

**Loran B. Zwiefelhofer, William J.  
Schindler, III, Glenn R. Sarauer and  
Samuel R. La Gesse**

Case No. 09 CV 738

Plaintiffs,

-vs-

**ANSWER**

**Town of Cooks Valley, a Wisconsin quasi-  
municipal corporation**

Declaratory Judgment: 30701

Defendant.

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In answer to the complaint, defendant:

1. In response to 10 through 12, allege that the minutes are deemed a complete and accurate record of the proceedings.
2. In further response to paragraph 12, deny that Exhibit M is an accurate copy of the ordinance and alleges that the exhibit also fails to set forth Appendix A. Accurate copies can be viewed at <http://www.bloomer.net/~cv1927/>.
3. In response to paragraphs 13 through 20, acknowledge existence of the pits but deny information sufficient to form a belief as to the truth of the remainder of such allegations.
4. Deny information sufficient to form a belief as to the truth of paragraphs 21 through 25.
5. In response to paragraphs 26 through 32, allege that Exhibit P to the complaint does not disclose the existence of such pit and denies information sufficient to form a belief as to the balance of such allegations.
6. In response to paragraphs 33 through 38, 40 and 42, deny information sufficient to form a belief as to the truth of such allegations.
7. In response to paragraph 39, admit the existence of the exhibits but deny information sufficient to form a belief as to the truth of the alleged expenditures.

8. In response to paragraphs 43 and 44, deny that any written complaint was ever received and further allege that any oral complaint was received while Chippewa County Case No. 2009 CV 135, purportedly challenging the constitutionality of the ordinance, was pending.

9. Deny paragraphs 48, 49, 50, 52, 53 and 54.

10. In response to paragraph 47, admit the truth of the allegation only to the extent that a town has not adopted village powers through action of the annual town meeting, and further allege that this defendant has adopted such powers.

11. In response to paragraph 56, admit the moratorium has expired but deny the balance of such paragraph.

#### **AFFIRMATIVE DEFENSES**

12. Plaintiffs lack standing to bring this action.

13. The issue of standing has been conclusively determined in another action between these parties, and hence all plaintiffs are precluded, by the doctrines of issue and claims preclusion, from denying lack of standing.

WHEREFORE, defendant demands judgment dismissing the complaint on the merits and awarding costs, disbursements and such further relief as the Court deems proper.

Dated: November 6, 2009

**THRASHER, PELISH, FRANTI  
& SMITH, LTD.**

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**A 12 PERSON JURY TRIAL IS DEMANDED**