

JUN 04 2001

Columbia Correctional Institution
Post Office Box 900
Portage, Wisconsin
53901-0900

May 21, 2001

Joint Committee for Review of Adm. Rules
100 N. Hamilton Street
Madison, Wisconsin
53707-7882

Re: Slagoski v. Kingston, et al.,

To whom it may concern:

Please find enclosed a summons and complaint for declaratory judgement and writ of certiorari challenging a disciplinary proceedings and various administrative rules of the doc. My warm regards,

Respectfully yours,



Joshua Slagoski

cc:file

STATE OF WISCONSIN

CIRCUIT COURT
CIVIL/FAMILY DIVISION

DANE COUNTY

RICHARD J. CALLAWAY
CIRCUIT COURT BR. 8
DANE COUNTY, WI

CIRCUIT COURT
DANE COUNTY, WI

MAY 7 11:47 AM '01

STATE EX REL. JOSHUA SLAGOSKI
COLUMBIA CORRECTIONAL INSTITUTION
POST OFFICE BOX 900
PORTAGE, WISCONSIN
53901-0900,

Petitioner,

-vs-

01CV1218

Case No: _____

PHIL KINGSTON
COLUMBIA CORRECTIONAL INSTITUTION
2925 COLUMBIA DRIVE
PORTAGE, WISCONSIN
53901-0950,

Case Class. Type: 30707
30701

JON E. LITSCHER
DEPARTMENT OF CORRECTIONS
149 EAST WILSON STREET
MADISON, WISCONSIN
53707-7925,

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

RICHARD VERHAGEN
DIVISION OF ADULT INSTITUTIONS
149 EAST WILSON STREET
MADISON, WISCONSIN
53707-7925,

JUDITH A. COLEMAN
CLERK OF CIRCUIT COURT

Respondents.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as Respondent:

You are hereby notified that the petitioner named above has 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 Clerk of the Circuit Court, Dane County Courthouse, 210 Martin Luther King Jr. Blvd., Room 224, Madison, Wisconsin, 53709-001, and to Mr. Joshua Slagoski, pro se, Post Office Box 900, Portage, Wisconsin 53901-0900. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgement 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 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 this 22 day of April, 2001.

IN PROPRIA PERSONA,

Joshua K. Slagoski
Joshua Slagoski, pro se
Columbia Correctional Institution
Post Office Box 900
Portage, Wisconsin
53901-0900

STATE OF WISCONSIN

CIRCUIT COURT
CIVIL/FAMILY DIVISION

MAY
DANE COUNTY

CIRCUIT COURT
DANE COUNTY, WI

7 47 AM '01

STATE EX REL. JOSHUA SLAGOSKI,

Petitioner,

-vs-

Case No: 01CV1218

PHIL KINGSTON,
JON E. LITSCHER,
RICHARD VERHAGEN,

Case Class. Type: 30707
30701

Respondents.

**PETITION FOR A WRIT OF CERTIORARI
AND COMPLAINT FOR DECLARATORY JUDGEMENT**

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COUNTY CLERK OF CIRCUIT COURT.

NATURE OF ACTION

JUDITH A. COLEMAN
CLERK OF CIRCUIT COURT

1. This is a civil action brought pursuant to §803.02, §806.04 and §227.40 of the Wisconsin Statutes by the petitioner, Joshua Slagoski asserting his rights against the Warden of Columbia Correctional Institution, Phil Kingston, the Secretary of the Department of Corrections, Jon E. Litscher and the Administrator of Division of Adult Institutions, Richard Verhagan. Mr. Slagoski is seeking judicial review of his prison disciplinary hearing held at Columbia Correctional Institution. He also seeks declaratory relief declaring his rights under Wisconsin Administrative Code Doc 306.14 and Article I, Section 9, of the Wisconsin Constitution.

PARTIES

2. Petitioner Joshua Slagoski, pro se, currently resides at

Columbia Correctional Institution (hereafter CCI) located at 2925 Columbia Drive, Post Office Box 900, City of Portage, County of Columbia, State of Wisconsin 53901-0900. At all times mentioned in this cause of action Joshua Slagoski was housed at CCI.

3. The petitioner is informed and believes and thereon alleges that at all times material to this cause of action Respondent Phil Kingston was/is employed as Warden of CCI and as such is responsible for the care, custody and discipline of the inmates therein. The location, 2925 Columbia Drive, Post Office Box 950, City of Portage, County of Columbia, State of Wisconsin 53901-0900.

4. The petitioner is informed and believes and thereon alleges that at all times material to this cause of action Respondent Jon E. Litscher was/is employed as Secretary of the Department of Corrections located at 149 East Wilson Street, Post Office Box 7925, City of Madison, County of Dane, State of Wisconsin 53707-7925.

5. The petitioner is informed and believes and thereon alleges that at all times material to this cause of action Respondent Richard Verhagen was/is employed as Administrator of the Division of Adult of Institutions located at 149 East Wilson Street, Post Office Box 7925, City of Madison, County of Dane, State of Wisconsin 53707-7925.

STATEMENT ON EXHAUSTING OF ADMINISTRATIVE REMEDIES

6. Petitioner Joshua Slagoski (hereafter Slagoski) has exhausted all available administrative remedies in this matter in

accordance with Wisconsin Statute §801.02(7)(b). There is no non-judicial remedy available subsequent to Respondent Kingston's decision on appeal and the resolution of the Inmate Complaint Review System.

FACTUAL ALLEGATIONS

7. On October 25, 2000, Slogoski was placed on temporary lockup in disciplinary segregation unit 1 pending an investigation for possible rule violations of 303.45 and 303.22. Slogoski's investigative status came about during the course of a periodic search of the entire institution pursuant to Wisconsin Administrative Code Doc 306.14 which included the search of Slogoski's cell (cell 24) which he shared with inmate Steven Saivong. In this cell Slogoski was assigned to the upper bunk and kept his property in a foot locker as prescribed by institution policy and procedure.

8. Slogoski was not allowed to be present when his cell was searched but was ordered to go to the dayroom area. During the search of Slogoski's cell Sgt. Salter allegedly found one phillips screwdriver shaft in the lower air vent with a string attached to it along with a flat tip bolt. While continuing the search of Slogoski's cell the reporting officer allegedly found a spring in the angle iron of the lower bunk that allegedly operates restraint cuffs. And a piece of double wire cord was found hidden in the upper ledge of the desk. This was allegedly 24" in length.

9. Subsequently, on October 26, 2000, Slogoski received

conduct report #972622 charging him with violating Doc Rules 303.45 (Possession Manufacture and Alteration of Weapons) and 303.47 (Possession of Contraband Miscellaneous); the conduct report was classified as a major.

10. Janelle C. Paske, was appointed to serve as Slagoski's advocate in resolving the disciplinary charges lodged against him. As advocate her responsibilities is to help the accused understand the charges against him, help in preparation and presentation of any defense, including gathering evidence, testimony and preparing inmate's own statement. Unfortunately, Ms. Paske did not fulfill those functions.

11. Slagoski did not receive any witness request forms to call witnesses on his behalf and to request that the reporting officer be present at the hearing. Neither did Slagoski receive a notice of the hearing informing him of the date time and/or place of the hearing.

12. At the hearing Slagoski presented his oral and written statement. He explicated that he was innocent of both charges, that none of the alleged items mentioned in the report were found in his possession. Neither was there any evidence presented at the hearing suggesting otherwise. Moreover, Slagoski's advocated who was suppose to check for procedural errors during the hearing did not address the fact that the alleged items were not physically or photographically presented to Mr. Slagoski at the hearing.

13. Slagoski was found guilty on both charges and received the disposition on 120 days program segregation. In it's reason for it's decision the committee did not base it's decision on the elements of the charges that these alleged items were in his possession but on the presumption that he is responsible for

reporting to staff any alleged contraband that his cell mate may or may not possess.

14. There is no rule in the Doc 303 rule book that makes it a punishable offense for a doubled celled inmate not to report any alleged rule infraction committed by his cell mate that he might have knowledge of. If it's just a policy and custom of CCI Mr. Slogoski was never given notice of such a rule.

15. After the finding of guilt Slogoski appealed to the warden on November 9, 2000. Unfortunately, the warden affirmed the finding of guilt and decision and disposition of the adjustment committee.

16. The alleged contraband found in Slogoski's cell was destroyed prior to being photographed and prior to Slogoski's due process hearing.

17. On approximately March 24, 2001, Slogoski received information from an inmate who chooses to remain anonymous. Slogoski was informed that another inmate who resided in cell 24 before he took residence was responsible for the alleged contraband in the lower air vent.

18. On March 30, 2001, Slogoski wrote a letter to Respondent Phil Kingston, requesting that he review conduct report #972622 pursuant to Doc 303.76(7)(e) based on the new information he received (See Exhibit 1).

19. Wisconsin Administrative Code Doc 306.14 makes it mandatory for Slogoski to be present when his cell is searched during the course of a periodic search of the entire institution yet it is a custom and policy of CCI to prohibit this.

20. Respondents Richard Verhagen and Jon E. Litscher are

responsible for tailoring a remedy when staff refuses to adhere and or comply with Doc 306.14).

21. Wisconsin Administrative Code Doc 306.21 which provides for the use as evidence of illegally seized contraband against an inmate at a disciplinary hearing conducted pursuant to Doc 303. This section does not provide a remedy for inmates who are subjected to discipline because of illegally seized evidence.

STATEMENT OF CLAIMS

FIRST CLAIM: FOR WRIT OF CERTIORARI

22. The actions of Respondent Kingston in paragraphs 7 through 18 leading to the discipline of the petitioner were erroneous, arbitrary and capricious and contrary to state law and the Wisconsin and United States constitutions:

- a. There's no evidence in the record that could support the conclusion and resultant disciplinary action against Slogoski;
- b. Slogoski's right to call witnesses and to have the reporting officer present was hindered;
- c. Slogoski's advocate was negligent in her duties;
- d. The alleged contraband was destroyed prior to the hearing and was not photographed;
- e. Slogoski did not receive a notice of hearing;
- f. Slogoski was disciplined for actions not considered an offense by the Doc 303;
- g. There exists newly discovered evidence that exonerates Slogoski of any liability for the alleged items found in the vent.

SECOND CLAIM: FOR DECLARATORY JUDGEMENT

23. In correlations with paragraphs 14, and 19 through 21 an inmate has a legal right under state law to be present when his cell is searched during the course of a search under Doc 306.14.

24. Respondents Richard Verhagen and Jon E. Litscher are responsible for fashioning a remedy when staff refuses to adhere and/or comply with Doc 306.14 as it relates to inmate's presence during cell search.

25. Inmate cannot be subjected to discipline of behavior not prohibited by Doc rules.

26. Doubled celled inmates have a right to be notified that they will be subjected to discipline if they have knowledge of their cell mate's possession of contraband and fail to inform staff.

27. CCI is bound by the procedural regulations iterated in Wisconsin Administrative Code Doc 306.14.

28. Contraband found during the course of a cell search not in compliance with Doc 306.14 should not be admissible as evidence in a disciplinary hearing.

29. Inmates are entitled to a remedy for wrongs committed against them under Article I, Section 9 when staff disregards Doc rule 306.14, which has the force and effect of law.

STATEMENT OF THE RELIEF SOUGHT

WHEREFORE, Petitioner respectfully requests that a writ of certiorari be granted to bring up for review and determination the proceedings in the matter set forth in the complaint and that upon the return of that writ, the decisions and actions of Respondent

Kingston and the disciplinary committee be reversed and adjudged to be null and void. **MOREOVER**, the petitioner requests that based on the said allegations in paragraphs 14 and 19 through 21, the court exercises it's discretion and declare his rights.

Dated this 6th day of April, 2001.

Respectfully submitted,

Joshua X. Slogoski
Joshua Slogoski, pro se
Columbia Correctional Institution
Post Office Box 900
Portage, Wisconsin
53901-0900

Prepared by:

Roy Rogers
Roy Rogers, lay assistant
Columbia Correctional Institution
Post Office Box 900
Portage, Wisconsin
53901-0900

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

**WISCONSIN CITIZENS
CONCERNED FOR CRANES AND DOVES**

P.O. Box 103
New London, WI 54961

01CV1616

Case No. _____

and

Case Code: 30701

JOHN WIENEKE

206 West Pine Street
P.O. Box 103
New London, WI 54961

and

PAT FISHER

N5487 Buelow Road
New London, WI 54961

Plaintiffs

v.

**WISCONSIN DEPARTMENT
OF NATURAL RESOURCES**

101 Webster Street
P.O. Box 7921
Madison, WI 53707

Defendant.

COPY

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

JUDITH A. COLEMAN
CLERK OF CIRCUIT COURT

01 JUN 19 AM 8:59
DANE COUNTY, WI
CIRCUIT COURT

SUMMONS

THE STATE OF WISCONSIN

To each person/party 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 forty-five (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. You may have an attorney help or represent you. The answer must be sent or delivered to the Court, whose address is:

Clerk of Circuit Court
Dane County Courthouse, Room GR10
210 Martin Luther King, Jr. Blvd.
Madison, WI 53709

and to Krekeler Law Office, S.C., attorneys for the Plaintiff, whose address is:

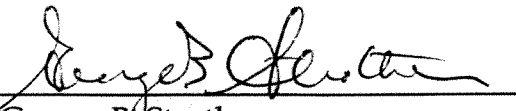
Krekeler Law Office, S.C.
15 North Pinckney Street, Suite 200
Madison, WI 53703

If you do not provide a proper answer within forty-five (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.

In compliance with Title II of the Americans with Disabilities Act, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services or programs of the Circuit Court of Dane County. If you are involved in any matter before the Court and require the assistance of auxiliary aids or services, call (608) 266-4678 (TDD 266-4625) and ask the ADA Coordinator for assistance in making the appropriate arrangements.

Dated this 18 day of June, 2001.

KREKELER LAW OFFICE, S.C.

By: 
George B. Strother
State Bar No. 1015927
Attorneys for Plaintiffs

ADDRESS

15 North Pinckney Street
P.O. Box 828
Madison, WI 53701-0828
(608) 258-8555
(608) 258-8299 (fax)
KLO/GBS/Wieneke .Summons

**WISCONSIN CITIZENS
CONCERNED FOR CRANES AND DOVES**

P.O. Box 103
New London, WI 54961

Case No. 01CV1616

and

Case Code: 30701

JOHN WIENEKE

206 West Pine Street
P.O. Box 103
New London, WI 54961

and

PAT FISHER

N5487 Buelow Road
New London, WI 54961

Plaintiffs

v.

**WISCONSIN DEPARTMENT
OF NATURAL RESOURCES**

101 Webster Street
P.O. Box 7921
Madison, WI 53707

Defendant.

CIRCUIT COURT
01 JUN 19 AM 8:59
DANE COUNTY, WI

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ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY CLERK OF CIRCUIT COURT.
JUDITH A. COLEMAN
CLERK OF CIRCUIT COURT

COMPLAINT

Plaintiffs, Wisconsin Citizens Concerned for Cranes and Doves, John Wieneke, and Pat Fisher, by their attorneys, Krekeler Law Office, S.C. by George B. Strother IV, as and for their Complaint state:

PARTIES

1. Plaintiff, Wisconsin Citizens Concerned for Cranes and Doves (hereinafter "WCCCD") is a public interest organization, with membership residing throughout the State of Wisconsin, and consisting of approximately 250 members, who gained membership by making a contribution of monies to assist the organization in furthering its purposes. The purposes of the organization are to promote interest in and awareness of cranes and doves throughout the State of Wisconsin, and to protect those animal species and their habitats, by educating the public and government officials concerning those species, and by actively promoting the protection of the species and their environments through contacts with appropriate government officials.

2. Plaintiff John Wieneke is the president and organizer of WCCCD, and he resides at 206 West Pine Street, P.O. Box 103, New London, Wisconsin. Further, Wieneke is a Wisconsin resident, and a resident of Waupaca County. As the president and organizer of WCCCD, Plaintiff Wieneke has a concerted interest in promoting and protecting cranes and doves, including particularly mourning doves, and in furthering the purposes of WCCCD.

3. Plaintiff Pat Fisher is the vice-president WCCCD, and she resides at N5487 Buelow Road, New London, WI 54961. Further, Fisher is a Wisconsin resident, and a resident of Waupaca County. As the vice-president of WCCCD, Plaintiff Fisher has a concerted interest in promoting and protecting cranes and doves, including particularly mourning doves, and in furthering the purposes of WCCCD.

4. The Wisconsin Department of Natural Resources (hereinafter "DNR"), with primary offices located at 101 Webster Street, Madison, Wisconsin, 53707, is a State of Wisconsin administrative agency, whose jurisdiction includes the protection and management of wildlife species. The administrative responsibilities of the DNR are those set forth, in pertinent part but without limitation by enumeration, in Chapters 23 and 29 of the *Wisconsin Statutes*, incorporated herein by reference as if set forth in full.

VENUE AND JURISDICTION

5. The venue for this action is Dane County, Wisconsin, as required by Section 227.40 (1), *Wis. Stats.*

6. The Dane County Circuit Court has jurisdiction over this action pursuant to § 227.40, *Wis. Stats.*, and § 806.04, *Wis. Stats.*, providing for the authority of the Court to render declaratory judgments in regard to the promulgation of administrative rules.

STANDING

7. Paragraph 1, above, is incorporated herein by reference as if set forth in full. WCCCD and its members have organized with a purpose and a goal to preserve and protect certain wild animal species, to wit cranes and doves, and more particularly mourning doves. Plaintiff WCCCD seeks to preserve and protect mourning doves by generating interest among Wisconsin citizens and members of the public in preserving and protecting the species; by educating the public, public officials, and elected government representatives about mourning doves, about the biological and ecological significance and aesthetic natural benefits of the species, and about the need to maintain and preserve the species in the environment, through conservation and protection measures and through laws and government regulations, for the benefit of the members of the Plaintiff WCCCD, for the public benefit, and for posterity. Among the environmental and aesthetic benefits which the Plaintiff WCCCD strives to preserve and protect are the general diversity of species in the State of Wisconsin and the ecosystem generally; the emotional and other aesthetic benefits derived from seeing and hearing mourning doves; the symbolic importance of mourning doves as the Wisconsin state symbol of peace. The Plaintiff WCCCD and its members' purposes far outweigh the benefit to the public of being allowed to hunt and kill mourning doves (though the WCCCD does not categorically oppose the Defendant or the State of Wisconsin allowing hunting of certain traditional game species), particularly insofar as mourning doves have, upon information and belief, never been an important food source for the hunting public in Wisconsin.

8. Plaintiffs Wieneke and Fisher have been actively and centrally involved in the establishment of the WCCCD from the outset, and continue to be members of that organization and to be involved in the operations and activities of the organization. Plaintiffs Wieneke and Fisher, individually and collectively, are committed to preserving and protecting mourning doves, and to furthering the purposes and activities of the WCCCD, as those purposes and activities are described hereinabove.

STATEMENT OF FACTS

9. Effective the 1st day of May, 2001, Defendant DNR established and declared, by administrative rule promulgated ostensibly pursuant to DNR's statutory rule-making authority, a hunting season in the State of Wisconsin relative to mourning doves. Pursuant to Rule NR 10.01(1)(1)(h), Wisconsin Administrative Code (WAC), a hunting season for mourning doves in the State of Wisconsin will, if not enjoined or prohibited by the courts, commence on September 1, 2001, and will allow the stalking, killing, and taking of mourning doves by licensed small game hunters using firearms.

10. The DNR has statutory rule-making authority with regard to the establishment of hunting seasons relative to certain game species pursuant to § 29.014,

Wis. Stats. The Wisconsin Legislature has not, however, extended to the DNR the authority to establish and maintain an open hunting season for mourning doves under Chapter 29, *Wis. Stats.*, or any other statute. Pursuant to § 29.001(60), *Wis. Stats.*, mourning doves fall under the classification "nongame species," and are not included in the definition of any "game" species, as defined in § 29.001(39), *Wis. Stats.*, with respect to which the DNR has been given authority to promulgate rules to establish open hunting seasons. More than 20 years ago, the Wisconsin Legislature removed the mourning dove from Wisconsin's official list of "game birds." Further, pursuant to a resolution of the Wisconsin Legislature, the mourning dove has been declared to be the Wisconsin state symbol of peace, that resolution having been duly adopted by the Legislature on or about 1971, and that resolution having continued in force thereafter and until the present day without repeal. Moreover, in conjunction with the establishment of the open hunting season for mourning doves, the DNR removed the mourning dove from "protected wild animal" classification, by DNR administrative rule effective May 1, 2001.

CAUSE OF ACTION OF PLAINTIFFS

11. The DNR, by promulgating an administrative rule permitting the hunting, killing, and taking of mourning doves, exceeded its grant of rule-making authority from the legislature of the State of Wisconsin. The DNR's rule allowing hunting, killing, and taking of mourning doves is therefore illegal and without force of law. The impending application of the DNR's rule permitting hunting, killing, and taking of mourning doves threatens to interfere with and impair the legal rights and privileges of the Plaintiffs, with particularity as follows:

- a. The application and implementation of the hunting season for mourning doves on and after September 1, 2001, will result in the killing and destruction of a substantial portion of the species which normally winters in Wisconsin; this wintering population, differing from the dove population numbering in the millions which annually leaves Wisconsin with the Fall migration beginning on or about August 15, is indigenous to Wisconsin, has a largely unknown character due to lack of any recent scientific studies, and will, upon information and belief, be the population most profoundly affected by the rule change.
- b. The killing and destruction of a portion of the Wisconsin population of mourning doves will impair Plaintiffs' opportunities to see, hear, and enjoy mourning doves, throughout the numerous areas of the State of Wisconsin which are inhabited by the species, and will frustrate and negate the purposes of the WCCCD; the

killing and destruction of mourning doves by hunters will, to the detriment of Plaintiffs, diminish the environmental benefits of the species, including aesthetic benefits and including the proliferation and diversity of multiple species in the ecosystem, thereby disrupting the inherent balance of life and species in the natural environment from which the Plaintiffs and public would otherwise receive and accrue benefit.

- c. Plaintiffs will be aggrieved insofar as their ability to achieve and realize their individual purposes, and the purposes of the WCCCD, with respect to mourning doves, will be frustrated in whole or in part by the loss of opportunities to see, hear, and enjoy mourning doves and by the loss of the aesthetic and environmental benefits which they bring.
- d. Plaintiffs Wieneke and Fisher, and upon information and belief other individual members of the WCCCD, will be sorely distressed and emotionally injured and damaged by the violent killing and destruction of mourning doves, and by the loss of opportunities to see, hear, and enjoy mourning doves. Further, Plaintiffs Wieneke and Fisher, and upon information and belief other individual members of the WCCCD, will be sorely distressed and emotionally injured and damaged by being forced to be witness, both directly and indirectly, to the violent killing of Wisconsin's state symbol of peace, and the resultant loss of opportunity to respect and honor that state symbol of peace.

12. Plaintiffs are entitled to declaratory and injunctive relief pursuant to § 227.40, *Wis. Stats.*, insofar as the DNR's rule permitting the hunting, killing, and taking of mourning doves, and its impending application, threatens to interfere with and impair the legal rights and privileges of the Plaintiffs, absent injunctive relief prohibiting the implementation of the DNR rule permitting the hunting, killing, and taking of mourning doves commencing September 1, 2001, thereby preventing irreparable harm, and absent declaratory relief determining that the DNR's adoption of a rule permitting the hunting, killing, and taking of mourning doves was illegal and in excess of the DNR's statutory rule-making authority, and particularly insofar as the implementation of the rule will cause the Plaintiffs to be aggrieved and injured in fact.


WHEREFORE, Plaintiffs respectfully demand relief as follows:

- A. For temporary and permanent injunctive relief preventing and enjoining the Wisconsin DNR from implementing a hunting season for mourning doves in the State of Wisconsin;

- B. For declaratory relief determining that the Wisconsin DNR has acted in excess of its statutory authority by promulgating an administrative rule creating an open hunting season for mourning doves in the State of Wisconsin, and determining illegal the DNR rule;
- C. For the Plaintiffs' reasonable costs and attorney fees incurred in commencing and maintaining this within action;
- D. For such other and further relief as the Court deems just and proper.

Dated this 18 day of June, 2001.

KREKELER LAW OFFICE, S.C.
Attorneys for Plaintiffs

By: 
George B. Strother IV
State Bar No. 1015927

Address:
15 North Pinckney Street
P.O. Box 828
Madison, WI 53701-0828
(608) 258-8555

KLO\GBS\Wieneke .Summons-rlh

9-27-01

John Olmisk

6-3858

Why

Had called to
verify if had been
served.