

For immediate release  
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*Friends of Sturgeon Bay Public Waterfront* Confident in Brief Filed in Support of  
Motion for Summary Judgment

*"Friends of the Sturgeon Bay Public Waterfront* are pleased to report our attorneys filed a brief with the Door County Circuit Court in support of a motion for a summary judgment on the westside waterfront lawsuit." states member Dan Collins. "A summary judgment is a final decision made by a judge applying the law to material facts that are not in dispute. This negates the need for a trial. This brief clearly shows that the property in question was created through artificial fill and that the City knew this prior to executing the development agreement."

"This clear concise brief reiterates the *Friends'* case and requests an expedited resolution without the need for a trial through the summary judgment process. Although we have attempted alternate resolution means, our fundamental criticism remains as it was when it was first formally presented to the City in June of 2015, three months prior to the lawsuit. The City's selling of public lands composed of Sturgeon Bay's artificially filled waterfront for private development is not permitted under Wisconsin's Public Trust doctrine." said Collins.

One of the founders of the group, Shawn Fairchild, remarked, "This brief is an easy read. By using facts which are not disputed and applying laws that are grounded in our State's constitution the brief says the City should be held to its fiduciary obligation to protect this waterfront property held in trust for the public. It's that simple."

Collins urges anyone interested in the future of the westside property to read the brief. "It's straightforward, easily understandable and outlines the following indisputable facts: 1.) lakebed below the ordinary high water mark is property held in trust by the state for public purposes; 2.) the hotel, as it is situated now, is on the artificially-filled bed of Lake Michigan which remains in the public trust; 3.) the state legislature may act to secure or enhance the public's rights relating to filled lakebed, but it has not done so; 4.) the City's attempt to act outside its authority by selling public trust land for private purposes is not permissible."

Fairchild remarked, "The *Friends of the Sturgeon Bay Public Waterfront* was formed to offer alternatives to selling the land to a private developer. Over a thousand people signed petitions and hundreds have shown up for and spoken at meetings. Just the fact that 200 people have contributed over \$90,000 says something about people's hope for a different vision than the one the one currently presented."

The Friends group acknowledges that its request for a summary judgment may or may not be successful. "We feel it is a prudent and justified move," said Fairchild.

“But, we know that the judge may decide a trial needs to be held. If that happens, we’ll move forward. We’re confident that the facts are in our favor, trial or no trial.”

A decision on the motion for a summary judgment is expected sometime in December of this year. The trial is scheduled for February 9<sup>th</sup> and 10<sup>th</sup>, 2017.

The Friends group will be holding a fall social in the coming weeks to answer questions and offer details related to the brief and to share photos, maps and other evidence that has been collected. Information about the upcoming fall social and a complete copy of the brief are available at [www.friendsofsturgeonbaypublicwaterfront.com](http://www.friendsofsturgeonbaypublicwaterfront.com).

Financial contributions are needed. They may be made online at [www.friendsofsturgeonbaypublicwaterfront.com/donate](http://www.friendsofsturgeonbaypublicwaterfront.com/donate), dropped off at Associated Bank, 57 Third Avenue, Sturgeon Bay (Sturgeon Bay Public Waterfront in memo line), or sent to Sturgeon Bay Public Waterfront Fund, PO Box 534, Sturgeon Bay, WI 54235. Contributions of any size are greatly appreciated.