

**STATE OF WISCONSIN  
CIRCUIT COURT BR. 2  
DANE COUNTY**

<p>STATE ex rel NORTHPORT APARTMENTS CORPORATION, a Wisconsin Corporation,</p> <p style="text-align: center;">Petitioner</p> <p style="text-align: center;">vs.</p> <p>EQUAL OPPORTUNITIES COMMISSION OF THE CITY OF MADISON and HERBERT L. GREEN; Hearing Examiner for the Equal Opportunities Commission of the City of Madison, and DIANE L. CAREY,</p> <p style="text-align: center;">Respondents</p>	<p style="text-align: center;">DECISION ON MOTION FOR TEMPORARY INJUNCTION</p> <p style="text-align: center;">Case No. 163-429</p>
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Diane Carey attempted to obtain a lease from the petitioner herein and was refused. She complained that she was being discriminated against contrary to sec. 3.23 of the Madison General Ordinances. E.O.C. received the complaint and an investigator for E.O.C. found probable cause of discrimination on the ground of political beliefs.

Petitioner asks for a Writ of Prohibition restraining the E.O.C. from further proceeding on the complaint of Ms Carey. The facts are not disputed as set forth in the petition for the Writ and the petitioner asserts the unconstitutionality of the ordinance as it relates to political beliefs, both on its face and as "applied" by the investigator of E.O.C.

It is the opinion of the Court that the term "political beliefs" is not so vague or uncertain that the ordinance should be found to be unconstitutional on its face.

The petitioner further argues that the ordinance, insofar as it refers to political beliefs, is unconstitutional as applied. Without a discussion of that concept suffice it to say that it is the Court's opinion that the respondent has yet to "apply" the ordinance to the petitioner. A process of investigation has been commenced by the E.O.C., but such cannot at this point be considered as an "application" of the ordinance.

Further, the petitioner has remedies available to it should an adverse determination be made by E.O.C. and the fact of the necessity of participating in an investigation before such determination does not place the petitioner in a position of suffering untoward harm or of having no available or adequate remedy.

The respondent has withdrawn its first motion to quash on grounds of jurisdiction.

The Court grants its second motion to quash made on the grounds of other adequate remedy.

Dated this \_\_\_\_ day of July, 1978.

BY THE COURT:  
Michael B. Torphy, Jr., Judge  
Circuit Court, Br. 2