

**TO: Monica Schultz - City Clerk
West Allis City Hall, Room 108
7525 West Greenfield Avenue
West Allis, 53214**

*1-22-15
850 AM
[Signature]*

**Charles Padgett
Chief of Police
City of West Allis
11301 W Lincoln Ave
West Allis, WI 53227**

**RE: CLAIMANT: Francisco Robles
DOB: 02/16/1963
ADDRESS: 2448 South 61st St.
West Allis, WI 53219**

RECEIVED

JAN 22 2015

**CITY OF WEST ALLIS
CITY CLERK**

**CLAIMANT: Xinia L. Cambronero
DOB: 07/27/1962
ADDRESS: 2448 South 61st St.
West Allis, WI 53219**

**NOTICE OF CLAIM AND
CLAIM FOR DAMAGES**

Pursuant to § 893.80 of the Wisconsin Statutes, Francisco Robles (d/o/b: 02/16/63) and Xinia L. Cambronero (d/o/b: 07/27/1962) who reside at 2448 South 61st Street, West Allis, WI, 53219, hereby give notice of claims and make the following claims for relief sought against the City of West Allis, The City of West Allis Police Department, individual police officers and certain as yet unidentified police officers. The officers named include, but are not limited to, Bernie Molthen, Michael J. Kempinski, Kevin Schmidt, Ryan McNally, Steven Martin, Darrin Kmichik, Troy Maas, and Michael Otto.

On or about September 28, 2014, Mr. Francisco Robles and his wife, Mrs. Xinia L. Cambronero contacted 911 and requested an ambulance to help their son who had cut himself after declaring he was suicidal. Both Mr. Robles and Mrs. Cambronero speak Spanish. Upon information and belief, there were no Spanish speaking officers present on the scene. Soon after calling 911, a number of West Allis police officers arrived and severely beat Mr. Robles and Mrs. Cambronero for no reason, contrary to their Fourth Amendment rights.

As a result of the above referenced incidents, Mr. Robles and Mrs. Cambronero have suffered permanent physical and psychological injuries.

Francisco Robles and Xinia Cambronero's claims for compensatory and punitive damages is as follows:

1. In addition to the physical and mental harm, Mr. Robles and Mrs. Cambronero suffered the shock, humiliation, fear and indignity that came with this unwarranted assault. Also, Mr. Robles and Mrs. Cambronero feared for their safety and the safety of their son and young grandchildren who were present in the home during the assault.

COLOR OF LAW/SCOPE OF EMPLOYMENT

2. The police officers deprived Mr. Robles and Mrs. Cambronero of their civil and constitutional rights through negligently and intentionally:
 - battering them; and
 - falsely arresting and imprisoning Mr. Robles.

These actions were the proximate cause of Mr. Robles's and Mrs. Cambronero's injuries.

NEGLIGENCE/OTHER TORT

4. West Allis police officers had a duty to protect Mr. Robles and Mrs. Cambronero. Officers breached this duty both by affirmative actions and failure to act. Officers not only battered and falsely imprisoned Mr. Robles, and Mrs. Cambronero, they failed to protect or aid them as well.
5. These officers deprived Mr. Robles and Mrs. Cambronero of their aforementioned rights by either acting in concert and aiding and abetting the actual assailant or by failing to act to protect the rights of Mr. Robles and Mrs. Cambronero.

ITEMIZATION OF DAMAGES

1. Mr. Robles and Mrs. Cambronero sustained permanent injuries as a direct result of the City of West Allis and the West Allis Police Department's actions as described above as well as the West Allis Police Department's negligence in the hiring, training and supervision of its officers.
2. Specifically Mr. Robles and Mrs. Cambronero demand as follows:
 - a. \$1,500,000 compensation for past pain and suffering; and,
 - b. \$500,000 compensation for future pain and suffering.

3. Total demanded: **\$2,000,000**


The above described acts, also attributable to the City of West Allis and the West Allis Police Department which employed the above named and unnamed police officers, were in violation of Francisco Robles and Xinia Cambroneró's rights and have caused and will cause them to suffer injuries which are ongoing.

These itemized claims for money damages include the statutory maximums available as well as amounts which are available pursuant to 42 U.S.C. § 1983 and other federal civil rights law, which have no monetary limitations.

The undersigned is the Attorney for the Claimants, Francisco Robles and Xinia Cambroneró and is therefore authorized to give this notice of claim.

Dated this 13th day of January, 2015.

ALEX FLYNN & ASSOCIATES, S.C.



Alex Flynn
State Bar No. 1015056
Attorney for Claimants Francisco Robles
and Xinia Cambroneró
1223 North Prospect Avenue
Milwaukee, WI 53202
414/276-7400