

FILED
01-21-2022
Anna Hodges
Clerk of Circuit Court
MILWAUKEE COUNTY
2020CV007031

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

FRANKLIN COMMUNITY ADVOCATES,
WOODLAKE VILLAGE HOMEOWNERS
ASSOCIATION, CHAD and KARYN ZOLECKI,
JEFF and DANELLE KENNEY,
RYAN and RACHEL RINGWELSKI,
STEVE VALLEE and COLLEEN DOMASK,
and NICK POPLAR,

Plaintiffs,

CASE NO. 20-CV-7031

v.

CITY OF FRANKLIN,

Defendant.

And

STRAUSS BRANDS, LLC,

Intervening Defendant

**CITY OF FRANKLIN’S NOTICE OF MOTION
AND MOTION TO CORRECT THE RECORD**

To: Honorable Hannah C. Dugan
Milwaukee County Courthouse
901 N. 9th Street
Milwaukee, WI 53233

PLEASE TAKE NOTICE, that the City of Franklin, through his attorneys, Municipal Law & Litigation Group, S.C., respectfully moves this court for an Order to correct the record in this case, specifically as to the scope of remand ordered by the court that is referenced in the City’s Motion for Reconsideration, for the reasons discussed below and in the accompanying affidavit.

On January 11, 2022, this Court held a hearing of the City of Franklin's Motion for Reconsideration and to Vacate the Court's Order to Remand for Further Proceedings ("Motion to Reconsider"). At the hearing, the Court instructed the City of Franklin to file a Motion to Correct the statement in its Motion for Reconsideration regarding the scope of the remand. The City's Motion for Reconsideration stated that, at the court's November 16, 2021 motion hearing, the court remanded the case to the City of Franklin for due process purposes to include two documents (a police log and an alderperson's economic study) that were not contained in the administrative record of proceedings.

This aforementioned statement in the Motion for Reconsideration is hereby withdrawn; instead, said motion should have reflected that the court was remanding the entire matter, not just for supplementation of those two records, for such purposes.

CONCLUSION

For the foregoing reasons, the City of Franklin respectfully moves to withdraw the aforementioned statement in its Motion for Reconsideration that the remand related to supplementation of the two records because, instead, said Motion should have reflected that the court's order for remand concerned the entire matter.

Dated this 21st day of January, 2022.

MUNICIPAL LAW & LITIGATION GROUP, S.C.

Attorneys for City of Franklin

By: /s/ Electronically signed by Remzy D. Bitar
REMZY D. BITAR
State Bar No: 1038340
ANTHONY J. GARCIA
State Bar No. 1120983

P.O. ADDRESS:

730 N. Grand Avenue

Waukesha, WI 53186

O: (262) 548-1340

F: (262) 548-9211

E: rbitar@ammr.netagarcia@ammr.net