

# Wisconsin Transparency Project: Court orders Mequon-Thiensville to turn over more email lists

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In an oral ruling from the bench yesterday, Ozaukee County Circuit Court Judge Steven M. Cain ordered the Mequon-Thiensville School District to turn over additional email distribution lists. The ruling follows a similar victory last year, which the district has appealed.

In November 2021, shortly after Judge Cain ordered the district to turn over its list of parent and guardian email addresses it had used to “advocate for social change,” in the words of the Judge, Mark Gierl requested three of the district’s other distribution lists: alumni, Momentum newsletter recipients, and recreation department participants. Gierl also requested all messages sent to those lists over a two-year period.

The district denied Gierl’s request, claiming it would be too burdensome to turn over the email messages and that the pending appeal excused them from providing the email addresses. Judge Cain rejected both of those arguments in his ruling yesterday. He concluded that the district’s reference to pending litigation was not a proper denial, that the balancing test favored disclosure of the email addresses, and that Gierl’s request was not burdensome because it generated only a few dozen responsive email messages.

“Government records are our records,” said Attorney Tom Kamenick, President and Founder of the Wisconsin Transparency Project, which represents Gierl in both suits. “That goes for distribution lists government officials use to send out its preferred messages, as the Attorney General has advised for decades.”