

the first individuals that “attempted to muddy the certiorari waters,” far in advance of this legal challenge, and in fact, even prior to the approval of the Strauss SUP. City Officials did so, and put the entire City of Franklin under a significant security risk, by routinely discussing, and even conducting City business, through their own private email addresses, on unsecured servers. This is shown in Exhibit U-2 which I previously filed in my July 16th affidavit.

4. In addition, commentary regarding the status of projects, as well as questions and critiques, has occurred continually on semi-public message boards. Furthermore, the Mayor appears to make a habit of requesting in person meetings, or holding closed sessions, when discussing contentious items, knowing full well, what he wants to keep off of and out of the written record. This is shown in Exhibit U-2 which I filed as part of my July 16th affidavit. This behind-the-scenes negotiation – literally back room dealing - preemptively negates challengers from ever receiving the entire, relevant record, on many motions, including the Strauss SUP.

5. The City’s attorney, Mr. Bitar criticizes what is essentially my ability to read. To be clear, I have volunteered my time for free, to serve as the “Director of Legal and Finance” for Franklin Community Advocates. We are a small, but dedicated not for profit organization, that wants to hold our local government to honesty, transparency, and ethics in conducting business. I have never been a licensed attorney in the state of Wisconsin, nor have I ever represented myself as such, but as noted, I can read emails and documents, and doing so makes it clear that the fix was in on this project

6. Indeed, Mr. Bitar, as a licensed attorney, would certainly know, there is no requirement for someone reviewing thousands of documents, for a legal challenge, to be a licensed attorney, nor would they make a point to state their credentials, when they have a licensed attorney reviewing/approving all final submissions, and entering them into the court

system. And as Mr. Bitar has misspelled my name 27 times in his current filing, it seems incongruous to suggest an attorney would have a greater eye for detail and inclusion while going through thousands of documents to support a brief.

7. Plaintiffs filed public records requests in both October and December of 2020 for information surrounding the bizarre reversal of the Strauss SUP vote. Not a scintilla of information on these requests was provided until May of 2021. Based on zero response, and a desire to subpoena financial records, plaintiffs filed for Discovery. Per the record, plaintiffs lost that motion on March 30, 2021. There has not been one single new ORR request around the Strauss SUP, post February 2021, when our attorney attempted, again, to get some type of response on the Strauss ORRs, FCA had previously filed months prior.

8. Therefore, Mr. Bitar's assertion that, "Plaintiffs' have attempted to use their public records requests as a form of discovery throughout the duration of this case and continue to make public records requests as a method of subverting Judge Grady..." is patently false. Even after hiring an attorney, filing a legal challenge, and making a motion for discovery, the City did not see fit to supply any documentation, until May of 2021. To be clear, the ORR's from 2020, are still *not* complete. It would be pointless to file new ORR's on the Strauss SUP, when plaintiffs have been waiting over 8 months, and have yet to get the final documentation from their initial request.

9. Despite the numerous assertions by Mr. Bitar, that my statements regarding emails are hearsay, especially with regard to those of the Engineering Department's knowledge of failures/shortcomings of the preparation of the Strauss site, as well as Alder Hanneman's motivation for flipping her vote, those emails are now included in our latest brief, which has since been filed with the court in this case. I believe they speak for themselves.

10. Although Mr. Bitar states that “social media posts are clearly not part of the administrative record,” he fails to acknowledge that when someone conducts city business, via a non-traditional format, whether purposeful or unknowingly, it does not mean the information communicated is irrelevant, or in fact has not been read by, or influenced, members of the Planning Commission or the Common Council. The issue is similar to when a governor or president announces his decisions and goals to his constituents before alerting his cabinet members, chiefs of staff, or other decision makers. In such a case it is clear the decision had been made, and the rest of the group had little choice but to follow that lead. This happened in this matter including through the many public statements made by the Mayor and his allies. They clearly show a disgraceful hostility towards those opposing the slaughterhouse. The Mayor also stated that he would call off the police department if his allies protested in front of Alder Wilhelm’s home, an opponent of the Slaughterhouse. *See Doc No. 19 Exhibit G p. 2-3*__.

11. I am completely at a loss as to how the Courts seem to bend over backwards to ignore or re-characterize this type of conduct, and transform it into reasonable public deliberation. It is astounding to me that the Courts apparently do not want to even hear about this type of conduct, as is evidenced by the City’s attorneys arguments trying to preclude the Court’s consideration of this material from the record, rather than admitting the conduct, and perhaps even admitting the obvious bias by the Mayor. What I am learning as part of this process is that the Court system seems to be available to be used by municipal government and its legal counsel to distort and indeed misrepresent the facts in order to uphold its very bad and harmful decisions. It is almost as if the Courts are sending an implied message to citizens, by allowing this type of conduct to go unpunished, to stand down and “keep quiet” and not to seek “redress of

grievances” as is their right under the constitution. I can see no other explanation for the chosen strategy of the attorneys representing the City in this matter.

12. When Attorney Bitar suggests that, forcing people to come to a meeting in person, during the height of the most deadly pandemic in 100 years, in order to simply be heard, is a “red herring” by the plaintiffs, I’m appalled and offended. I have been doing the grocery shopping for one of my neighbors, since March of 2020 (20 months). Her husband has Parkinson's, they are both elderly, and they are deathly afraid of going out in public. The fact that they were precluded from voicing their strong opposition to what will ultimately happen in their community, and how their hard earned tax dollars will be spent, is at least, anti-democratic, and **at most, outright immoral.**

13. I’m also having difficulty aligning with Mr. Bitar’s thinking with regard to documentation, the lack thereof, and whether that precludes all surrounding information from being required in the record. He states that I reference an engineering report which, “was not considered at any of the relevant meetings.” The report could not have been considered, since it does not exist, but it should have been required. That is the point and what is reflected in the emails that should be part of the record. This goes directly to whether the project should be approved.

14. According to a member of the engineering staff involved in this review, a required report was not done, in order to expedite the Strauss approval. My understanding of this engineering matter is limited, but as it was explained to me, when you bring in 10 feet of fill to a site, you **must** conduct a “compaction report”, in order to determine the total weight of any structure that the ground can reliably support. Without this, it is unclear to me how the Planning

Commission could have possibly approved this development, and sent it on to the Common Council for the SUP approval.

15. I have been told repeatedly by opposing counsel (in writing), as well as my own attorney, in cases such as this, that decision makers are “entitled to a presumption of honesty and integrity.” After personally reviewing thousands of documents in this case, I’m beginning to wonder what is the specific volume of *material* needed to prove you may have started with that assumption, but it has since been smashed to bits, not by hearsay, but by the actual statements and action of some of the parties involved?

David Sorensen

David Sorensen

Subscribed and Sworn to Before me
This 16th Day of August, 2021

[Signature]

Notary Public, State of Wisconsin
My commissioner is permanent

SBN 1023024