

STATE OF WISCONSIN

CIRCUIT COURT

PORTAGE COUNTY

WISCONSIN INTERSCHOLASTIC  
ATHLETIC ASSOCIATION  
5516 Vern Holmes Drive  
Stevens Point, WI 54481,

Plaintiff,

and

AMERICAN-HIFI, INC.,  
a/k/a When We Were Young (WWWY)  
a Wisconsin Corporation,  
501 Moravian Valley Road  
Waunakee, WI 53597,

WKOW TELEVISION, INC.  
5727 Tokay Boulevard  
Madison, WI 53719,

WAOW-WYOW TELEVISION, INC.  
1908 Grand Avenue  
Wausau, WI 54403,

WXOW-WQOW TELEVISION, INC.  
3705 County Highway 25  
La Crescent, MN 55947,

FOX SPORTS NET NORTH, LLC  
10201 West Pico Boulevard  
Building 103, Room 3152  
Los Angeles, CA 90064,

VISUAL IMAGE PHOTOGRAPHY, INC.  
W63 N582 Hanover Avenue  
Cedarburg, WI 53012,

Plaintiffs pursuant to Wis. Stats. §803.03,

vs.

GANNETT CO., INC.  
d/b/a The Post-Crescent  
7950 Jones Branch Drive  
McLean, VA 22107,

SUMMONS

Case No.: 08-CV-

629

Circuit Court Portage County, Wis.  
**FILED**

DEC 05 2008

BERNADETTE A. FLATOFF  
CLERK OF COURTS

WISCONSIN NEWSPAPER ASSOCIATION, INC. (WNA)  
3822 Mineral Point Road  
P.O. Box 5580  
Madison, WI 53705,

Defendants.

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THE STATE OF WISCONSIN:

To each person named above as a defendant:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Portage County Courthouse, 1516 Church Street, Stevens Point, Wisconsin 54481, and to Anderson, O'Brien, Bertz, Skrenes & Golla, plaintiff's attorney, whose address is 1257 Main Street, P.O. Box 228, Stevens Point, Wisconsin 54481. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 5 day of December, 2008.

ANDERSON, O'BRIEN, BERTZ, SKRENES & GOLLA

By 

Gerald M. O'Brien  
A Member of the Firm  
Attorneys for Plaintiff  
1257 Main Street, P.O. Box 228  
Stevens Point, WI 54481-0228  
Telephone: 715/344-0890  
State Bar No.: 1007340

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COMPLAINT

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NOW COMES the plaintiff, Wisconsin Interscholastic Athletic Association (WIAA), by its attorneys, Anderson, O'Brien, Bertz, Skrenes & Golla, by Gerald M. O'Brien, and for its Complaint against the defendant hereby requests a declaratory judgment as hereinafter pleaded:

1. That the WIAA is a voluntary unincorporated association made up of high schools in the state of Wisconsin, with its principal place of business at 5516 Vern Holmes Drive, Stevens Point, WI 54481.

2. That upon information and belief, American-HiFi, Inc. (WWWY) is a Wisconsin corporation with its principal place of business at 501 Moravian Valley Road, Waunakee, WI 53597, and engaged in the business of television productions. It is being joined in this action because, it claims an interest in the subject matter of this action and as a necessary party pursuant to Wis. Stats. §803.03.

3. That upon information and belief, WKOW Television, Inc., WAOW-WYOW Television, Inc. And WXOW-WQOW Television, Inc. ("The WIAA State Network") are Wisconsin corporations engaged in the business of producing television programs. They are being joined to this action because they claim an interest in the subject matter of this action and as a necessary party pursuant to Wis. Stats. §803.03.

4. That upon information and belief, Fox Sports Net North, LLC (FSN-N) is a LLC, with its principal place of business at 10201 West Pico Boulevard, Building 103, Room 3152, Los Angeles, California 90064, engaged in the business of telecasting. It is being joined to this action because, it claims an interest in the subject matter of this action and as a necessary party pursuant to Wis. Stats. §803.03.

5. That upon information and belief, Gannett Co, Inc. Is a corporation with its principal place of business at 7950 Jones Branch Drive, McLean, Virginia 22107, engaged in the business of publishing newspapers, including the Post-Crescent in Appleton, Wisconsin. That it does substantial business in Wisconsin in that it publishes, distributes and collects revenue from the sale of newspapers in Wisconsin.

6. That upon information and belief, Wisconsin Newspaper Association, Inc. (WNA) is a non-stock corporation organized in the state of Wisconsin, with its principal place of business located at 3822 Mineral Point Road, Madison, Wisconsin 53705, engaged as described in its By-Laws, a copy of which is attached hereto and marked as Exhibit A. That it has forwarded a letter from its attorneys, Godfrey & Kahn, dated October 31, 2008 to the WIAA, a copy of which is attached here to and marked as Exhibit B, challenging the WIAA's right to control internet streaming and challenging the WIAA's authority to grant exclusive coverage rights to its sponsored athletic events.

7. That upon information and belief, Post-Crescent publishes and distributes newspapers and is located at 306 West Washington Street, P.O. Box 59, Appleton, Wisconsin 54911.

8. That on April 26, 2005, the WIAA granted certain production rights and distribution rights to WWVY for valuable consideration and a copy of that agreement is attached hereto and marked as Exhibit C.

9. That on March 20, 2004, the WIAA granted certain television broadcast rights to the WIAA State Network for valuable consideration and a copy of said agreement is attached hereto and marked as Exhibit D.

10. That on July 13, 2007, the WIAA granted certain telecast rights to FSN-N for valuable consideration and a copy of that agreement is attached hereto and marked as Exhibit E.

11. That on October 21, 2008, the WIAA provided to Visual Image Photography, Inc. certain photography rights for valuable consideration and a copy of such agreement is attached hereto and marked as Exhibit F.

12. That the WIAA organizes, supervises and sponsors the athletic tournament games of its member high schools. That it has all rights and ownership in those media rights, including newspaper, television, radio and internet, and has the authority to assign all or portions of those rights to third parties, such as the plaintiffs joined pursuant to Wis. Stats. §803.03.

13. That the WIAA has given notice to all public media in the state of Wisconsin of its exclusive ownership rights, and of its general policies, with respect to radio, television, cable, photography and internet limitations as provided in a portion of its 2008-09 media policy reference guide, a copy of a portion of which is attached hereto and marked as Exhibit G. That in addition, it has met with representatives of all public news media in the state advising them of its exclusive ownership rights and its limited access to them by others.

14. That on November 8, 2008, the Post-Crescent newspaper, without permission of the WIAA, live streamed a tournament football game between Appleton North High School and Stevens Point Senior High School in the city of Stevens Point, Portage County, Wisconsin, and streamed it, live, on the internet on its web page. That it is the position of the WIAA that such streaming was in violation of the exclusive rights and ownership of the WIAA. That because its action took place in Portage County, Wisconsin, Portage County is the proper place of venue for this action.

15. That the football game constituted an entertainment event and not a governmental function. That the WIAA did receive compensation for assignment of the rights to live stream, video and web-cast the event. That such compensation assisted in offsetting the cost of producing such event.

16. That this action is commenced for the purpose of having the court enter an order declaring the rights of the WIAA to control the transmission, internet stream, photo, image, film, videotape, audiotape, writing, drawing or other depiction or description of any game, game action, game information, or any commercial used of the same of an athletic event that it sponsors, and that it has the right to grant exclusive rights to others, including the plaintiffs named pursuant to Wis. Stats. §803.03 for tournament events that it sponsors.

WHEREFORE, the WIAA requests judgment declaring that it has ownership rights in any transmission, internet stream, photo, image, film, videotape, audiotape, writing, drawing or other depiction or description of any game, game action, game information, or any commercial used of the same of an athletic event that it sponsors, and that it has the right to grant exclusive