

COMMITTEES OF THE WEST ALLIS COMMON COUNCIL 2003

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski
V.C.: Alderperson Kopplin
Alderspersons: Barczak
Lajsic
Reinke

ADVISORY

Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderspersons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderspersons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderspersons: Czaplewski
Narlock
Reinke

PUBLIC WORKS

Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderspersons: Sengstock
Weigel
Vitale

STATE OF WISCONSIN	CIRCUIT COURT CIVIL DIVISION	MILWAUKEE COUNTY
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03CV010767

TOM HOLZRICHTER d/b/a THE BEST WOOD
JUDGE FIREWOOD, TREE, & LANDSCAPING
SERVICE,
2905 Minot Lane
Waukesha, Wisconsin 53188

RECEIVED

DEC 09 2003

CITY OF WEST ALLIS
CLERK/TREASURER

Case No.:
Case Code: 30303

Plaintiff,

v.

CITY OF WEST ALLIS
City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

*12-9-03
10:45 AM
[Signature]*

HON. JEFFREY A. KREMERS, BR. 36

CIVIL F

Defendant.

SUMMONS

FILED AND AUTHENTICATED
DEC 04 2003
JOHN BARRETT
Clerk of Circuit Court

THE STATE OF WISCONSIN TO:

Each person named above as a defendant:

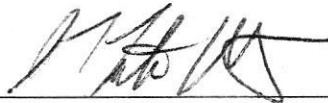
YOU ARE HEREBY NOTIFIED that the above named plaintiff, has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer which does not follow the requirements of the Statutes. Your answer must be sent or delivered to the Court whose address is: Milwaukee County Courthouse, Clerk of Courts, 901 North Ninth Street, Milwaukee, Wisconsin 53233, and to Weiss Law Office, S.C, attorneys for plaintiffs, whose address is 7670 North Port Washington Road, Suite 200, Milwaukee, Wisconsin 53217. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you now own or may own in the future, and may also be enforced by garnishment or seizure of property.

Dated this 3rd day of December, 2003.

WEISS LAW OFFICE, S.C.
Attorney for Plaintiffs,
Tom Holzrichter d/b/a
The Best Wood Judge Firewood
& Tree Service



Monte E. Weiss
State Bar No. 1003816
Clayton S. Wenger
State Bar No.: 1047169

P.O. ADDRESS

WEISS LAW OFFICE, S.C.
7670 N. Port Washington Road
Suite 200
Glendale, WI 53217
(414) 247-9958 - Telephone
(414) 247-9959 - Facsimile

TOM HOLZRICHTER d/b/a THE BEST WOOD
JUDGE FIREWOOD, TREE & LANDSCAPING
SERVICE,

03CV010767

Plaintiff,

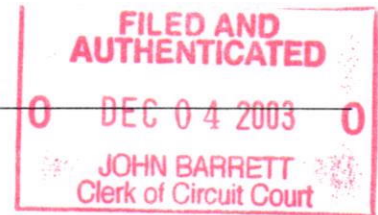
v.

Case No.:

Case Code: 30303

CITY OF WEST ALLIS,

Defendant.



COMPLAINT

NOW COMES the above named plaintiffs, Tom Holzrichter d/b/a The Best Wood Judge Firewood, Tree & Landscaping Service, by its attorneys, Weiss Law Office, S.C., and as and for a cause of action against the defendant, City of West Allis, hereby alleges and shows to the court, upon information and belief, as follows:

CLAIM I

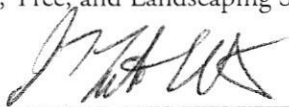
1. That the plaintiff, Tom Holzrichter d/b/a The Best Wood Judge Firewood, Tree & Landscaping Service is an adult male resident of the State of Wisconsin with a presence at 2905 Minot Lane in Waukesha, Wisconsin. That the plaintiff is involved in the business of providing firewood, tree maintenance and landscaping services.
2. That the plaintiff business does substantial business in Milwaukee County, Wisconsin at all times material hereto.
3. That the defendant, City of West Allis, is a municipal corporation in the State of Wisconsin with its principal place of business located at City Hall, 7525 West Greenfield Avenue, West Allis, WI 53214.
4. That on or about December 12, 2000, for good and valuable consideration, the plaintiff entered into a Tree Pruning Contract to provide tree trimming and pruning services to the defendant. That the terms and conditions of the Tree Pruning Contract are attached hereto as Exhibit A and incorporated herein by reference.
5. That for good and valuable consideration, the defendant entered into the Tree Pruning Contract with the plaintiff.
6. That the plaintiff has adhered to the terms and conditions of the Tree Pruning Contract and has performed the work in a workmanlike manner.
7. That the defendant did not comply with the terms and conditions of the Tree Pruning Contract and as such breached the contract.

8. That the plaintiff has been damaged by the defendant's breach of the aforementioned Tree Pruning Contract.
9. That the plaintiff has made demand upon the defendants for payment of said damages, which was denied.
10. That plaintiff has fully complied with Wis. Stats. § 893.80 in all respects as evidenced by a copy of the City of West Allis' denial letter dated July 2, 2003 attached as Exhibit B.

WHEREFORE, for the foregoing reasons, the plaintiff, **Tom Holzrichter d/b/a The Best Wood Judge Firewood, Tree & Landscaping Service**, hereby demands judgment against the defendant, City of West Allis, for breach of contract in an amount to be determined by the trier of fact, plus costs, disbursements, attorney's fees and for such other further relief as this court deems just and equitable.

Dated this 3rd day of December, 2003.

Weiss Law Office, S.C.
Attorneys for Plaintiff,
Tom Holzrichter d/b/a Best Wood Judge
Firewood, Tree, and Landscaping Service



Monte E. Weiss
State Bar No.: 1003816
Clayton S. Wenger
State Bar No.: 1047169

P.O. Address

Weiss Law Office, S.C.
7670 North Port Washington Road
Suite 200
Glendale, Wisconsin 53217
(414) 247-9958 (Telephone)
(414) 247-9959 (Facsimile)

First Wood Judge

CITY OF WEST ALLIS

PROPOSAL

RFP #654
- Tree Pruning Services -

Purchasing/Central Services Division
West Allis, Wisconsin

We hereby propose to furnish labor, materials and equipment to prune street trees in accordance with City of West Allis specifications at the following prices:

Diameter of trees	Ash/Locust	Price Each	Total
6" - 12"	199	12.99 12.20	2585.01 2427.80
12" - 18"	284	16.95 19.90	4813.80 5651.60
18" - 24"	143	24.86 27.00	3554.98 3861.00
24" - 30"	20	33.90 49.00	678.00 980.00
30"+	1	54.24 79.00	54.24 79.00

12999.40

Diameter of trees	Other Trees	Price Each	Total
6" - 12"	418	12.99 12.20	5429.88 5099.60
12" - 18"	582	16.95 19.90	9814.90 11581.80
18" - 24"	321	24.86 27.00	7980.06 8667.00
24" - 30"	62	33.90 49.00	2203.50 3038.00
30"+	3	54.24 79.00	162.72 237.00

29623.00

TOTAL FOR 2033 TREES \$ ~~37164.31~~

74

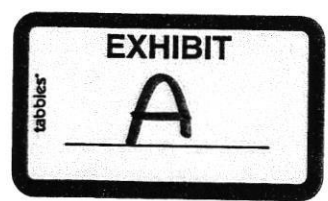
41622.80

QUALIFICATION STATEMENT

EXPERIENCE

A. Tabulation of major contracts which firm has completed during the past five years.

Year	Class of Work	Contract Amount	Location of Work	For Whom Performed Name and Address
1995-2000	TREE TRIMMING + REMOVAL	\$50-75,000/YEAR	ON ALL JOBS WE WERE	RAYNE + OOLAN P.O. BOX 781 WAUKESHA 53187
1995-2000	"	10,000/YR	SUBS AT VARIOUS LOCATIONS IN ALL SURROUNDING MUNICIPALITIES - MILW, WEST ALLIS, BROOKFIELD, WAUKESHA, RACINE ETC	ZIGJEGO COMPANIES W 226 N 2940 DUPPLAINVILLE WAUKESHA 53186
1995-2000	"	25-35000/YR		KALON DE STAFFORD P.O. BOX 3071 MILW 53201
1995-2000	"	15-25,000/YR		MILWAUKEE GENERAL 4580 S. 13TH MILW 53221
1995-2000	"	10-15000 YR		WM BEADON + SONS 4435 N 127TH BROOKFIELD 53005



B. Tabulation of construction experience of principal individuals in organization.

Individual's Name	Present Position of Office	Years of Experience	Wisconsin Arborist Association Member
TOM HOLZRICHTER	OWNER	20	YES
BOB JARVIS	FOREMAN	18	PREVIOUS
JASON MCDONALD	TREE TRIMMER	5	—
TIM FOLEY	LABORER	5	—

C. Average number of employees during the last twelve months.

Office 3 Skilled 5 Unskilled 11

D. Contractor will have ability to have a certified arborist on the job site at all times. yes no

E. Number of years in business under present firm name: 20

GENE JONES
W10442

Terms:

 % NET 15

Date: 12/10/00

COMPANY NAME BEST WOOD JUDGE

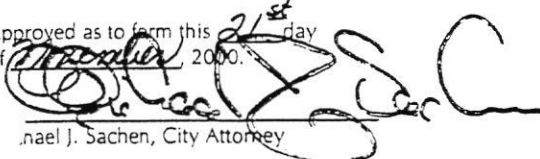
AUTHORIZED SIGNATURE Tom Holzrichter
TOM HOLZRICHTER
Type or Print Name

TITLE OWNER

ADDRESS 2905 MINOT LANE
WAKESHA, WI 53188

TELEPHONE NO. 262-968-1888 FAX NO. 262-968-1889

E-MAIL ADDRESS DON'T USE ENOUGH

Approved as to form this 21st day
of December, 2000.

Daniel J. Sachse, City Attorney



CITY OF WEST ALLIS

WISCONSIN

JUL -9 2003



City Clerk/Treasurer

NOTICE OF DISALLOWANCE OF CLAIM

Scan

July 2, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Best Wood Judge
Firewood, Tree & Landscaping Service
Tom Holzrichter
2905 Minot Lane
Waukesha, WI 53188

Re: Your Claim Against the City of West Allis
Date of Loss: January 8, 2001 thru April 30, 2001

Dear Mr. Holzrichter:

At its meeting on July 1, 2003, the Common Council of the City of West Allis considered your claim received on March 12, 2003 concerning a Tree Pruning Contract between Best Wood Judge and the City of West Allis regarding work to be performed between January 8, 2001 and April 30, 2001 and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of West Allis or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

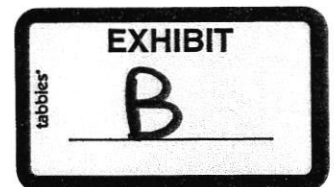
If you have any further questions on this claim, please feel free to contact the City Attorney's Office at 414-302-8450.

Sincerely,

Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer

Cc: Atty Jeffrey T. Batovsky
City Attorney's Office

JJW: kp
L:\jeff\claims\denialLtrs\ltr-denial-BestWoodJudge





CITY OF WEST ALLIS

WISCONSIN



City Clerk/Treasurer Office

Paul M. Ziehler
City Administrative Officer
Clerk/Treasurer

Dorothy E. Steinke
Deputy City Treasurer

Monica Schultz
Assistant City Clerk

December 9, 2003

Attorney Monte E. Weiss
WEISS LAW OFFICE, S.C.
7670 N. Port Washington Rd., Ste. 200
Glendale, WI 53217

Dear Mr. Weiss:

This letter acknowledges receipt of the Summons and Complaint in the matter of *Tom Holzrichter d/b/a The Best Wood Judge Firewood, Tree & Landscaping Service v. City of West Allis*.

The original document will be submitted to the Common Council at its meeting of December 16, 2003.

It is not anticipated that a decision regarding this matter will be made on this date. Generally, all complaints are directed to the City Attorney's office for investigation. Common Council action regarding your complaint 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

/dlm

cc: City Attorney