

Mailed 16 Mar 2017

Dear Peg

You'll want to put this blurb in your newsletter & share it ASAP, to prevent f-ups:

Re: Nate Lindell's Guide for Suing over \$ Issue.

Those using this guide & its forms, you MUST add the Joint Committee for Review of Admin. Rules (JCRAR) as defendants & put that name & their address (get from law library, street address) in the caption, per Wis. Stats. §227.40(1). See State ex rel. Hensley v. Endicott, 245 Wis.2d 607 (2001). You must serve the JCRAR just like the other defendants. Then you can pursue the Due Process claims in state court. See, e.g. Casteel v. Kolb, 176 Wis.2d 440 (App. Ct. 1993).

The fed courts would require this for you to do a §1983 claim over Due Process, see, e.g., Lindell v. Frank, 377 F.3d 659-60 (7th Cir. 2004) (Invalidating DAI policy banning <sup>copies of</sup> clippings). Technically state courts can't block a §1983 federal claim based on state-law requirements, but that's what happened in Casteel.

My guide is for a state-court suit, so you'd best comply with §227.40.

Finally, §227.40 can't bar criminal litigation that requires the declaration of a rule's legality, sub. (2)(b), so it can not bar a John Doe Petition, as such a petition seeks to initiate a criminal case. Still, judges will likely weasel out of ruling on the legality of Schwochert's policy/rule: they are elected & "helping" prisoners wins no votes & may/will cost some, & make enemies in the WDOC's hierarchy. If they declare the policy/rule illegal, Schwochert & crew are guilty of a shitload of crimes.

P.S. Please let Matoya know I appreciate his criticism; it helped And, per Stuart v. Stuart, 140 Wis.2d 455, 466-67 (1997) (Joinder of tort action & divorce action is permissible) & (Can't find site) he can join a 227.40 claim with a tort or §1983 claim.