

WMC: Lawsuit: Department of Justice unlawfully delayed public records request for 18 months

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MADISON – Wisconsin Manufacturers & Commerce (WMC) – the combined state chamber and manufacturers’ association – filed a [lawsuit](#) on Thursday against the Wisconsin Department of Justice (DOJ) for unlawfully delaying and denying a public records request first filed more than a year and a half ago.

“According to the DOJ’s own policy, 10 business days would have been a reasonable timeframe for either granting WMC access to the requested records or providing a written denial,” WMC’s attorney Scott Rosenow wrote in the complaint. “Instead, 18 months had passed from when WMC made this records request on March 28, 2022, to when the DOJ denied the request on September 27, 2023.”

WMC sought records pertaining to correspondence between DOJ employees and the law firm of Sher Edling LLP, which was hired by the state to sue private businesses for manufacturing or using certain products that are completely lawful.

“WMC had a clear legal right to a timely response to its public records request, and the DOJ had a plain legal duty to timely fill or deny that request in writing,” the complaint added.

DOJ denied WMC’s request arguing all the documents were attorney-client privileged communications or attorney work product – a decision it took DOJ nearly 550 days to arrive at. WMC’s attorney argues both the delay and denial were unlawful.

The complaint requests that DOJ produce the records under seal so WMC’s

attorneys and the court can review the records to determine what should be released under the state's public records law.

The lawsuit was filed on behalf of WMC by the WMC Litigation Center, an affiliate organization that represents clients in legal actions to foster and protect the free enterprise system. It was filed in the Dane County Circuit Court.

[Click here to read the full complaint.](#)