

# **Bond Case Briefs**

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## **PUBLIC RECORDS - WISCONSIN**

### **Friends of Frame Park, U.A. v. City of Waukesha**

**Supreme Court of Wisconsin - July 6, 2022 - N.W.2d - 2022 WL 2444511 - 2022 WI 57**

Requester of a draft contract between city and private entity concerning terms under which entity's baseball team would play in stadium to be constructed in city park brought mandamus action seeking access to the contract.

After releasing the requested record, city moved for summary judgment. The Circuit Court entered summary judgment for city, denied requester's motion for attorney fees, and dismissed action in its entirety. Requester appealed. The Court of Appeals reversed and remanded with directions. City petitioned for review.

The Supreme Court held that:

- As a matter of apparent first impression, to "prevail in whole or in substantial part," as that phrase is used in statute allowing requester of public records to recover attorney fees if requester prevails in whole or part in action for release of records, means requester must obtain judicially sanctioned change in parties' legal relationship; abrogating *Racine Education Ass'n v. Board of Education for Racine Unified School District*, 129 Wis.2d 319, 385 N.W.2d 510; *State ex rel. Vaughan v. Faust*, 143 Wis.2d 868, 422 N.W.2d 898; *Merco Distrib. Corp. v. Com. Police Alarm Co.*, 84 Wis.2d 455, 267 N.W.2d 652; and *WTMJ, Inc. v. Sullivan*, 204 Wis.2d 452, 555 N.W.2d 140, and
- Public interest warranted city's withholding of draft contract until consultation with common council.