

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VEOLIA WATER MILWAUKEE, LLC,

Plaintiff,

v.

Case No. 2:26-cv-1660

**MILWAUKEE METROPOLITAN
SEWERAGE DISTRICT,**

Defendant.

**PLAINTIFF’S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

Plaintiff Veolia Water Milwaukee, LLC (“Veolia”), by its attorneys, von Briesen & Roper, s.c., moves this Court, on an emergency basis and pursuant to Fed. R. Civ. P. 65, to enter a temporary restraining order and preliminary injunction against Defendant Milwaukee Metropolitan Sewerage District (“MMSD” or “the District”).

MMSD has breached its duty under Wisconsin law to conduct the competitive procurement for RFP P-3216, a ten-year operations and maintenance agreement for MMSD’s wastewater system, consistently with the process it announced, and to reach an evaluation and award reflecting its own bona fide, independent judgment rather than the substituted judgment of outside advocacy organizations and elected officials. *See Waste Mgmt., Inc. v. Wisconsin Solid Waste Recycling Auth.*, 84 Wis. 2d 462 (1978); *Aqua-Tech, Inc. v. Como Lake Protection & Rehabilitation Dist.*, 71 Wis. 2d 541 (1976).

Absent immediate relief, MMSD’s Commission is scheduled to vote on the Ad Hoc Committee’s August 17, 2026 recommendation that RFP P-3216 be awarded to Jacobs Solutions

Inc. (“Jacobs”) on September 14, 2026, with a further vote scheduled for September 28, 2026. Once MMSD executes a Service Agreement with Jacobs, Veolia’s claims will become effectively moot. *See PRN Assocs. LLC v. DOA*, 2009 WI 53, 317 Wis.2d 656 (2009).

Through this motion, Veolia requests that this Court restrain and enjoin Defendant, and its Commission, officers, agents, and employees, effective immediately, and thereafter during the pendency of this litigation, from:

- (1) approving, ratifying, or otherwise acting upon the Ad Hoc Committee’s August 17, 2026 recommendation regarding RFP P-3216;
- (2) awarding the RFP P-3216 contract to Jacobs; and
- (3) executing a Service Agreement, or any other binding agreement, with Jacobs pursuant to RFP P-3216,

until Defendant has re-conducted the evaluation of RFP P-3216 consistently with its announced process and through the independent judgment Wisconsin law requires.

In support of this motion, Veolia submits the accompanying memorandum of law, the declaration of Joseph A. Tackett and the Exhibits to the Declaration of Joseph A. Tackett (as identified therein).

Veolia moves the Court to enter the requested temporary restraining order on an expedited basis in light of the Commission's September 14, 2026 vote on the Ad Hoc Committee's recommendation, and to set an expedited discovery schedule, briefing schedule and hearing on the request for a preliminary injunction pursuant to Fed. R. Civ. P. 65.

Dated: September 11, 2026

s/Hanna R. Kolberg
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