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**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM, CLAIM, AND  
ITEMIZATION OF DAMAGES PURSUANT TO § 893.80 WIS. STATS.**

To: **Town of Mishicot, Wisconsin**  
**Attention: Connie Tesarik, Town Clerk**  
**Town of Mishicot**  
**710 North State Street**  
**Mishicot, WI 54228**

**Town Chairperson**  
**Chuck Hoffman**  
**2020 Steiners Corners Road**  
**Two Rivers, WI 54241-9714**

**Supervisor**  
**Lee Stefaniak**  
**10533 Division Drive**  
**Two Rivers, WI 54241-9228**

**Supervisor**  
**Dean Anhalt**  
**2016 East Tapawingo Road**  
**P.O. Box 272**  
**Mishicot, WI 54228-9432**

SERVED  
DAY 18 MONTH 04 YEAR 08  
TIME 8:30am  
ADDRESS MISO-Admin  
DEPT. C. HERMANN, SHERIFF  
MANITOWOC COUNTY  
Judy Stahl  
DEPUTY SHERIFF

**NOTICE OF CLAIM**

PLEASE TAKE NOTICE that Emerging Energies, LLP, a Wisconsin Limited Liability Partnership, by and through its attorney, Ritger Law Office, by Edward J. Ritger, 675 Wolf Road, P.O. Box 371, Random Lake, Wisconsin, 53075, hereby make claim against the Town of Mishicot (the "Town") and the Town Chairman and Town Supervisors, collectively and individually, pursuant to § 893.80, Wis. Stats., as applicable<sup>1</sup>, for their damages arising out of actions taken by, or omissions of, the Town Chairman and Town Supervisors and Town with respect to the Town Chairman and Supervisors and Town Board's refusal to make a recommendation after the public meeting with property owners, as required by Manitowoc

<sup>1</sup> The Claimants are aware that compliance with § 893.80, Wis. Stats., is not needed to maintain federal and/or U.S. Constitutional claims. The Claimants are placing such federal and/or Constitutional claims within this document so the individual Town Supervisors and Town Chairman and Town Board are fully aware that the Claimants intend to make such claims and seek damages from the Town Supervisors and the Town Chairman as individuals to the extent authorized by law.

County Ordinance § 24.07(2)(q), on or about February 5, 2008.

**CIRCUMSTANCES GIVING RISE TO CLAIM**

The entity making this claim is Emerging Energies, LLP, 3664 Lakeview Road, Hubertus, Wisconsin, a Wisconsin limited liability partnership.

1. The Town of Mishicot is subject to § 24.07(2)(q) (2007), of Manitowoc County's Large Wind Energy System Ordinance (the Ordinance), as well as Wis. Stat. § 66.0401 (2008).
2. Emerging Energies, LLP, seeks to build a wind energy system in the Town of Mishicot consisting of seven wind turbines for the generation of electrical power.
3. Emerging Energies, LLP, has been informed that it must comply with the Ordinance as a prerequisite to construction of its wind energy system.
4. The Ordinance includes the following provision:

The owner must provide a site plan, the information specified in sub 8.18(3), and the following additional information:

Written statement from the town board for each township in which a large wind energy system is located stating that the township has held a public meeting with surrounding property owners and providing the town board's recommendation.

Manitowoc County, Wis., Ordinance, § 24.07(2)(q) (2007).

5. Emerging Energies requested a public meeting with surrounding property owners on April 11, 2007, pursuant to the requirement of the Ordinance.
6. Through its Board of Supervisors, the Town Chairman, and Town Supervisors, held a public meeting with surrounding property owners on May 16, 2007, at the Mishicot High School Library, pursuant to the requirement set forth in the Ordinance.
7. A request was made by Emerging Energies, LLP, to the Mishicot Town Board, for a written recommendation, so that Emerging Energies could comply with the Ordinance and proceed with plans to build a wind energy system. The date of the request was January 24, 2008.

8. During the Town of Mishicot's monthly board meeting, held February 5, 2007, Chairperson Hoffman moved to table the request for recommendation. The motion was seconded by Supervisor Stefaniak. All votes were in favor.
9. The Town Chairman and Town Supervisors, acting under color of law as a Town Board, refused to provide a written recommendation as required by law.

### STATEMENT OF CLAIM

Emerging Energies, LLP, 3664 Lakeview Road, Hubertus, WI 53033, demands that:

1. The Town Board supervisors and Town Board chairman and Town make a written recommendation as required by Manitowoc County Ordinance, § 24.07(2)(q).
2. The financial damages to Emerging Energies, LLP, arising from the Town Chairman's, Town Supervisor's and Town's unlawful delay in making a written recommendation be determined and awarded to Emerging Energies, LLP, which damages at present are estimated to be \$2,000,000, and which increase in amount every day.

### ITEMIZATION OF DAMAGES

The claimant, Emerging Energies, LLP, has been damaged as follows:

1. For violation of its civil rights to equal protection of the law as to each <sup>law</sup> Town Supervisor acting in an individual capacity purportedly under color of in the amount of \$1,000,000.00 for each month which elapses from February 5, 2008.
2. For punitive damages due to the willful and malicious actions of the Town Supervisors continuing to deliberately thwart the ability of the claimant to make application to Manitowoc County for a Conditional Use Permit for its wind energy system in the amount of \$5,000,000 per supervisor (individually and/or in their governmental capacity).

Pursuant to §893.80(1)(b), Wis. Stats., you will be deemed to have disallowed this claim if you do not respond to it within one hundred and twenty (120) days from the date set forth below:

Please direct any questions, comments or responses to the Notice of Claim, Claim and Itemization of Damages directly to the undersigned.

Dated this 16<sup>th</sup> day of April, 2008.

RITGER LAW OFFICE



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Edward J. Ritger  
Attorney for Plaintiff  
State Bar No. 1014558

675 Wolf Road  
P.O. Box 371  
Random Lake, WI 53075  
(920) 994-4313  
(920) 668-6419  
Fax: (920) 994-9704