

FILED  
02-24-2025  
CIRCUIT COURT  
DANE COUNTY, WI  
2024CV001711

DATE SIGNED: February 24, 2025

Electronically signed by Stephen E Ehlke  
Circuit Court Judge

STATE OF WISCONSIN      CIRCUIT COURT      DANE COUNTY  
BRANCH 15

---

ALYSSA PUHPAL and  
NATASHA CURTIN-WEBER,

Plaintiffs,

v.

Case No. 2024CV001711

WISCONSIN DEPARTMENT OF CORRECTIONS and  
JARED HOY, in his official capacity as Secretary  
of the Wisconsin Department of Corrections,

Defendants.

---

### WRIT OF MANDAMUS

---

**To the Wisconsin Department of Corrections (DOC) and Hon. Jared Hoy, in his official capacity as Secretary of the Wisconsin Department of Corrections:**

This Court, having reviewed the Plaintiffs' petition and all papers on file in the above captioned case finds that the Plaintiffs have demonstrated that a Writ of Mandamus commanding action by you is necessary and proper under the law. The Court stated the reasons for this ruling on the record in open Court on February 6, 2025, and the record of that proceeding is hereby incorporated by reference. Further, the Court states the following:

1. The question before the Court concerns the appropriate interpretation of the statute that defines the scope of DOC's obligations, Wis. Stat. § 301.049 (so titled the "mother-young child care program"), which is purely a question of law that was disputed by the parties.
2. The Court concludes that the Plaintiffs have established a clear right to be included in the class of persons who the DOC must consider for participation in the mother-young child care program, because Wis. Stat. § 301.049(2)(a) should be interpreted to grant eligibility

to females who are prisoners as well as to females who are on probation, extended supervision, or parole.

3. Defendants, therefore, have a plain legal duty pursuant to Wis. Stat. § 301.049 to consider for participation in the mother-young child program prisoners as well as women on probation, extended supervision, or parole.
4. Plaintiffs have proven they will suffer substantial damages if the duty is not performed because losing a statutorily right without means to recover makes the harm irreparable.
5. Plaintiffs have no other adequate remedy at law.
6. Justice requires issuance of the Writ in this case. Plaintiffs have satisfied the four requirements for issuance of a Writ: (1) a clear legal right; (2) a plain and positive duty; (3) substantial damage or injury should the relief not be granted; and (4) no other adequate remedy at law. Issuance of the Writ will promote substantial justice and further the legislature's goal of including as many mothers and children in the pool of candidates considered for acceptance into this program as possible.

Accordingly, pursuant to Wis. Stat. § 783.01 *et seq.* and the inherent authority of the Court, **IT IS HEREBY ORDERED THAT:**

1. Plaintiff's request for a Writ of Mandamus is GRANTED.
2. Defendants are hereby directed and ordered to comply with Wis. Stat. § 301.049 forthwith.

This is a final order that disposes of the entire matter in litigation and is intended by the Court to be an appealable order within Wis. Stat. § 808.03(1). *See Tyler v. The Riverbank*, 2007 WI 33, ¶ 25, 728 N.W.2d 686.