

STATE OF WISCONSIN CIRCUIT COURT OUTGAMIE COUNTY
BRANCH III

TESLA, INC.,,

Petitioner,

v.

Case No. 25CV0075

Administrative Agency Review: 30607

WISCONSIN DEPARTMENT
OF TRANSPORTATION, *et al.*,

Respondents,

WISCONSIN AUTOMOBILE AND
TRUCK DEALLERS ASSOCIATION,

Interested Party.

RESPONDENTS' STATEMENT OF POSITION

PARTIES AND VENUE

1. Answering paragraph 1 of the Petition, Respondents ADMIT.
2. Answering paragraph 2 of the Petition, Respondents ADMIT.
3. Answering paragraph 3 of the Petition, Respondents DENY.
4. Answering paragraph 4 of the Petition, Respondents ADMIT.
5. Answering paragraph 5 of the Petition, Respondents ADMIT.
6. Answering paragraph 6 of the Petition, Respondents ADMIT.
7. Answering paragraph 7 of the Petition, Respondents DENY.
8. Answering paragraph 8 of the Petition, Respondents ADMIT.

9. Answering paragraph 9 of the Petition, Respondents ADMIT.
10. Answering paragraph 10 of the Petition, Respondents ADMIT.
11. Answering paragraph 11 of the Petition, Respondents ADMIT.
12. Answering paragraph 12 of the Petition, Respondents ADMIT.
13. Answering paragraph 13 of the Petition, Respondents ADMIT.
14. Answering paragraph 14 of the Petition, Respondents ADMIT.
15. Answering paragraph 15 of the Petition, Respondents ADMIT.
16. Answering paragraph 16 of the Petition, Respondents ADMIT.
17. Answering paragraph 17 of the Petition, Respondents ADMIT.
18. Answering paragraph 18 of the Petition, Respondents ADMIT.
19. Answering paragraph 19 of the Petition, Respondents ADMIT that in order for Tesla's request to operate the proposed dealerships to be denied (1) an independent dealer must be "available" to operate a Tesla dealership, (2) the operation of the independent dealership must be consistent with the public interest; and (3) the independent dealer must be able to operate the dealership in a manner that meets Tesla's reasonable standard and uniformly-applied qualifications. Respondents DENY any remaining allegations.
20. Answering paragraph 20 of the Petition, Respondents ADMIT.
21. Answering paragraph 21 of the Petition, Respondents ADMIT that on April 4, 2024, WATDA moved to be admitted as a party. Respondents ADMIT that Tesla opposed WATDA's motion on the grounds described in this

paragraph. Respondents ADMIT that on April 19, 2024, the ALJ granted WADTA' motion to be admitted as a party.

22. Answering paragraph 22 of the Petition, Respondents ADMIT.

23. Answering paragraph 23 of the Petition, Respondents ADMIT.

24. Answering paragraph 24 of the Petition, Respondents ADMIT.

25. Answering paragraph 25 of the Petition, Respondents ADMIT.

26. Answering paragraph 26 of the Petition, Respondents ADMIT.

27. Answering paragraph 27 of the Petition, Respondents ADMIT.

28. Answering paragraph 28 of the Petition, Respondents ADMIT.

29. Answering paragraph 29 of the Petition, Respondents ADMIT.

30. Answering paragraph 30 of the Petition, Respondents DENY.

31. Answering paragraph 31 of the Petition, Respondents ADMIT that Tesla submitted supplemental objections to the Administrator on December 4, 2024, objecting to collaboration between the ALJ, Administrator and Assistant Administrator. The remaining statements in the paragraph constitute legal arguments to which no response is required. To the extent that a response is required, Respondents DENY.

32. Answering paragraph 32 of the Petitioner, Respondents ADMIT.

GROUND FOR REVIEW

33. The paragraph asserts a legal argument/conclusion to which no response is required.

34. The paragraph asserts a legal argument/conclusion to which no response is required. To the extent a response is required, Respondents DENY

35. The paragraph asserts a legal argument/conclusion to which no response is required. To the extent a response is required, Respondents DENY.

36. The paragraph asserts a legal argument/conclusion to which no response is required. To the extent a response is required, Respondents DENY.

ISSUES FOR REVIEW

Issue 1:

Paragraphs 37-46 assert legal arguments/conclusions to which no response is required. To the extent a response is required, Respondents DENY.

Issue 2:

Paragraphs 47-58 assert legal arguments/conclusions to which no response is required. To the extent that a response is required, Respondents DENY.

Issue 3:

Paragraphs 59-66 assert legal arguments/conclusions to which no response is required. To the extent a response is required, Respondents DENY.

Issue 4:

Paragraphs 67-75 assert legal arguments/conclusions to which no response is required. To the extent a response is required, Respondents DENY.

Issue 5:

Paragraphs 76-82 assert legal arguments/conclusions to which no response is required. To the extent a response is required, Respondents DENY.

Issue 6:

Paragraphs 83-90 assert legal arguments/conclusions to which no response is required. To the extent a response is required, Respondents DENY.

RELIEF REQUESTED

The Respondents deny that Petitioner is entitled to any relief. WHEREFORE, the Respondents respectfully request that the Court enter a final order and judgment affirming it's decision.

MISCELLANEOUS

Respondents DENY any allegations not expressly admitted.

Dated this 5th day of February 2025.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

Electronically signed by:

s/ Jeffery A. Simcox
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