



DANE COUNTY  
DISTRICT ATTORNEY  
ISMAEL R. OZANNE

# 71  
1 P9

October 6, 2011

Honorable Maryann Sumi  
Dane County Courthouse, Br. #2  
215 S. Hamilton St. #7105  
Madison, WI 53703

RE: **State ex rel. Ismael R. Ozanne v. Jeff Fitzgerald et al.**  
**11CV1244**

Dear Judge Sumi,

On September 22, 2011, AAG Maria Lazar wrote the court requesting this case be dismissed, or in the alternative, be set for a hearing date.

Ms. Lazar cites the Supreme Court's decision in the case, as well as Justice Prosser's concurrence indicating the Supreme Court's finding the Legislature did not violate Article VI, Section 10 of the Wisconsin Constitution. It should be noted the constitutional provision was necessary to provide the circuit court with jurisdiction to consider our TRO and injunction motions. Simply because the Supreme Court held that the constitutional provision was not violated, thus depriving the circuit court of jurisdiction to consider the injunctive relief requested, says nothing about this court's competency to address the forfeiture actions.

Also mentioned in Ms. Lazar's letter is the time in which to serve defendants per Wis. Stat. § 801.02(2). She stated that said time for service has long since passed. It should be noted that all parties were served with the amended complaint; evidence of such service is in the court file.

The state respectfully requests the court set this matter for a status conference at the court's convenience.

Sincerely,

Ismael R. Ozanne

cc: AAG Maria Lazar, WI DOJ (*representing legislators*)  
AAG Steven Kilpatrick, WI DOJ (*representing legislators*)  
Atty. Roger Sage (*representing Douglas LaFollette*)  
Atty. Susan Crawford (*representing Mark Miller*)  
Atty. Robert Jambois (*representing Peter Barca*)  
Atty. Jina Jonen (*representing WI Education Association Council*)  
Atty. Kurt Kobelt (*representing WI Education Association Council*)