

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

WISCONSIN MANUFACTURERS
AND COMMERCE, INC.,

Plaintiff,

v.

Case No. 22-CV-515

VILLAGE OF PEWAUKEE,

Defendant.

MOTION FOR SANCTIONS FOR CONTEMPT OF COURT

TO: Counsel of Record (via ECF)

PLEASE TAKE NOTICE that Plaintiff-Movant Wisconsin Manufacturers and Commerce Inc. and Movant Hawthorne Place LLC, by their attorneys, hereby file this motion for sanctions for contempt of court pursuant to Wis. Stat. § 785.03(1)(a).

Movants request that the Court do the following:

1. Schedule a hearing on this motion pursuant to Wis. Stat. § 785.03(1)(a);
2. Find that the Defendant Village of Pewaukee committed contempt of the court of appeals under Wis. Stat. § 785.01(1)(b);
3. As a remedial sanction under Wis. Stat. § 785.04(1)(a), order the Defendant to reimburse all its utility customers for the “transportation user fees” that they paid to the Defendant since March 13, 2024;
4. Award the Movants attorney fees and costs pursuant to Wis. Stat.

§ 785.04(1)(a); and

5. Grant any such other relief as the Court deems appropriate.

The basis for this motion, as more fully set forth in the Brief in Support of Motion for Sanctions for Contempt of Court, is that the Defendant committed contempt by imposing its “transportation user fee” for several months after the Wisconsin Court of Appeals declared it to be unlawful and by failing to return that money to its utility customers.

Dated this 12th day of November 2024.

Respectfully submitted,

Electronically signed by
Scott E. Rosenow

Scott E. Rosenow (SBN 1083736)
Nathan J. Kane (SBN 1119329)
WMC Litigation Center
501 East Washington Avenue
Madison, Wisconsin 53703
(608) 661-6918 (SER)
(608) 893-2082 (NJK)
srosenow@wmc.org
nkane@wmc.org

Attorneys for Movants
Wisconsin Manufacturers and Commerce Inc.
and Hawthorne Place LLC

CERTIFICATE OF SERVICE

I certify that in compliance with Wis. Stat. § 801.18(6), I electronically filed this document with the clerk of court using the Wisconsin Circuit Court Electronic Filing System, which will accomplish electronic notice and service for all participants who are registered users.

Dated this 12th day of November 2024.

Electronically signed by
Scott E. Rosenow

Scott E. Rosenow