

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

TIMOTHY LEMONDS,
Plaintiff,

Case No. 2023-CV-000737

vs.

MADISON METROPOLITAN SCHOOL DISTRICT,
Defendant.

ANSWER

Defendant, by its attorney, Benjamin J. Roovers, Legal Counsel for the Madison Metropolitan School District (“MMSD”), answer the Plaintiff’s Complaint as follows:

1. With reference to paragraph 1, the Defendant admits the allegations in the first sentence. Denies the allegations in the second sentence, and affirmatively states that there were approximately 400 responsive records to the December 19, 2022 public records request from a Madison television station (the “request”). Affirmatively states that there are currently four records that are being held due to a notice that was provided under Wis. Stat. § 19.356(3) and three of those records are substantially identical. Admits the allegations in the third sentence except denies the number of records that were not released. Affirmatively states that four records were not released.
2. With reference to paragraph 2, the Defendant lacks sufficient information to be able to answer, and therefore denies.
3. With reference to paragraph 3, the statement regarding preclusion of the release of the four records and the statement under part “(a)” are legal conclusions to which no response is required. To the extent that a response is required, deny. Lacks sufficient information regarding the negative effect release would have on Timothy LeMonds (“Mr. LeMonds”) to be able to answer, and therefore denies. Denies that all of the accusations in the complaint at issue in this case (the “Complaint”) were found to be without merit by MMSD and affirmatively states that some of the

accusations in the Complaint were not investigated because the complainant(s) narrowed the issues complained of before an investigation was started.

4. With reference to paragraph 4, the Defendant admits that one of the records being withheld is a complaint that was filed by and on behalf of current and former employees (the “Complaint”). With reference to the remaining information in the first sentence, Defendant lacks sufficient information to be able to answer and therefore denies. Denies the second sentence in paragraph 4 and affirmatively states that some of the accusations in the Complaint were not investigated because the complainant(s) narrowed the issues complained of before an investigation was conducted.
5. With reference to paragraph 5, the first sentence is a request to which no response is required. Admits that MMSD does not object to an *in camera* review of the four records that are currently being withheld because of Mr. LeMonds’ lawsuit.
6. With reference to paragraph 6, the Defendant lacks sufficient information to know whether Mr. LeMonds is a resident of Madison, Wisconsin. Admits the remaining statements in paragraph 6.
7. With respect to paragraph 7, the Defendant admits.
8. With respect to paragraph 8, the statements regarding jurisdiction and venue are conclusions of law to which no response is required. Admits that the subject events occurred in Dane County, Wisconsin.
9. With respect to paragraph 9, the statements regarding the lack of an adequate remedy at law are conclusions of law to which no response is required. With respect to the statements regarding the effect of the release of the subject documents, MMSD lacks sufficient information to be able to answer, and therefore denies.
10. With respect to paragraph 10, the Defendant lacks sufficient information to be able to answer, and therefore denies. Affirmatively states that some of the accusations in the Complaint were not investigated because the complainant(s) narrowed the issues complained of before an investigation was started.

11. With respect to paragraph 11, the Defendant admits the statements regarding Mr. LeMonds' work history at MMSD. Lacks sufficient information regarding Mr. LeMonds' employment for the state of Wisconsin to be able to answer, and therefore denies.
12. With respect to paragraph 12, the Defendant admits that a 14-page complaint was filed in October of 2022 by current and former MMSD employees against Mr. LeMonds (the "Complaint"). Lacks sufficient information regarding the remaining allegations in paragraph 12 to be able to answer, and therefore denies.
13. With respect to paragraph 13, Defendant denies that the Complaint was investigated by MMSD's legal and human resources departments. Affirmatively states that some of the things complained of in the Complaint were removed by the complainant(s) before the investigation started. Lacks sufficient information regarding the number of interviews to be able to answer, and therefore denies. Affirmatively states that at least eight (8) interviews were conducted as part of the investigation. Admits that Mr. LeMonds, complainants, and other staff were interviewed as part of the investigation. Admits that documents and recordings were reviewed as part of the investigation.
14. With respect to paragraph 14, the Defendant admits that a findings report was issued in December of 2022. Affirmatively states that although there was overlap between the Complaint and the complaint that MMSD investigated, the findings that were issued in December of 2022 were not findings regarding the Complaint. Admits that Mr. LeMonds was notified of the findings and told that he would not be subject to any discipline.
15. With respect to paragraph 15, the Defendant admits.
16. With respect to paragraph 16, the Defendant admits that the four documents at issue include one of the search terms provided as part of the request and therefore are responsive to the request. Lacks sufficient information to know whether accusations against Mr. LeMonds were the "subject of the request" to be able to answer, and therefore denies.
17. With respect to paragraph 17, the Defendant admits.

18. With respect to paragraph 18, the Defendant admits that Mr. LeMonds, through his attorney, gave notice to MMSD on March 12, 2023 that he intended to file this complaint and seek an injunction preventing the release of the records. The remaining allegations in paragraph 18 are legal conclusions to which no response is required.
19. With respect to paragraph 19, the statements contained therein are conclusions of law to which no response is required.

REQUEST FOR RELIEF

1. With respect to paragraph 1, Defendant does not object to an *in camera* inspection of the four documents at issue in this case.
2. With respect to paragraph 2, Defendant denies that MMSD should be enjoined from releasing the four documents at issue in this case.
3. With respect to Paragraph 3, Defendant denies that MMSD should be required to redact portions of the documents at issue in this case.
4. With respect to Paragraph 4, Defendant denies that plaintiff should be awarded any costs related to this action.
5. With respect to Paragraph 5, Defendant denies that any other relief is appropriate in this case.

Dated this 30th day of March, 2023.

By: /s/Benjamin J. Roovers
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