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August 22, 2017

VIA MESSENGER

Honorable William Sosnay
Milwaukee County Circuit Court
Milwaukee County Courthouse, Branch 8
901 North 9th Street, Room 414
Milwaukee, WI 53233

RE: *Woodspring Suites Milwaukee Airport LLC v. City of Milwaukee*
Case No. 2017-CV-006239; City's Proposed Order

Dear Judge Sosnay:

This is a follow-up to my August 18th letter to you where the City proposed an order to stay deadlines in your July 28th order in the above case so that Judge Fiorenza may decide the City's motions now pending before her in the Hotel's companion case. The City moved Judge Fiorenza:

- to consolidate this certiorari case (Case No. 2017-CV-006239) with her companion mandamus case (2017-CV-006238), and
- to dismiss both cases.

The Hotel filed its two respective Complaints in these cases on July 28. To accommodate the Hotel's desire for promptness, the City entered the "Briefing Stipulation and Order" in the Judge Fiorenza case. Per that stipulation, the City agreed to, and did, file its motions and its initial brief with Judge Fiorenza by August 4 – a mere two weeks after the Hotel filed its Complaints.

This letter responds to the Hotel attorney's (Chris Meuler's) letter to you from today (August 22) that objected to the City's proposed order and to your staying dates from your July 28 order in this case.

If Judge Fiorenza does consolidate both cases and if she dismisses them both as the City has requested, there will be no need for the City to respond to the Hotel's complaint in this case and there will be no need to assemble the record for the Court in this case. If Judge Fiorenza consolidates but does not dismiss the cases, the cases will be before her and she can establish a scheduling order. If Judge Fiorenza consolidates but dismisses



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only one of the cases, again, she can establish a scheduling order. In both cases, the Hotel has asked for the Court to review the record (see wherefore clause B of both Complaints).

Mr. Meuler's assertions in his letter that the City "has already prepared its response to the Certiorari action" and that "the City's response to the Certiorari complaint is already completed" are not quite correct. Yes, the City did move Judge Fiorenza to consolidate and to dismiss both cases, but the City has not prepared an answer to the Hotel's Complaint in this case. The City would like to first see what transpires before Judge Fiorenza.

The hearing before Judge Fiorenza is on August 30th at 1:30. Again, the City quickly filed motions, and quickly briefed, and agreed to a quick hearing date by stipulation with the Hotel in the Judge Fiorenza case.

The attorneys for both sides will be at the Courthouse on August 30. Immediately after that hearing, the attorneys could inform this Court what transpired so that, if need be, dates from this Court's July 28th Order can be adjusted. Depending on what happens, however, that may not be necessary at all.

Thank you for considering this.

Please note that I will be unavailable during the Labor Day period (Thursday August 31 through September 4).

Sincerely,



GREGG C. HAGOPIAN
Assistant City Attorney

GCH:tas

c: Judge Claire Fiorenza (by messenger) (2017CV-006238)
M. Andrew Skwierawski, Hotel's lawyer (by email)
S. Todd Farris, Hotel's lawyer (by email)
Brian Randall, Hotel's lawyer (by email)
Christopher M. Meuler, Hotel's lawyer (by email)
Cameron Smith, DOT's lawyer (by email)
Alderman Terry L. Witkowski (by email)
Jim Owczarski (by email)
Bill Fuchs (by email)
Kyle Gast (by email)
Vanessa Koster (by email)
Yance Marti (by email)
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