

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

RUTHELLE FRANK, et al.,

Plaintiffs,

v.

Case No. 11-CV-1128

GOVERNOR SCOTT WALKER, et al.,

Defendants.

SIXTH DECLARATION OF CLAYTON P. KAWSKI

I, Clayton P. Kowski, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am one of Defendants' attorneys in the above-captioned matter. I make this Sixth Declaration based on my own personal knowledge and based upon the sources described.

2. I make this Sixth Declaration in support of Defendants' Civil L.R. 7(h) Expedited Non-Dispositive Motion to Compel Deposition Testimony of Ruthelle Frank.

3. Attached hereto as Exhibit A is a true and correct copy of an e-mail exchange that occurred between me and Plaintiffs' counsel on September 13, 19, and 20, 2013. In the e-mail exchange, Plaintiffs' counsel told me that Ms. Frank "is likely to be unavailable for trial[.]"

4. I am willing to travel to Ms. Frank's home to complete her deposition, if that works best for her. If I am not able to travel to her home, I believe that another of Defendants' counsel will be able to make the trip.

5. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed in *Milwaukee Branch of the NAACP, et al. v. Scott Walker, et al.*, Case No. 11-CV-5492 (Dane County Circuit Court) ("*NAACP*").

6. Defendants' counsel in *NAACP*, Assistant Attorney General Carrie M. Benedon, participated in the April 12, 2012, deposition of Ms. Frank in *NAACP* by telephone conference.

7. Plaintiffs and Defendants met and conferred in person on September 16, 2013, regarding defense counsel's desire to depose Ms. Frank to preserve her testimony for trial. The parties conferred again via e-mail messages exchanged on September 19 and 20, 2013, which are found in attached Exhibit A. The parties have reached an impasse on this issue.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24th day of September, 2013.

s/Clayton P. Kawski
CLAYTON P. KAWSKI