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# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0114	Claim	Claim Report
Action Law Offices, S.C. communication on behalf of Edwin Lund regarding injuries and damages allegedly sustained at Pershing Elementary School on February 24, 2006.		
Introduced: 3/4/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*Deny*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 16 2009</u>			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale	✓			
		Weigel					
		TOTAL		5			

### SIGNATURE OF COMMITTEE MEMBER

*[Signature]*  
 Chair \_\_\_\_\_ Vice-Chair \_\_\_\_\_ Member \_\_\_\_\_

### COMMON COUNCIL ACTION

*Denied*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 16 2009</u>			Barczak				✓
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		9			1

**STANDING COMMITTEES OF THE  
CITY OF WEST ALLIS COMMON COUNCIL**

**ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

**PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

**SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

**LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

**ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

May 28, 2009

Common Council  
City of West Allis

RE: City Attorney's Report of Claim

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. Our Opinion regarding liability is as follows:

**It is the recommendation of this office that the following claim be denied:**

**Edwin and Elizabeth Lund (Husband and Wife) - Amount: \$ Unknown**

This is a claim for personal injuries received from an alleged slip and fall by the claimant, Elizabeth Lund, which occurred on February 24<sup>th</sup>, 2006, at the Pershing Elementary School located in the City of West Allis, WI. Edwin Lund, the husband of claimant, also filed a claim from this incident against the City for loss of consortium. To date, a demand for damages was never filed by the claimants against the City.

Although Pershing Elementary School is located in the City of West Allis, the property itself is not owned by the City. Therefore, the City bears no legal responsibility for these claims. On March 7<sup>th</sup>, 2008, the City Attorney's Office notified the claimants' attorney in writing of said ownership issue. The Statute of Limitations for the claimants to commence legal action against the City expired on February 24<sup>th</sup>, 2009.

Based upon the above, these claims should be denied.

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da

# Action

*Law Offices, S.C.*

Milwaukee Office:  
933 North Mayfair Road  
Suite 200  
Milwaukee, WI 53226  
Telephone: (414) 456 • 1111  
Facsimile: (414) 456 • 1644

Racine/Kenosha Office:  
1020 West Boulevard  
Racine, WI 53405  
Telephone: (262) 637 • 3000  
Facsimile: (262) 632 • 9505

MILWAUKEE OFFICE

February 21, 2008

City of West Allis  
City Clerk, Paul Ziehler  
7525 W Greenfield Ave, Room 123  
West Allis, WI 53214

RECEIVED

FEB 22 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

RE: Notice of Circumstances of Claim Form  
My Client: Edwin Lund  
Incident of February 24, 2006

To Whom It May Concern:

Enclosed please find the original and four (4) copies of the Notice of Circumstances of Claim forms relative to the above matter.

Please indicate the date of receipt and filing on one of the enclosed copies, and then return same to my office.

Thank you for your assistance.

Very Truly Yours,



PATRICK M. BERTRANDT

PMB:jlk  
Enclosures

**NOTICE OF CIRCUMSTANCES OF CLAIM**

**TO: CITY OF WEST ALLIS  
CITY CLERK, PAUL ZIEHLER  
7525 WEST GREENFIELD AVENUE, ROOM 123  
WEST ALLIS, WISCONSIN 53214**

**PLEASE TAKE NOTICE** Pursuant to Wisconsin Statute § 893.80(1)(a) that the undersigned will be making a claim for injuries and damages against you by virtue of the reasons set forth hereafter:

**NAME OF CLAIMANT:**

**EDWIN LUND**

**DATE AND TIME OF INJURIES SUSTAINED:**

**FEBRUARY 24, 2006 12:30 P.M.**

**PLACE OR LOCATION WHERE INJURY OR DAMAGES OCCURRED:**

**Pershing Elementary School  
West Allis, Wisconsin**

**MANNER IN WHICH DAMAGES OR INJURIES WERE RECEIVED OR OCCURRED:**

**Claimant's spouse was picking her disabled daughter up from school when she slipped and fell down the snow covered stairway.**

**GROUND ON WHICH CLAIM IS MADE:**

**Negligence on the part of the City of West Allis, Pershing Elementary and West Allis- West Milwaukee School District by its agents, servants, and employees including but not limited to failure to maintain safe conditions for its students, staff, and visitors.**

GENERAL DESCRIPTION OF INJURIES AND DAMAGES:

PERSONAL INJURIES:

Neck injury  
Shoulder injury  
Back injury  
Leg injury

MEDICAL EXPENSES  
LOSS OF CONSORTIUM

Amount unknown at this time  
Amount unknown at this time

**PLEASE TAKE NOTICE** that satisfaction for such injuries or damages will be claimed, but that the amount of said demand is **UNKNOWN** at the present time.

Dated at Milwaukee, Wisconsin, this 21st day of February, 2008.

Claimant: Edwin Lund  
1958 South 55<sup>th</sup> Street  
West Allis, Wisconsin 53219

ACTION LAW OFFICES

BY:

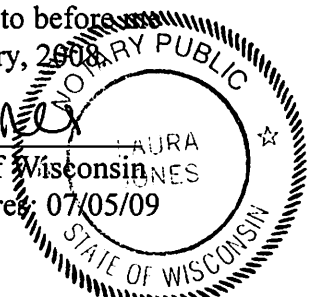


PATRICK M. BERTRANDT  
Attorney for the Claimant  
933 North Mayfair Road  
Suite 200  
Milwaukee, Wisconsin 53226  
Telephone: (414) 456-1111

Subscribed and sworn to before me  
this 21<sup>st</sup> day of February, 2008.

*Gaura Jones*

Notary Public: State of Wisconsin  
My Commission Expires: 07/05/09



**THIS IS NOT A CLAIM PURSUANT TO § 893.80 (1)(b), WISCONSIN STATUTES.**

**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that a true copy of the attached:

**NOTICE OF CIRCUMSTANCES OF CLAIM FORM**

was served upon the hereinafter named:

City of West Allis  
City Clerk, Paul Ziehler  
7525 W Greenfield Ave, Room 123  
West Allis, WI 53214

by enclosing same in an adequately postpaid envelope, bearing the sender's name and address which was duly deposited in a U.S. Mailbox on the 21st day of February, 2008, pursuant to Section 801.14(2), Milwaukee, Wisconsin.

Joandra Kristl-Jakubowski  
JOANDRA KRISTL-JAKUBOWSKI, Paralegal  
933 North Mayfair Road  
Suite 200  
Milwaukee, Wisconsin 53226  
Telephone: (414) 456-1111



**CITY CLERK/TREASURER'S OFFICE**  
414/302-8200 or 414/302-8207 (Fax)  
[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)  
**Paul M. Ziehler**  
*City Admin. Officer, Clerk/Treasurer*  
**Monica Schultz**  
*Assistant City Clerk*  
**Rosemary West**  
*Treasurer's Office Supervisor*

February 26, 2008

Patrick M. Bertrandt  
Action Law Offices, S.C.  
933 N. Mayfair Rd., Suite 200  
Milwaukee, WI 53226

Dear Mr. Bertrandt:

This letter acknowledges receipt of your communication on behalf of Edwin Lund regarding injuries and damages allegedly sustained at Pershing Elementary School on February 24, 2006.

The original document will be submitted to the Common Council at its meeting of March 4, 2008.

It is not anticipated that a decision regarding this matter will be made on this date. Generally, all communications are directed to the City Attorney's office for investigation. Common Council action regarding your communication will not be taken until the City Attorney's investigation is completed. Any questions you may have regarding this matter should be directed to their attention.

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

cc: City Attorney





OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

June 1, 2009

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

The enclosed claims/lawsuits have been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of each claim/lawsuit and the applicable law. Our Opinion regarding liability is attached to each claim/lawsuit.

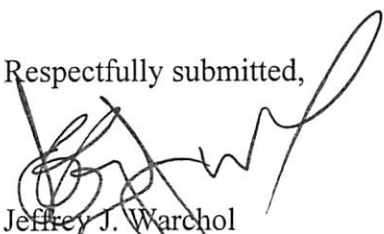
**The following claims/lawsuits have been paid and placed on file:**

Farmers Insurance Group, Legal Subrogee of Tim Knapp (\$1,855.19)  
Progressive Universal Insurance Co., Legal Subrogee of Thomas Pecard (\$5,323.53)

**The following claim/lawsuit has been denied:**

Edwin and Elizabeth Lund/Husband & Wife (\$Unknown)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC