

**TOWN OF SPRINGFIELD
DANE COUNTY, WISCONSIN**

Resolution 2022-02 Disallowing Claim of Jacob Niesen

WHEREAS, Jacob Niesen served the Town of Springfield with the Notice of Claim attached hereto as Exhibit A on or about May 24, 2022; and

WHEREAS, the Notice of Claim relates to the Town amending its "deletion policy" in 2019 as the policy pertains to recorded town meetings; and

WHEREAS, the Claim was not properly served on the Town within "120 days after the happening of the event giving rise to the claim" as required by Wis. Stat. § 893.80(1d)(a); and

WHEREAS, pursuant to Wis. Stat. § 893.80(4), Mr. Niesen cannot bring a claim against the Town related to the Town's "exercise of legislative, quasi-legislative, judicial or quasi-judicial functions"; and

WHEREAS, to the extent the claim relates to the Town denying access to records, the Claim is time barred pursuant to Wis. Stat. § 19.37(1m); and

WHEREAS, the Claim was not sworn; and

WHEREAS, the Claim seeks damages precluded by statutory immunities, statutory caps on damages, or are otherwise unavailable under applicable law; and

NOW, THEREFORE, BE IT RESOLVED, that for the reasons stated above, the Claim is hereby disallowed under Wis. Stat. § 893.80(1g).

FURTHER RESOLVED, that this Resolution, as adopted, is a Notice of Disallowance of the Claim under Wis. Stat. § 893.80(1g).

FURTHER RESOLVED, that the Town does not waive, and reserves the right to assert, the deficiencies in the Claim as noted above in any future action and reserves the right to assert any other deficiencies in the Claim.

FURTHER RESOLVED, that the Town shall serve this Resolution upon the Claimant by certified or registered mail and proof of service shall be obtained by the Town.

FURTHER RESOLVED, that pursuant to Wis. Stat. § 893.80(1g), no action under the Claim against the Town or its officers, agents, or employees may be brought after six months from the date of service of this Resolution.

FURTHER RESOLVED, that pursuant to Wis. Stat. § 985.02(2)(a), Town shall publish or post this Resolution in at least one public place likely to give notice to persons affected and placed electronically on an Internet site maintained by the Town.

Dated this 5th day of July, 2022.

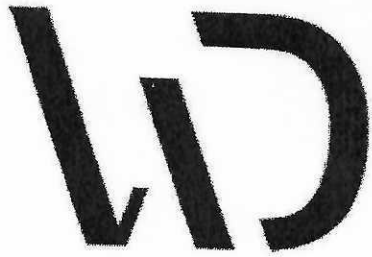
TOWN OF SPRINGFIELD

By: 

Jim Pulvermacher, Town Chairperson

Attest: 

Dianah Fayas, Town Clerk-Treasurer



West & Dunn

Andrew J. Adams
aadams@westdunn.com
608-665-9187

May 20, 2022

**NOTICE OF CIRCUMSTANCES OF CLAIM AND CLAIM
PURSUANT TO WIS. STAT. SECTION 893.80(1d)**

Town of Springfield
Attn: Dianah Fayas, Clerk-Treasurer
6157 County Highway P
Dane, WI 53529

RE: Deletion of Town Board Meeting Recordings

Dear Town of Springfield:

PLEASE TAKE NOTICE that Jacob Niesen, of 5729 Whippoorwill Road, Cross Plains, WI 53528, pursuant to Wis. Stat. Sec. 893.80(1d), hereby makes a claim against the Town of Springfield, Wisconsin ("the Town"), its agents, representatives, and employees, for damages to Mr. Niesen, as an individual and resident of the Town, which occurred on February 2, 2022, and on several occasions prior to that date, caused by the Town's policy of deleting recorded meetings prior to the expiration of the statutory minimum period under Wis. Stat. § 19.21(7). Mr. Niesen believes that the Town unlawfully changed its deletion policy in 2019 and that subsequent premature deletions of recorded meetings were directed by J. Pulvermacher and A. Meinholz to intentionally limit the public's ability to review the actions of the Town Board of Springfield.

Such deletions have deprived Mr. Niesen of his rights to information as laid out in the state statutes. We cannot know the extent of the damage to Mr. Niesen until we are certain of the extent to which Mr. Niesen was discussed during the affected Town meetings. The Town has provided documentation that the Town both (1) had a policy

which mirrored the statutory retention requirements until 2019 and (2) that the policy was abandoned for the current policy in direct violation of state law.

Damages on the date of this Notice are unknown and will be determined by a finder of fact. Please feel free to contact me at the telephone number or email address above with any questions or concerns.

Sincerely,

WEST & DUNN

A handwritten signature in black ink, appearing to read "Andrew J. Adams". The signature is written in a cursive style with a large initial "A".

Andrew J. Adams

AA|jv