

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

Susan Doxtator, Arlie Doxtator and
Sarah Wunderlich, as Special
Administrators of the Estate of
Jonathon C. Tubby,

Plaintiffs,

Case No. 19-CV-137

vs.

Erik O'Brien, Andrew Smith,
Todd J. Delain, Heidi Michel,
City of Green Bay, Brown County,
Joseph P. Mleziva, Nathan K.
Winisterfer, Thomas Zeigle,
and John Does 1-5,

Defendants.

**DEFENDANTS' JOINT MEMORANDUM IN OPPOSITION TO
PLAINTIFFS' MOTION TO HOLD TRIAL IN MILWAUKEE**

Defendants City of Green Bay, Andrew Smith and Erik O'Brien, by their attorneys, Gunta Law Offices, S.C., and Defendants Todd J. Delain, Heidi Michel, Brown County, Joseph P. Mleziva, Nathan K. Winistorfer (incorrectly spelled as "Winisterfer"), and Thomas Zeigle, by their attorneys, Crivello Carlson, S.C., submit this Joint Memorandum in Opposition to Plaintiffs' Motion to Hold the Trial in Milwaukee (Dkt. 106).

INTRODUCTION

This case involves the officer-involved shooting of Jonathon Tubby, which occurred in the south port of the Brown County Jail, located in the City of Green Bay, Brown County. Plaintiffs, the Estate of Jonathon Tubby and its Special Administrators, Susan Doxtator, Arlie Doxtator, and Sarah Wunderlich, initiated this suit for alleged violations of Tubby's constitutional rights, by filing their initial Complaint on January 24, 2019. (Dkt.1) Plaintiffs initiated this action in the Green Bay Division of the Eastern District of Wisconsin. (Dkt. 1) Plaintiffs amended their Complaint on March 5, 2019 (Dkt. 22, Amended Complaint); on August 29, 2019 (Dkt. 66, Second Amended Complaint); and again on March 26, 2020 (Dkt. 83, Third Amended Complaint). Fact discovery closed on September 1, 2020. (*See* Dkt. 101)

Plaintiffs filed their Motion to Transfer on November 2, 2020. (Dkt. 106) Plaintiffs' Motion requests that the Court transfer the venue of the trial from the City of Green Bay to the City of Milwaukee. Plaintiffs' request is based on the disingenuous claim that the transfer is for the convenience of the parties and witnesses. Plaintiffs' argument that "pretrial publicity" has rendered them unable to receive a fair jury pool is similarly unsustainable.

Plaintiffs' Motion is a desperate attempt to circumvent the authority of this Court and distract from the real issues of this case, which have been fully briefed in Defendants' respective summary judgment filings. Plaintiffs' Motion is a waste of the Court's and the Parties' time and resources. The timing of the filing is also underhanded, given the close proximity to the filing of the dispositive motions and pending trial. Regardless, Plaintiffs have failed to demonstrate that transfer is proper, convenient to a majority of those involved, or in the interest of justice.

The Court should deny Plaintiffs' Motion to Transfer and the case should be tried in the Eastern District's division where Plaintiffs initiated this action, which is the most convenient to all parties and witnesses, and the locus of the factual generation of the claims.

DISCUSSION

I. Analysis of 28 U.S.C. § 1404(a) and (c) Factors Requires Denial of Plaintiffs' Motion to Transfer.

Plaintiffs seek transfer under Section 1404(c), which provides that “[a] district court may order any civil action to be tried at any place within the division in which it is pending.” 28 U.S.C. § 1404(c). A motion to transfer venue under Section 1404(c) is analyzed under the standard provided in factors under Section 1404(a). *See* 28 U.S.C. § 1404(a).

Section 1404(a) provides:

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

The decision to transfer venue under 28 U.S.C. § 1404(a) requires a weighing of factors for and against transfer. *Coffey v. Van Dorn Iron Works*, 796 F.2d 217, 219 (7th Cir.1986). This weighing “involves a large degree of subtlety and latitude, and, therefore, is committed to the sound discretion of the trial judge.” *Id.*

The burden of establishing that the action should be transferred is on the moving party. *Illinois Tool Works, Inc. v. Sweetheart Plastics, Inc.*, 436 F.2d 1180 (7th Cir. 1971).¹ A transfer

¹ Moreover, Plaintiffs' reliance (almost exclusively) on cases from the Northern District of Illinois in comparing their request to so-called “intra-district” transfers is inapplicable here, because the divisions of federal district courts in Illinois are legally different than Wisconsin. *See Energy Bank Inc. v. Orion Energy Sys. Inc.*, No. 17-C-1237, 2017 WL 10507198, at *2 (E.D. Wis. Dec. 4, 2017). In Wisconsin federal district courts, there are no lawfully separate divisions in the district. The “Green Bay Division” and “Milwaukee Division” are merely informal designations. *See Id.*; (“[a]lthough for ease of reference the two locations in which court is held within the district are commonly referred to as the Milwaukee Division and Green Bay Division, Congress did not create a separate division when it directed that one judge of the district hold court in Green Bay. Cf. 28 U.S.C. § 93(a) (stating Northern District of Illinois comprises two divisions”).).

is appropriate where the moving party demonstrates: (1) venue is proper in both the transferor and transferee court; (2) the transfer is for the convenience of parties and witnesses; and (3) the transfer is in the interest of justice. 28 U.S.C. § 1404(a). Here, that burden requires Plaintiffs to demonstrate that the new venue is clearly more convenient and/or that a transfer will better serve the interests of justice. *See Jaramillo v. DineEquity, Inc.*, 664 F. Supp. 2d 908 (N.D. Ill. 2009).

It is undisputed that the Eastern District of Wisconsin is the proper venue for this action. *See Ecker v. Wisconsin Cent. Ltd.*, No. 07-C-0371, 2007 WL 2273871, at *1 (E.D. Wis. Aug. 7, 2007) (citing 45 U.S.C. § 56 (any action under this chapter may be brought “in the district of the residence of the defendant or in which the cause of action arose or in which the defendant shall be doing business at the time of commencing such action.”)) Therefore, the analysis in this case focuses on whether the transfer will serve the convenience of the parties and the witnesses, and the interests of justice.

II. Plaintiffs Fail to Show That Transfer Would Be Convenient for the Parties or Witnesses.

Plaintiffs suggest that convenience of the parties and non-party witnesses weighs in favor of the trial being held in Milwaukee. (Dkt. 106, pp. 9-10) This is false.

To evaluate the convenience of one venue over another, courts look at the following five factors: “(1) the plaintiff’s choice of forum, (2) the situs of the material events, (3) the relative ease of access to sources of proof, (4) the convenience of the parties, and (5) the convenience of the witnesses.” *Amoco Oil Co. v. Mobil Oil Corp.*, 90 F.Supp.2d 958, 960 (N.D.Ill.2000). The burden remains with the movant to establish that “the transferee forum is clearly more convenient” than the transferor forum. *Coffey*, 796 F.2d 217, 219-20. Transfer is inappropriate if it “merely transforms an inconvenience for one party into an inconvenience for the other party.” *Vandeveld v. Christoph*,

877 F. Supp. 1160, 1167 (N.D. Ill. 1995) (citing *Sage Products, Inc. v. Devon Industries, Inc.*, 148 F.R.D. 213, 216 (N.D.Ill.1993)). In other words, “Section 1404(a) provides for transfer to a more convenient forum, not to a forum likely to prove equally convenient or inconvenient.” *Van Dusen v. Barrack*, 376 U.S. 612, 645-46 (1964).

An evaluation of these factors requires denial of Plaintiffs’ request to transfer.

A. Plaintiffs’ Choice of Forum

“When Plaintiffs commenced this action, it was properly brought in the Green Bay Division of the U.S. District Court for the Eastern District of Wisconsin, pursuant to the Court’s General Order Regarding Assignment of Cases to the United States District Judge Designated to Hold Court in Green Bay, Wisconsin.” See (Dkt. 106, p. 7, citing E.D. Wis. Gen. Order re: Assignment of cases (Jan 1, 2005)); see also (Dkt. 1-1, civil cover sheet). The General Order Regarding the Assignment of Cases to the United States District Judge Designated to Hold Court in Green Bay states that civil cases having the greatest nexus to the counties within the Green Bay division shall be assigned to that division. See *Design Basics, LLC v. Cypress Homes & Realty, LLC*, No. 13-C-564, 2013 WL 6044395, at *2 (E.D. Wis. Nov. 14, 2013). The Order further states:

In considering which county or counties have the greatest nexus with a case, due regard shall be given to the place where the case arose and the residence or principal place of business of the parties.

Id.

Plaintiffs’ choice of forum is entitled to substantial weight under Section 1404(a), particularly where it is also the Plaintiffs’ home forum. *Gallery House, Inc. v. Yi*, 587 F.Supp. 1036, 1040 (N.D.Ill.1984) (citing *Piper Aircraft v. Reyno*, 454 U.S. 235(1981)). Indeed, a plaintiff’s choice of forum should rarely be disturbed unless the balance weighs strongly in the defendant’s favor. *Peterson v. United States Steel Corp.*, 624 F.Supp. 44, 45 (N.D.Ill.1985) (citations omitted). Thus,

the fact that Plaintiffs, Susan Doxtator, Arlie Doxtator and Sarah Wunderlich, filed a Complaint as special administrators of the Estate of Mr. Tubby, brought this action in the Eastern District of Wisconsin-Green Bay Division, their home forum, weighs heavily against transfer. *See* (Dkt. 1, ¶¶ 3, 5-8)

B. Situs of the Material Events

The officer-involved shooting of Jonathon Tubby occurred in the sally port of the Brown County Jail, which is located in the City of Green Bay, Brown County. No events that lay basis for this lawsuit occurred outside of the Green Bay Division.

This factor weighs against transfer.

C. Access to Sources of Proof

Plaintiffs' suit brings allegations relating to the officer-involved shooting of Jonathon Tubby, as well as the policy, practices, and training of the Green Bay Police Department and Brown County Sheriff's Office, both located in the City of Green Bay. All of the evidence in this case related to policies, practices and training is located within the geographic location of the Green Bay Division.

This factor also weighs against transfer.

D. Convenience of the Parties

When considering this factor, the Court should bear in mind the parties' respective residences and their ability to withstand the expenses of litigating in a particular forum. *Habitat Wallpaper & Blinds, Inc. v. K.T. Scott Ltd. Partnership*, 807 F.Supp. 470, 474 (N.D.Ill.1992). Transfer is inappropriate if it "merely transforms an inconvenience for one party into an inconvenience for the other party." *Sage Products, Inc. v. Devon Indus., Inc.*, 148 F.R.D. 213, 216 (N.D.Ill.1993). Here, all parties to this action are located in the forum where this case is presently venued:

- At the time of his death, Jonathan Tubby was a resident of Green Bay, Wisconsin.
- Plaintiffs Sue Doxtator and Arlie Doxtator are residents of Seymour, Wisconsin, which is located in Outagamie County.
- Plaintiff Sarah Wunderlich is a resident of Green Bay, Wisconsin.
- Defendant City of Green Bay is a municipal corporation with its principal place of business at 100 North Jefferson Street, Green Bay.
- Defendant Andrew Smith is the Chief of Police of the Green Bay Police Department and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Erik O'Brien is police officer employed by the Green Bay Police Department and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Brown County is a municipal corporation with its principal place of business at 305 E. Walnut Street, Green Bay, Wisconsin.
- Defendant Todd J. Delain is the Sherriff of Brown County, Wisconsin, and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Heidi Michel is the Jail Administrator for the Brown County Jail and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Joseph P. Mleziva is and are Brown County Deputy Sheriff and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Nathan K. Winisterfer is a Brown County Deputy Sheriff and is located for the purpose of litigation in Green Bay, Wisconsin.
- Defendant Thomas Zeigle is a Patrol Lieutenant with the Brown County Sheriff's Office and is located for the purpose of litigation in Green Bay, Wisconsin.

See (Dkt. 83, ¶¶ 3, 5-16)

All parties are located within a more immediate geographical circumference of the Green Bay Federal Courthouse, and many miles from the Milwaukee Federal Courthouse.

This factor weighs against transfer.

E. Convenience of the Witnesses

Plaintiffs' argument that the convenience of the parties and witnesses favors transfer of venue is simply disingenuous.

First, Plaintiffs argue that Milwaukee is a more convenient venue due to the likelihood that they will elicit testimony from third-party witnesses, i.e., Investigators from the Wisconsin Department of Justice, Division of Criminal Investigations (DCI). (Dkt. 106, pp. 9-10). However, those agents are located in Appleton, not Madison. Therefore, the current venue of Green Bay is more convenient.

The DCI's Field Operations Bureau is responsible for the majority of investigative resources deployed throughout the state by the DCI. The Field Operations Bureau is divided into Eastern and Western Regions consistent with the geographical areas of the Eastern and Western United States District Courts. Each region is commanded by a bureau director. The Western region includes field offices in Madison, Eau Claire and Wausau. The Eastern region includes field offices in Appleton and Milwaukee.²

The officer-involved shooting occurred in the sally port of the Brown County Jail, which is located in Brown County, which fell under the jurisdiction of the DCI's Eastern Region-Appleton Field Office. Within hours of the shooting, agents from the Appleton Field Office responded and investigated the incident and created DCI Interactive Case File 18-7807.

² <https://www.doj.state.wi.us/sites/default/files/regions.pdf>

The DCI Interactive Case File 18-78-7 indicates the following:

On Friday October 19, 2018, at approximately 10:25 p.m., Special Agent (S/A) Kyra M. Schallhorn received a telephone call from Acting Special Agent in Charge Jefferey Wisch, after he received a request from the DCI to respond to an officer-involved death in Green Bay, Brown County, WI.

S/A Schallhorn has been assigned as the primary lead investigator, and S/A Bradley Kust has been assigned as the second lead investigator.

See Dkt. 114-27, pp. 6-7.

Kyra Schallhorn was assigned as the primary lead investigator in the Tubby investigation and is stationed out of the Appleton Field Office. (Dkt. 114-27 pp. 7-8)

Second, Plaintiffs' suggestion that transfer to Milwaukee is more convenient for parties' counsel is irrelevant. *See Kingsley v. Dixon Old People's Home Fund, Inc.*, 1996 WL 417548, at *2 (N.D.Ill. July 22, 1996); *Butterick Co. v. Will*, 316 F.2d 111, 113 (7th Cir.1963). Courts take the convenience of counsel into consideration, "only if transfer would impose unnecessary costs on the parties." *See id.*

The fact that Plaintiffs' counsel is located out of state is irrelevant to the determination of convenience. Plaintiffs voluntarily selected an out-of-state attorney to represent them. The Green Bay Federal Courthouse is closer to the offices of Plaintiffs' Counsel in Minneapolis, Minnesota (approximately 277.9 miles), than the Milwaukee Federal Courthouse (approximately 337 miles). Plaintiffs' counsel will therefore be required to travel and incur travel expenses regardless of the venue.

The argument that Milwaukee is more assessable for out of state counsel than Green Bay was similarly raised and dismissed in *Design Basics, LLC v. Cypress Homes & Realty, LLC*, No. 13-C-564, 2013 WL 6044395, at *1 (E.D. Wis. Nov. 14, 2013):

What we are left with is the convenience of out-of-state witnesses and counsel. To be sure, there are more flights going into and out of Milwaukee than Green Bay. But if airport convenience were to be given significant weight, many more cases could end up in the airline hub cities of the country. This would be unfair to the judges located in those cities and the parties whose cases are properly before them. Likewise, if I were to place significant weight on the convenience of counsel, I could end up transferring many more cases to Milwaukee, since many of the attorneys that appear before me are from Milwaukee or even further away. That would not only result in a disproportionate share of the cases being assigned to my colleagues in Milwaukee, it would also defeat the purpose for locating a federal court in northeast Wisconsin in the first place.

As Plaintiffs note, “Green Bay and Milwaukee are in relatively close proximity—a distance of about 117 miles.” (Dkt. 106, p. 9) While Defense Counsel appreciate Plaintiffs’ consideration of their convenience, they would prefer to be closer to witnesses and evidence in this case.

Because all of the parties and witnesses are located in the current division, transfer to the Milwaukee Division would be patently inconvenient. Notably, travel costs and accommodations for numerous City of Green Bay and Brown County Sheriff law enforcement officers who were on the scene, agents from the DCI’s Appleton Field Officer and importantly, Plaintiffs. As such, transfer will not impose “unnecessary” costs on Plaintiffs or their attorneys. *Kingsley*, 1996 WL 417548, at *2 (“It is true, that if the case were heard in [the transferee forum], both parties’ attorneys would be burdened with travel. I am not persuaded that extra travel time would impose any hardship on plaintiff’s attorneys.”)

The convenience of witnesses is often viewed as the most important factor in the transfer balance. *Tingstol Co. v. Rainbow Sales, Inc.*, 18 F. Supp. 2d 930, 933-34 (N.D. Ill. 1998); *see also*

Harris Trust & Savings Bank v. SLT Warehouse Co., 605 F.Supp. 225, 229 (N.D.Ill.1985) (“[I]t would be imprudent to proceed in a forum where none of the important witnesses is subject to process.”). Plaintiffs have put forth no credible evidence demonstrating that a transfer from Green Bay to Milwaukee would be convenient for any party or non-party witness.

This factor weighs against transfer.

III. Plaintiffs Fail to Show That Transfer Is In The Interest of Justice.

Plaintiffs argue—without offering any evidence—that interest of justice factors warrant transfer. (Dkt. 106, pp. 10-13) Specifically, Plaintiffs suggest that the jury pool in the Green Bay Division will require a lengthy voir dire due to prejudicial and continual pre-trial publicity. Plaintiffs’ factually- unsupported argument must fail.

The interest of justice analysis “focuses on the efficient administration of the court system, rather than the private considerations of the litigants.” *Espino v. Top Draw Freight Sys., Inc.*, 713 F.Supp. 1243, 1245 (N.D.Ill.1989); *see Coffey v. Van Dorn Iron Works*, 796 F.2d 217, 221 (7th Cir.1986). In considering the interests of justice, the Court does not consider the merits of the underlying claim, but rather the public's interest in conserving scarce judicial resources by “efficient administration of the court system.” *Coffey*, 796 F.2d at 220–21. In determining which venue is more likely to result in the swift administration of justice, courts analyze such factors as trying related litigation together, ensuring a speedy trial, and having the trial before a judge who is familiar with the applicable law. *See Heller Financial, Inc. v. Midwhey Powder Co.*, 883 F.2d 1286, 1293 (7th Cir. 1989); *see also Amoco Oil Co. v. Mobil Oil Corp.*, 90 F.Supp.2d 958, 961-62 (N.D.Ill.2000) (listing these and other factors to consider, such as the desire of communities to adjudicate matters that affect them directly).

A. Efficient Administration of the Court System.

This case is fact intensive. This Green Bay Division and Judge Griesbach's Court have familiarity with this case due to dealing with a multitude of motions. *See generally* (Dkts 1, 16, 22, 35, 38, 41, 49, 52-64, 66-101 and 103)

Transfer would also be contrary to the efficient administration of this case. This case has been on the Docket of the Green Bay Division since January 24, 2019. If the case is transferred, this case would most likely go to the back of the line in the Milwaukee Division, which presumably has many more cases than the Green Bay Division. Plaintiffs offer no evidence that docket congestion or familiarity with controlling law favor transfer.

B. Plaintiffs' Unsupported Claims of Pretrial Publicity.

Despite fronting this argument, Plaintiffs do not demonstrate that the Green Bay community has been saturated with inflammatory pretrial publicity about this case. They do not catalogue newspaper, radio, or television reports that demonstrate the kind of pervasive and unfair publicity that typically is relied upon to support motions to transfer venue. Instead, they make conclusory arguments based on speculation and innuendo.

Jury pool members are presumed to be impartial. *See Irvin v. Dowd*, 366 U.S. 717, 723 (1961). To overcome this presumption, Plaintiffs must show saturating and inflammatory press coverage that would reach virtually all members of the jury pool and lead a court to conclude that the pool as a whole has been adversely influenced. The news articles referenced in the footnotes of Plaintiffs' Motion do not make this showing. *See Gotbaum v. City of Phoenix*, 617 F. Supp. 2d 878, 882 (D. Ariz. 2008).

Even considering the suggestion that the jury pool may be tainted, Plaintiffs have failed to demonstrate that voir dire could not cure any possible bias. *See Canuel v. Oskoian*, 23 F.R.D. 307, 314 (D.R.I.), *aff'd*, 269 F.2d 311 (1st Cir. 1959) (“While it must be conceded that the matters herein involved were very much in the public eye some twenty-odd months ago, there has been no showing of any local sentiment *at the present time* that would preclude the defendants from having a fair and impartial trial. In the absence of such a showing, the motion for a change of venue must be and hereby is denied.”) (emphasis added)

The jury pool in the Green Bay Division consists of Brown, Calumet, Door, Florence, Forrest, Kewaunee, Langlade, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties.³ The question before the Court, however, is not whether the citizens who live near the sally port of the Brown County Jail can serve as fair and impartial jurors, but whether an impartial jury can be selected from among the citizens from sixteen counties who make up the Court's jury pool. Plaintiffs’ factually unsupported suggestion that the jury pool will be tainted is insufficient to demonstrate this element.

Plaintiffs’ argument regarding other nationally-televised police shootings actually contradicts their position. By that logic, the Green Bay Police Department won’t be able to get a fair trial anywhere.

C. Timing of Motion to Transfer.

Plaintiffs’ argument that the public nature of the DCI report and statements from the Brown County District Attorney could prejudice the jury pool is meritless. If Plaintiffs are genuinely concerned about statements made by the Brown County District Attorney, their concern would

³ <https://www.wied.uscourts.gov/sites/wied/files/documents/JuryPlan2017.pdf>

have affected their decision to file this action in the Green Bay Division at the outset. A transfer for convenience should be sought as soon as the “inconvenience” becomes apparent, preferably with or before the first responsive pleading. *SEC v. Savoy Industries, Inc.*, 587 F.2d 1149, 1156 (D.C. Cir. 1978). In this case, any supposed “inconvenience” would have existed at the time of filing the action.

There is absolutely nothing beyond speculation that the District Attorney’s public statements from a February 2019 press conference would amount to undue influence on the jury pool. If anything, any continued publicity in this case has been prompted by the family and is prejudicial to the Defendants. Recently, the Tubby family gave a two-hour interview on a local podcast where they discussed the case in detail and made baseless suggestions about the credibility of Officer O’Brien.⁴ Plaintiffs cannot manufacture publicity and then cry foul.

D. Community Standards

Plaintiffs provide nothing beyond innuendo to demonstrate that the jury pool in the Green Bay Division is so biased against the Oneida community that they would not be able to get a fair trial. Moreover, should voir dire reveal that a potential juror holds such bias, that individual can easily be stricken. *See Hanning v. New England Mut. Life Ins. Co.*, 710 F. Supp. 213 (S.D. Ohio 1989) (holding that defendants were not entitled to change of venue based on pretrial publicity, in business newspapers of limited circulation, regarding settlement negotiations between parties; any potential prejudice could be detected and cured during voir dire.)

Plaintiffs’ attempt to paint an entire jury pool as somehow prejudice against the Oneida Tribe stretches the boundaries of credibility.

⁴ <https://soundcloud.com/aligningthequan/jonathan-tubby>

Tubby's heritage is completely irrelevant in this case. No iteration of the Complaint makes a claim based on heritage, nor do any of the Complaints contain reference to Tubby's membership in the Oneida Tribe. *See generally* (Dkt. 83)

The jury pool will be selected not only from the City of Green Bay or Brown County, but from the entire Division. The Green Bay Division jury pool is selected from Calumet, Door, Florence, Forest, Kewaunee, Langlade, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, Waupaca, Waushara and Winnebago counties. *Supra* fn. 2. There will be a large, diverse pool of qualified jurors with varied educational backgrounds, socioeconomic statuses, religious beliefs, and sources of where the potential jurors find their news and updates on current events. The Plaintiffs' hollow assertion that this Court cannot find fair and impartial jurors in the Green Bay Division holds no merit.

CONCLUSION

The party seeking to transfer under § 1404(a) bears the burden of establishing that the transferee court is clearly more convenient. Plaintiffs have failed to meet this burden. Moreover, the interest of justice is best served by maintaining the trial of this case with this Court. Accordingly, Defendants respectfully request that the Court deny Plaintiffs' request to transfer.

Dated at Wauwatosa, Wisconsin, this 2nd day of December, 2020.

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Dated at Wauwatosa, Wisconsin, this 2nd day of December, 2020.

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