIVE DEFENSES

1. The Amended Complaint was filed by Plaintiff Ruthelle Frank only. (Dkt. 303:1.) This Court's order granting class certification named Plaintiffs Frank, Robertson, Switlick, and Green as class representatives.

(Dkt. 294:10.) Ms. Frank's individual allegations are not sufficient to allege facts of the other class representatives.

2. Melvin Robertson, Leroy Switlick, and James Green lack standing.

3. The Supplemental Complaint fails to state a claim upon which relief can be granted.

4. Any claims for equitable relief are moot.

5. This action should be dismissed as unnecessary parallel litigation given the final order and judgment in *One Wisconsin Institute, Inc. v. Nichol*, Case No. 15-cv-324 (W.D. Wis.).

6. Plaintiffs' claims are barred by claim preclusion.

Dated this 9th day of August, 2016.

Respectfully submitted,

BRAD D. SCHIMEL
Wisconsin Attorney General

/s/S. Michael Murphy
S. MICHAEL MURPHY
Assistant Attorney General
State Bar #1078149

GABE JOHNSON-KARP
Assistant Attorney General
State Bar #1084731

JODY J. SCHMELZER
Assistant Attorney General
State Bar #1027796

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-5457 (Murphy)
(608) 267-8904 (Johnson-Karp)
(608) 266-3094 (Schmelzer)
(608) 267-2223 (Fax)
murphysm@doj.state.wi.us
johnsonkarp@doj.state.wi.us
schmelzerjj@doj.state.wi.us