

WOODSPRING SUITES MILWAUKEE AIRPORT LLC

Plaintiff,

Case No.: 2017-CV-006238

Code: 30952

v.

JAMES R. OWCZARSKI, as City Clerk of  
the City of Milwaukee

Defendant

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**CITY NOTICE OF MOTIONS AND  
MOTIONS TO CONSOLIDATE, DISMISS AND QUASH**

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**I. NOTICE OF MOTIONS**

**PLEASE TAKE NOTICE** that defendant, the City of Milwaukee (“City”), by its attorney Grant Langley, City Attorney, by Assistant City Attorney Gregg Hagopian, will bring the following motions before the Court, the Honorable Claire Fiorenza, Circuit Court Judge, presiding in Court Room 500, located in the Milwaukee County Courthouse, 901 North 9<sup>th</sup> Street, Milwaukee, Wisconsin 53233, on Wednesday, August 30, 2017 at 1:30 p.m., or as soon thereafter as counsel can be heard.

**II. MOTIONS**

City brings the following motions. The motions are supported by the accompanying brief.

A. **Consolidate.** City brings this Motion to Consolidate, under Wis. Stat. 803.04, 802.06 (2)(a)10, and 783.05, and under Milwaukee County Circuit Court Rule 3.3.B.3, the *Writ of Certiorari* case (2017-CV-006239, Judge Sosnay) with this lower-numbered *Writ of*

*Mandamus* case (2017-CV-006238, Judge Fiorenza). The two cases arise out of the same occurrences and involve questions of law and fact common to both.

B. **Dismiss.** City brings this Motion to Dismiss under Wis. Stat. 236.13 (5), 802.06 (2) and 893.80, to dismiss both cases. The cases fail to state a claim upon which relief may be granted, and improper parties, standing, ripeness, failure to exhaust administrative remedies, waiver, estoppel, agreement, and failure to comply with Wis. Stat. 893.80 merit dismissal.

C. **Quash.** City brings this Motion to Quash based on Wis. Stat. 783.01. The City acted within its rights.

Dated August 4, 2017 and signed in Milwaukee, Wisconsin.

**CITY OF MILWAUKEE**

By: 

GREGG C. HAGOPIAN  
Assistant City Attorney  
State Bar No. 1007373

**ADDRESS**

841 N. Broadway – 7<sup>th</sup> Floor  
Milwaukee, WI 53202  
(414) 286-2620 – Telephone  
(414) 286-8550 – Facsimile  
[ghagop@milwaukee.gov](mailto:ghagop@milwaukee.gov)

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