

8.
11.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

| File Number | Title | Status |
|---|-------|--|
| 2008-0115 | Claim | Claim Report |
| Action Law Offices, S.C. communication on behalf of Elizabeth 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:
JUN 16 2009

| MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|-------|----------|------------|-----|----|---------|---------|
| | | Barczak | | | | |
| | | Czaplewski | | | | |
| | | Kopplin | ✓ | | | |
| | | Lajsic | ✓ | | | |
| | | Narlock | ✓ | | | |
| | | Reinke | ✓ | | | |
| | | Roadt | | | | |
| | | Sengstock | | | | |
| | | Vitale | ✓ | | | |
| | | Weigel | | | | |
| TOTAL | | | 5 | | | |

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin
 Chair _____ Vice-Chair _____ Member _____

COMMON COUNCIL ACTION

Denied

| MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|-------|----------|------------|-----|----|---------|---------|
| | | Barczak | | | | ✓ |
| | | Czaplewski | ✓ | | | |
| | | Kopplin | ✓ | | | |
| | | Lajsic | ✓ | | | |
| | | Narlock | ✓ | | | |
| | | Reinke | ✓ | | | |
| | | Roadt | ✓ | | | |
| | | Sengstock | | | | |
| | | Vitale | ✓ | | | |
| | | Weigel | ✓ | | | |
| TOTAL | | | 9 | | | 1 |



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 24th, 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 7th, 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 24th, 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: Elizabeth 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:

ELIZABETH 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 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
PAIN AND SUFFERING

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: Elizabeth Lund
1958 South 55th Street
West Allis, Wisconsin 53219

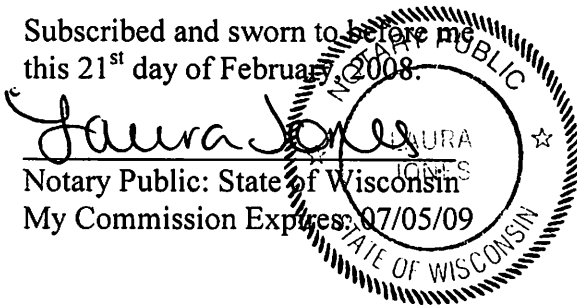
ACTION LAW OFFICES

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 21st day of February, 2008.



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

CERTIFICATE OF SERVICE

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, 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
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 Elizabeth 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.

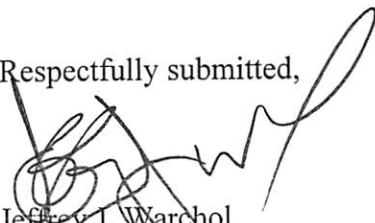
The following claims/lawsuits have been paid and placed on file:

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