

JOHN W. MARKSON
CIRCUIT COURT, BR 1

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

DANE COUNTY

2009 NOV 17 PM 3: 38

DANE CO. CIRCUIT COURT

STATE ENGINEERING ASSOCIATION

4510 Regent Street
Madison, Wisconsin 53705, and

JOHN BOLKA

S73 W25295 High Ridge Road
Waukesha, Wisconsin 53189, and

TIMOTHY HANLEY

2849 Ellis Street
Stevens Point, Wisconsin 54481, and

MARK KLIPSTEIN

660 Glen Erin Drive
Hartford, Wisconsin 53027, and

LARRY LEGRO

1248 Gaslight Drive
Sun Prairie, Wisconsin 53590, and

DENNIS KEYSER

1241 Carole Lane
Green Bay, WI 54313, and

GRETCHEN WHEAT

1218 East Dayton Street
Madison, Wisconsin 53703,

Plaintiffs,

vs.

THIS IS AN AUTHENTICATED COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.

CARLO ESQUEDA
CLERK OF CIRCUIT COURT

SUMMONS

CASE NO. 09CV5786

STATE OF WISCONSIN

c/o Attorney General J.B. Van Hollen

114 East State Capitol
Madison, WI 53707-7857, and

OFFICE OF STATE EMPLOYMENT RELATIONS

101 East Wilson Street, 4th Floor
Madison, Wisconsin 53703, and

DIRECTOR JENNIFER DONNELLY

Office of State Employment Relations
101 East Wilson Street, 4th Floor
Madison, Wisconsin 53703, and

DEPARTMENT OF TRANSPORTATION

4802 Sheboygan Avenue, P.O. Box 7999,
Madison, Wisconsin 53707-7999, and

Case Code: 30704
Other Injunction or
Restraining Order

SECRETARY FRANK BUSALACCHI

Department of Transportation
4802 Sheboygan Avenue, P.O. Box 7999,
Madison, Wisconsin 53707-7999, and

DEPARTMENT OF NATURAL RESOURCES

101 South Webster Street, P.O. Box 7921
Madison, Wisconsin 53707-7921, and

SECRETARY MATTHEW FRANK

Department of Natural Resources
101 South Webster Street, P.O. Box 7921
Madison, Wisconsin 53707-7921, and

DEPARTMENT OF ADMINISTRATION

101 East Wilson Street, P.O. Box 7866
Madison, Wisconsin 53707-7921, and

SECRETARY MICHAEL MORGAN

Department of Administration
101 East Wilson Street, P.O. Box 7866
Madison, Wisconsin 53707-7921, and

DEPARTMENT OF WORKFORCE DEVELOPMENT

210 East Washington Avenue, P.O. Box 7979
Madison, Wisconsin 53707-7979, and

SECRETARY ROBERTA GASSMAN

Department of Workforce Development
210 East Washington Avenue, P.O. Box 7979
Madison, Wisconsin 53707-7979, and

DEPARTMENT OF COMMERCE

201 West Washington Avenue, P.O. Box 7970
Madison, Wisconsin 53707-7970, and

SECRETARY DICK J. LEINENKUGEL

201 West Washington Avenue, P.O. Box 7970
Madison, Wisconsin 53707-7970, and

DEPARTMENT OF HEALTH SERVICES

1 West Wilson Street
Madison, Wisconsin 53707, and

SECRETARY KAREN TIMBERLAKE

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53707, and

**DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION**

2811 Agriculture Drive, P.O. Box 8911
Madison, Wisconsin 53708-8911, and

SECRETARY ROD NILSESTUEN

Department of Agriculture, Trade and
Consumer Protection

2811 Agriculture Drive, P.O. Box 8911
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PUBLIC SERVICE COMMISSION

610 Whitney Way, P.O. Box 7854

Madison, Wisconsin 53707-7854, and

CHAIRPERSON ERIC CALLISTO

610 Whitney Way, P.O. Box 7854

Madison, Wisconsin 53707-7854, and

DEPARTMENT OF CORRECTIONS

3099 East Washington Avenue, P.O. Box 7925

Madison, Wisconsin 53707-7925, and

SECRETARY RICK RAEMISCH

Department of Corrections

3099 East Washington Avenue, P.O. Box 7925

Madison, Wisconsin 53707-7925, and

STATE HISTORICAL SOCIETY

816 State Street

Madison, Wisconsin 53706-1417, and

DIRECTOR ELLSWORTH H. BROWN

State Historical Society

816 State Street

Madison, Wisconsin 53706-1417, and

DEPARTMENT OF MILITARY AFFAIRS

2400 Wright Street, P.O. Box 7865

Madison, Wisconsin 53707-7865, and

COL. DONALD DUNBAR

Department of Military Affairs

2400 Wright Street, P.O. Box 7865

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UNIVERSITY OF WISCONSIN SYSTEM

1720 Van Hise Hall, 1220 Linden Drive

Madison, Wisconsin 53706, and

PRESIDENT KEVIN P. REILLY

University of Wisconsin System

1720 Van Hise Hall, 1220 Linden Drive

Madison, Wisconsin 53706, and

Defendants.

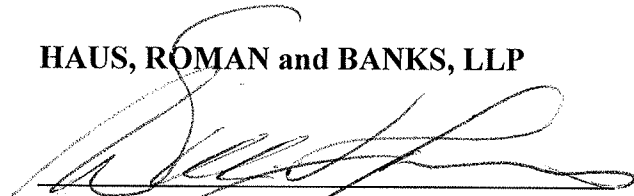
THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action. Within 45 days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an Answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Dane County Clerk of Courts, 215 S. Hamilton Street, Room 1000, Madison, Wisconsin 53703, and to Attorney William Haus, Plaintiffs' attorney, whose address is Haus, Roman & Banks, LLP, 148 E. Wilson Street, Madison, WI 53703. You may have an attorney help or represent you.

If you do not provide a proper Answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated in the City of Madison, Wisconsin this 17th day of November, 2009.

HAUS, ROMAN and BANKS, LLP



By: Attorney William Haus
State Bar No. 1015390

Haus, Roman and Banks LLP
148 East Wilson Street
Madison, Wisconsin 53703
Tel: (608) 257-0420
Fax: (608) 257-1383

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DANE COUNTY

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COMPLAINT

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Madison, Wisconsin 53706, and

PRESIDENT KEVIN P. REILLY

University of Wisconsin System

1720 Van Hise Hall, 1220 Linden Drive

Madison, Wisconsin 53706, and

Defendants.

NOW COME the Plaintiffs, above named, and by their attorneys, Haus, Roman and Banks, LLP, by

Attorney William Haus, and as and for a complaint against the Defendants above named, allege as follows:

I. **PARTIES.**

A. **Plaintiffs.**

1. **Plaintiff State of Wisconsin** (hereinafter also referred to as “the State”) is
2. **Plaintiff State Engineering Association** (hereinafter also referred to as SEA) is a labor organization as defined by Wis. Stat. § 111.81(12). SEA is the exclusive bargaining representative of the statutory collective bargaining unit for the Professional/Engineering occupational groups as established by Wis. Stat. § 111.825. Said collective bargaining unit consists of approximately one thousand one hundred and twenty (1,120) employees in the classified service of the State of Wisconsin and is “structured on a statewide basis.” SEA represents state employees in a number of state agencies, including the Department of Transportation; the Department of Natural Resources; the Department of Commerce; the Department of Administration; the Department of Health Services; the University of Wisconsin System; the Department of Agriculture, Trade, and Consumer Protection; the Public Service Commission; the Department of Corrections; the Department of Workforce Development; the Department of Military Affairs; and the State Historical Society. SEA is a party to a Collective Bargaining Agreement with the State of Wisconsin as the exclusive bargaining representative of the Professional/Engineering employees. The most recent Collective Bargaining Agreement between the State of Wisconsin and the State Engineering Association has for its term May 27, 2006 to June 30, 2007; however, said Collective Bargaining Agreement has been extended by mutual agreement of the parties so as to continue to be in effect until a successor agreement is concluded. The State Engineering Association has its principal offices located at 4510 Regent Street, Madison, Wisconsin 53705.
3. **Plaintiff John Bolka** is an adult resident of the State of Wisconsin, residing at S73 W25295 High Ridge Road, Waukesha, Wisconsin 53189. John Bolka has been continuously employed as a civil engineer with the State of Wisconsin Department of Transportation for more than ten years and has been laid off and is subject to future layoff as alleged in this complaint. John Bolka is a Wisconsin taxpayer.
4. **Plaintiff Timothy Hanley** is an adult resident of the State of Wisconsin, residing at 2849 Ellis Street, Stevens Point, Wisconsin 54481. Timothy Hanley has been continuously employed as a civil engineer with the State of Wisconsin Department of Transportation for more than ten years and has been laid off and is subject to future layoff as alleged in this complaint. Timothy Hanley is a Wisconsin taxpayer.
5. **Plaintiff Mark Klipstein** is an adult resident of the State of Wisconsin residing at 660 Glen Erin Drive, Hartford, Wisconsin 53027. Mark Klipstein has been continuously employed as

a civil engineer with the State of Wisconsin Department of Transportation for more than ten years and has been laid off and is subject to future layoff as alleged in this complaint. Mark Klipstein is also President of the State Engineering Association and is a Wisconsin taxpayer.

6. **Plaintiff Larry Legro** is an adult resident of the State of Wisconsin residing at 1248 Gaslight Drive, Sun Prairie, Wisconsin 53590. Larry Legro has been employed continuously by the Department of Health Services (or its predecessor agency) for more than twenty consecutive years and is subject to the layoffs as alleged in this complaint. Larry Legro is a Wisconsin taxpayer.
7. **Plaintiff Dennis Keyser** is an adult resident of the State of Wisconsin residing at 1241 Carole Lane, Green Bay, Wisconsin 54313. Dennis Keyser has been continuously employed as a surveyor for the State of Wisconsin Department of Transportation for more than ten years and has been laid off and is subject to the future layoff as alleged in this complaint. Dennis Keyser is a Wisconsin taxpayer.
8. **Plaintiff Gretchen Wheat** is an adult resident of the State of Wisconsin residing at 1218 East Dayton Street, Madison, Wisconsin 53703. Gretchen Wheat has been continuously employed as an engineer with the State of Wisconsin Department of Natural Resources for more than ten years and is subject to the layoffs as alleged in this complaint. Gretchen Wheat is a Wisconsin taxpayer.
9. All individual plaintiffs and all members of the bargaining unit represented by the State Engineering Association are employees of the State of Wisconsin and as such are “employees” within the meaning of Wis. Stat. § 108.02(12) and Defendant State of Wisconsin and state agencies are employers within the meaning of the Unemployment Compensation Chapter, Wis. Stat. § 108.02 (13).

B. Defendants.

10. **Defendant State of Wisconsin** (hereinafter also referred to as “the State”) is an “Employer” within the meaning of Wis. Stat. § 108.02(13) and a government unit within the meaning of Wis. Stat. § 108.02(17) and is subject to the laws of Wis. Stat. Chapter 108. The State of Wisconsin is also the “Employer” within the meaning of Wis. Stat. Chapter 111, Subchapter V and is subject to the laws of said Subchapter. The State of Wisconsin is party to the collective bargaining agreement between the State of Wisconsin and the State Engineering Association. This is an action for injunctive relief. The proper agent for service on behalf of the State of Wisconsin is the State of Wisconsin Attorney General, 114 East State Capitol, Madison, Wisconsin 53707-7857.
11. **Defendant Office of State Employment Relations** (hereinafter also referred to as “OSER”) is an agency of the State of Wisconsin which, pursuant to Wis. Stat. § 111.815, is charged with the statutory responsibilities of negotiating and administering collective bargaining agreements on behalf of the State of Wisconsin; “is responsible for the employer functions

