

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Madison Teachers, Inc., Complainant

vs.

Madison Metropolitan School District,
Candace Terrell and Annabel Torres, Respondents

Case ID: 88.0072
Case Type: COMP_MP

ANSWER AND AFFIRMATIVE DEFENSES

NOW COMES the Respondent, Annabel Torres, by her undersigned attorneys, and for her Answer to the Prohibited Practices Complaint (“Complaint”) alleges as follows:

1. Admits, upon information and belief, the allegations contained in Paragraphs 1 and 2 of the Complaint.
2. In answering Paragraphs 3 and 4 of the Complaint, admits that Candace Terrell is employed by the Madison Metropolitan School District (“MMSD”) as a Principal of Southside Elementary School and that Annabel Torres is employed by MMSD as an Assistant Principal of Southside Elementary School. The remaining allegations contained therein are legal conclusions for which no answer is necessary or required; to the extent an answer is deemed necessary or required, denies the same and puts Complainant to its proof thereon.
3. The allegations contained in Paragraph 5 of the Complaint are legal conclusions for which no answer is necessary or required; to the extent an answer is deemed necessary or required, denies the same and puts Complainant to its proof thereon.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint, and therefore denies the same and puts Complainant to its proof thereon.

5. Admits, upon information and belief, the allegations contained in Paragraph 7 of the Complaint.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 8, 9, 10, 11, 12 and 13 of the Complaint, and therefore denies the same and puts Complainant to its proof thereon.

7. In answering Paragraph 14 of the Complaint, admits that Torres filed a workplace bullying complaint with MMSD against Burnett Reed on or about June 8, 2024; further admits that Reed made statements at a School Board meeting on May 20, 2024. Denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained therein, and therefore denies the same and puts Complainant to its proof thereon.

8. In answering Paragraph 15 of the Complaint, admits that Torres filed a workplace bullying complaint in her capacity as an employee of MMSD. Denies the remaining allegations contained therein.

9. Admits, upon information and belief, the allegations contained in Paragraph 16 of the Complaint.

10. Denies the allegations contained in Paragraphs 17, 18, 19 and 20, including all subparts thereof, of the Complaint.

11. Denies all allegations contained in the Complaint that are not affirmatively admitted herein

AFFIRMATIVE DEFENSES

Respondent Annabel Torres further answering the Complaint by way of an affirmative defense applicable to all allegations and claims made therein alleges as follows:

1. Torres did not engage in any prohibited practice made unlawful under Wisconsin law;
2. Torres's actions are protected under the First Amendment and/or protected under MMSD's employment policies and procedures; and
3. Upon information and belief, Complainant filed this Complaint for the improper purpose to gain an advantage in an ongoing investigation for which one of its members, Burnett Reed, is the subject of Torres's complaint of workplace bullying.

WHEREFORE, Respondent Annabel Torres demands dismissal of the Prohibited Practices Complaint, and such other relief the WERC may deem just and equitable.

Dated this 8th day of October, 2024.

AXLEY BRYNELSON, LLP

Electronically signed by Lori M. Lubinsky

Lori M. Lubinsky, State Bar #1027575

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