

# 30.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0117	Claim	Claim Report
Phillip J. Ramthun, LLC communication on behalf of Steven Thomas Robinson regarding injuries and damages allegedly sustained at Top Gun Saloon on February 3, 2008.		
Introduced: 3/4/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION Deny

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008	<input checked="" type="checkbox"/>		Barczak				
			Czaplewski				
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Roadt				
			Sengstock				
		<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>			
			Weigel				
			TOTAL	<u>5</u>	<u>-</u>		

### SIGNATURE OF COMMITTEE MEMBER

Krist Kopplin \_\_\_\_\_  
 Chair Vice-Chair Member

### COMMON COUNCIL ACTION Denied

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
MAY 06 2008	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>	<u>-</u>		

**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

April 10, 2008

Common Council  
City of West Allis

Scott E. Post  
City Attorney

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

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 (6)(a) 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:**

**Steven T. Robinson by Atty. Phillip J. Ramthun – Amount: \$35,250.00**

This is a claim for personal injuries that were caused by excessive force allegedly committed by the West Allis Police Department on February 3<sup>rd</sup>, 2008, when the police arrested the claimant inside his bar known as the Top Gun Saloon located at 1121 South 60<sup>th</sup> Street, West Allis, WI. The police were called to the bar at 2:00 a.m. by an eyewitness who saw a female crash her vehicle into a tree near the bar and then physically walk into the Top Gun Saloon. When police officers arrived, they attempted to enter the Top Gun Saloon but the front door was locked. The police could physically see through the windows that patrons were still in the bar along with the claimant, a bartender and a female fitting the description of the person who had the car accident outside. Despite repeated, loud, verbal commands and pounding on the doors and windows to allow the police entrance, the claimant kept the door locked and refused to allow anyone who was in the bar to open the door for the Police Department. At one point, the claimant appeared at the window and yelled obscenities at the officers including that he would not open the door to allow them access to the bar.

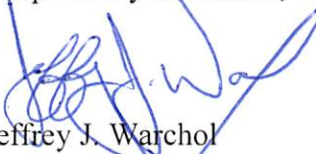
After several minutes, the police were able to obtain entry through the back door of the bar where they were met by the claimant who again refused to allow them entry despite their repeated verbal commands to step out of the way and allow them entry for the purpose of investigating the accident that occurred outside. In an attempt to move the claimant out of the way, the claimant got into a physical altercation with the officers and was directed to the ground and arrested for refusing police permission to enter a licensed premise and resisting an officer. As a result of the altercation with the police and subsequent arrest, the claimant is alleging personal injuries to his face and body causing him to incur medical bills, loss of earnings and pain and suffering in an amount of \$35,250.00.

Our internal investigation into this matter indicated that all police officers involved with the claimant acted in accordance with City of West Allis Policies and Procedures and used the least amount of force possible to reasonably move the claimant out of the way and ultimately arrest him. The claimant admitted to being heavily intoxicated the night of the incident.

Furthermore, the claimant has a selective memory of the events that occurred this night as he has no recollection of the police banging on the bar door to gain entry but he is able to remember particular details about how excessive force was used on him in making the arrest. The police report and audio CD of the police interview illustrate the claimant's demeanor as one of intoxication, belligerence and disrespect throughout the entire encounter with the West Allis Police Department.

Based upon the above, this claim has no merit. The West Allis Police Department acted reasonably and within the scope of their authority in attempting to enter the bar to investigate a motor vehicle accident based on an eyewitness account and subsequently making an arrest of the claimant for his demeanor and his refusal to allow police permission to enter a licensed premise. Therefore, it is the recommendation of the City Attorney's Office to deny this claim pursuant to the provisions of Wisconsin Municipal Claim Statute 893.80.

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da



**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 27, 2008

Phillip J. Ramthun  
Stern & Ramthun  
Phillip J. Ramthun, LLC  
2645 N. Mayfair Road, Suite 230  
Milwaukee, WI 53226

Dear Mr. Ramthun:

This letter acknowledges receipt of your communication submitted on behalf of Steven Thomas Robinson regarding injuries and damages allegedly sustained at Top Gun Saloon, 1100 S. 60 Street on February 3, 2008.

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,

A handwritten signature in cursive script that reads "Monica Schultz".

Monica Schultz  
Assistant City Clerk

/amn

cc: City Attorney

**NOTICE OF INJURY**  
**AND**  
**CLAIM FOR DAMAGES**

**RECEIVED**  
**FEB 26 2008**  
CITY OF WEST ALLIS  
CLERK/TREASURER

TO: City of West Allis  
11301 W Lincoln Avenue  
West Allis, WI 53227

PLEASE TAKE NOTICE that on February 3, 2008, Steven Thomas Robinson of 4845 S 69<sup>th</sup> Street, #18, Greenfield, Wisconsin, was involved in an excessive force incident which occurred when City of West Allis Police Officers Zachary A. Scott, and Chad Evenson, and Clint E. Corwin entered the Top Gun Saloon and used excessive force in apprehending Mr. Robinson.

PLEASE TAKE FURTHER NOTICE that as a proximate result of said incident, Steven Thomas Robinson, sustained personal injuries which necessitated medical care and attention; furthermore, these injuries may be permanent in nature.

Liability for the injuries is claimed as follows:

The City of West Allis on account of its liability for the acts of its agents and employees, and particularly Police Officers Zachary A. Scott and Chad Evenson, and Clint E. Corwin, as further set forth in this Notice of Injury and Claim for Damages, who were acting within the scope of their employment at the time of said accident.

As a proximate result of the above-described negligence, Steven Thomas Robinson, sustained personal injuries to his face and his body causing him to incur medical bills and expenses, loss of earnings, loss of future earning capacity, and past and future pain and suffering as itemized below:

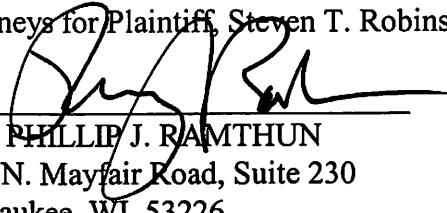
<u>MEDICAL EXPENSES:</u>	\$10,000.00
<u>PROPERTY DAMAGE</u>	\$250.00

PAST AND FUTURE PAIN AND SUFFERING: \$25,000.00  
TOTAL CLAIM: \$35,250.00

WHEREFORE, Steven Thomas Robinson demands Thirty-five Thousand Two Hundred Fifty Dollars and No/100 from said City of West Allis.

Dated at Milwaukee, Wisconsin this 20 day of February, 2008.

STERN & RAMTHUN  
PHILLIP J. RAMTHUN, LLC  
Attorneys for Plaintiff, Steven T. Robinson

  
BY: PHILLIP J. RAMTHUN  
2645 N. Mayfair Road, Suite 230  
Milwaukee, WI 53226  
(414) 771-7780  
State Bar No. 01018329



OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

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

April 18, 2008

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 (6)(a) 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 claim/lawsuit has been placed on file:**

Estate of Helen T. Krenek (\$570.00)

**The following claims/lawsuits have been denied:**

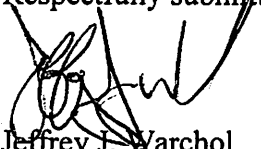
John Hennes (\$700.00)

Sharon Borchardt (\$555.12)

Mark Hyde (\$722.40)

Steven T. Robinson by Atty. Phillip J. Ramthun (\$35,250.00)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC





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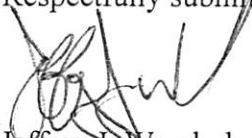
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Steven T. Robinson by Atty. Phillip J. Ramthun (\$35,250.00)

Respectfully submitted,



Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC