

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

2019 FEB -4 P 12:24

U.S. MARSHAL
MILWAUKEE, WI

Willie Martez McBride

Plaintiff

v.

McBride v. Mitchell et al

Defendant

Civil Action No. 168-CV-2032

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Chief Patrick Mitchell

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 02/07/2019

Signature of the attorney or unrepresented party

Willie Martez McBride

Printed name

Address

E-mail address

Telephone number

UNITED STATES DISTRICT COURT

for the Eastern District of Wisconsin

2019 FEB -4 P 12: 21

U.S. MARSHAL MILWAUKEE, WI

Willie Martez McBride

Plaintiff

v.

McBride v. Mitchell et al

Defendant

Civil Action No. 168-CV-2032

WAIVER OF THE SERVICE OF SUMMONS

To: Willie Martez McBride (Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 02/07/2019, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date:

Signature of the attorney or unrepresented party

Chief Patrick Mitchell

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

2019 FEB -4 P 12: 24

U.S. MARSHAL
MILWAUKEE, WI

Willie Martez McBride

Plaintiff(s),

v.

Case No. 2:18-CV-02032

Chief Patrick Mitchell, et al

Defendant(s).

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

This form must be filed with the Clerk of Court within 21 days of receipt. Although choosing to have your case decided by a magistrate judge is optional and refusal will not have adverse substantive consequences, the timely return of this completed form is mandatory.

If you do not consent to a magistrate judge hearing your case, a district judge will hear your case. Aside from cases subject to the Prison Litigation Reform Act, magistrate judges in this district generally play no further role in civil cases pending before district judges and do not issue reports and recommendations.

Magistrate judges do not conduct felony trials, and therefore felony trials do not interfere with scheduling and processing of cases before magistrate judges.

Check one:

The undersigned attorney of record or pro se litigant **consents** to have Magistrate Judge Nancy Joseph conduct all proceedings in this case, including a bench or jury trial, and enter final judgment in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73(b).

The undersigned attorney of record or pro se litigant **refuses** to have a magistrate judge enter final judgment in this matter. I understand that this means that a district judge alone will handle all further proceedings in this matter.

Signed this ____ day of _____, _____.
(date) (month) (year)

Signature of counsel of record or pro se litigant

- Plaintiff / petitioner (attorney or pro se litigant)
- Defendant / respondent (attorney or pro se litigant)
- Other party

ASSIGNMENT OF CIVIL CASES
EASTERN DISTRICT OF WISCONSIN

At the time a new civil action is filed, it is assigned by random selection to either a district judge or a magistrate judge in accordance with the local rules. Pursuant to the provisions of 28 U.S.C. §636(c) and Rule 73 of the Federal Rules of Civil Procedure, a United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial and order the entry of judgment. The statute provides for direct appeal to the U.S. Court of Appeals for the Seventh Circuit.

Once the assigned district or magistrate judge has been selected, the local rules of this district require that each party to the action receive a copy of the “consent form.” Each party shall complete the form and file it with the Clerk of Court **within 21 days** after its receipt.

If this case has been randomly assigned to a **district judge** and all parties consent to have the magistrate judge conduct all proceedings in the case, the district judge may enter an order transferring the case to the magistrate judge.

If this case has been randomly assigned to a **magistrate judge** and not all parties consent, then the case will be reassigned by random selection to a district judge. If all parties consent, the magistrate judge will conduct all proceedings in the action.

While the decision to consent or not to consent to the exercise of jurisdiction by the magistrate judge is entirely voluntary, the duty to respond to this order is **mandatory**. Your response shall be made to the Clerk of Court only on the form on the reverse side of this notice.

IT IS THEREFORE ORDERED, that you complete this form and file it with the Clerk of Court within **twenty-one (21) days** from receipt.

UNITED STATES DISTRICT COURT

s/William C. Griesbach
Honorable William C. Griesbach,
Chief Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

2019 FEB -4 P 12:24

U.S. MARSHAL
MILWAUKEE, WI

WILLIE MARTEZ MCBRIDE,
Plaintiff,

v.

Case No. 18-C-2032

STEVE KUHNMUENCH,
JASON VANDERWERFF,
CAPTAIN CHAD A. EVENSON,
CHIEF PATRICK MITCHELL,
and JOHN DOES,
Defendants.

ORDER

Plaintiff Willie Martez McBride, a pro se inmate at the Milwaukee County House of Corrections, filed this action under 42 U.S.C. § 1983 alleging that defendants violated his constitutional rights. (Docket No. 1.) The plaintiff also filed a motion to proceed without prepayment of the filing fee (*in forma pauperis*). (Docket No. 2)

After reviewing plaintiff's certified trust account statements filed in support of his motion and determining that plaintiff had zero assets and means, I did not assess him an initial partial filing fee. See 28 U.S.C. § 1915(b)(1). To that end, I will grant his motion to proceed without prepayment of the filing fee. He must pay the \$350 filing fee over time in the manner described at the end of this Order.

Regarding plaintiff's complaint: I am required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). I must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state

a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b).

To state a cognizable claim under the federal notice pleading system, plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). It is not necessary for plaintiff to plead specific facts and his statement need only “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)). However, a complaint that offers mere “labels and conclusions” or a “formulaic recitation of the elements of a cause of action will not do.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Twombly*, 550 U.S. at 555). To state a claim, a complaint must contain sufficient factual matter, accepted as true, “that is plausible on its face.” *Id.* (quoting *Twombly*, 550 U.S. at 570). “A claim has facial plausibility when [] plaintiff pleads factual content that allows the court to draw the reasonable inference that [] defendant is liable for the misconduct alleged.” *Id.* (citing *Twombly*, 550 U.S. at 556). The complaint’s allegations “must be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555 (citation omitted).

In considering whether a complaint states a claim, I follow the principles set forth in *Twombly* by, first, “identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth.” *Iqbal*, 556 U.S. at 679. Legal conclusions must be supported by factual allegations. *Id.* If there are well-pleaded factual allegations, the court must, second, “assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.” *Id.*

To state a claim for relief under 42 U.S.C. § 1983, a plaintiff must allege that: 1) he was deprived of a right secured by the Constitution or laws of the United States; and 2) the deprivation was caused by defendants acting under color of state law. *Buchanan-Moore v. County of Milwaukee*, 570 F.3d 824, 827 (7th Cir. 2009) (citing *Kramer v. Village of North Fond du Lac*, 384 F.3d 856, 861 (7th Cir. 2004)); see also *Gomez v. Toledo*, 446 U.S. 635, 640 (1980). I am obliged to give plaintiff's *pro se* allegations, "however inartfully pleaded," a liberal construction. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)).

I. Complaint's Allegations

Plaintiff alleges that on April 13, 2018, several West Allis Police officers forcibly entered the hotel room that he and his child's mother were occupying. He states that after they entered, they pulled the mother out of the room and asked plaintiff if there was anyone else in the room. Plaintiff responded yes.

Plaintiff was then told to get on his knees, put his hands in the air, and face away from the officers. The plaintiff complied. Moments later, plaintiff states that he was "rushed from behind." (Docket No. 1 at 3.) Specifically, he says he was "knocked forward onto [his] chest," and his "face crashed the floor." (*Id.*) An officer then knelt onto plaintiff's back, choked plaintiff, and "yelled 'you thought you were gonna get away with this motherfucker.'" (*Id.*) Plaintiff states that other officers punched and kicked him, and he eventually lost consciousness. He was later taken to West Allis Memorial Hospital.

Plaintiff seeks compensatory and punitive damages.

II. Court's Analysis

The Due Process Clause of the Fourteenth Amendment “protects a pretrial detainee from the use of excessive force that amounts to punishment.” *Kingsley v. Hendrickson*, 135 S. Ct. 2466, 2473 (2015) (citing *Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989)). To prevail on such a claim, “a pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable.” *Id.* at 2472–73. I find that plaintiff has sufficiently alleges that John Doe officers from the West Allis Police Department used excessive force against him. He may, therefore, proceed with this claim against them.

Plaintiff, however, may not proceed with a claim against the remaining defendants. To be sure, plaintiff names Steve Kuhnmuench, Jason Vanderwerff, Captain Chad Everson, and Chief Patrick Mitchell in the caption of his complaint, but he does not state what these individuals did or failed to do in violation of his constitutional rights. “An individual cannot be held liable in a § 1983 action unless he caused or participated in [the] alleged constitutional deprivation.” *Starzenski v. City of Elkhart*, 87 F.3d 872, 879 (7th Cir. 1996) (citations omitted); *George v. Smith*, 507 F.3d 605, 609 (7th Cir. 2007) (“Only persons who cause or participate in the violations are responsible.”). In other words, there is no liability unless the defendant is personally involved in the violation of plaintiff’s rights. *See Morfin v. City of East Chicago*, 349 F.3d 989, 1001 (7th Cir. 2003). Thus, plaintiff may not proceed against, and I will dismiss Kuhnmuench, Vanderwerff, and Captain Everson as defendants. I, however, will have Chief Mitchell remain as a defendant for the limited purpose of helping plaintiff identify the names of the Doe defendants. *See Donald v. Cook County Sheriff's Dept.*, 95 F.3d 548, 556 (7th Cir. 1996).

After Chief Mitchell's attorney files an appearance in this case, plaintiff may serve discovery upon Chief Mitchell (by mailing it to the attorney at the address in his notice of appearance) to get information that will help him identify the names of the John Doe defendants. For example, plaintiff may serve interrogatories (written questions) under Fed. R. Civ. P. 33 or document requests under Fed. R. Civ. P. 34.

After plaintiff identifies the names of the John Doe defendants, he must file a motion to substitute the names for the John Doe placeholders. The court will then dismiss Chief Mitchell as a defendant and serve the identified John Doe defendants with plaintiff's complaint and this order. Once the identified John Doe defendants have had an opportunity to respond to the complaint, the court will issue a scheduling order setting deadlines for the completion of all other discovery and for filing dispositive motions. Plaintiff should not start the discovery process for all other discovery until after all of the defendants have been identified, have filed their answer, and the court has issued a scheduling order.

Plaintiff must identify the names of the John Doe defendants within forty-five days of Chief Mitchell's attorney appearing in the case. If he does not or does not explain to the court why he is unable to identify their names, I may dismiss his case based on his failure to diligently pursue it. Civil L.R. 41(c).

CONCLUSION

IT IS THEREFORE ORDERED that plaintiff's motion for leave to proceed without prepayment of the filing fee (Docket No. 2) is **GRANTED**.

IT IS FURTHER ORDER that Steve Kuhnmuench, Jason Vanderwerff, and Captain Chad Everson are **DISMISSED** as defendants.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the complaint and this order upon Chief Patrick Mitchell pursuant to Federal Rule of Civil Procedure 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). Although Congress requires the court to order service by the U.S. Marshals Service, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service. The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). The U.S. Marshals will give plaintiff information on how to remit payment. The court is not involved in collection of the fee.

IT IS FURTHER ORDERED that Chief Patrick Mitchell does not have to respond to plaintiff's complaint; however, he must respond to plaintiff's discovery requests as described in this order.

IT IS FURTHER ORDERED that plaintiff shall identify the names of the John Doe defendants within forty-five days of Chief Patrick Mitchell's attorney appearing in the case. If plaintiff does not or does not explain to the court why he is unable to identify the names of the John Doe defendants, the court may dismiss his case based on his failure to diligently pursue it. Civil L.R. 41(c).

IT IS FURTHER ORDERED that the agency having custody of plaintiff shall collect from his institution trust account the \$350 filing fee by collecting monthly payments from plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to plaintiff's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. § 1915(b)(2).

The payments shall be clearly identified by the case name and number assigned to this action. If plaintiff is transferred to another county, state, or federal institution, the transferring institution shall forward a copy of this order along with plaintiff's remaining balance to the receiving institution.

IT IS ALSO ORDERED that a copy of this order be sent to the officer in charge of the agency where plaintiff is confined. A copy should also be sent to Dennis Brand at the Milwaukee County Safety Building.

IT IS FURTHER ORDERED that plaintiff shall submit all correspondence and legal material to:

Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. It will only delay the processing of the matter.

Plaintiff is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute. In addition, the parties must notify the Clerk of Court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Dated at Milwaukee, Wisconsin, this 31st day of January, 2019.

s/Lynn Adelman
LYNN ADELMAN
United States District Judge

(Please See additional
attach Documents)

2019 FEB -4 P 12: 20

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

U.S. MARSHAL
MILWAUKEE, WI

(for filers who are prisoners without lawyers) 2018 DEC 28 A 11: 56

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEPHEN C. DRIES
CLERK

(Full name of plaintiff(s))

Willie Martez McBride
2018009499

v.

Case Number:

18-C-2032
(to be supplied by Clerk of Court)

(Full name of defendant(s))

Steve Kuhnmuensch, Jason Vanderwerff
Captian Chad Evenson, Chief Patrick Mitchell,
John Doe's

A. PARTIES

1. Plaintiff is a citizen of Wis. Milwaukee, Wisconsin and is located at
(State)

House of Correction, 8885 S. 68th St. Franklin, WI. 53132
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Steve Kuhnmuensch, Jason Vanderwerff
(Name)

is (if a person or private corporation) a citizen of _____
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for West Allis Police Department
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On April, 13th 2018, I was with some friends & my child
mother at the village Inn Hotel located on 30th
Wisconsin Ave, Milwaukee, WI. Sometime between the
hours of 5am and 6am, the West Allis Police
forced entry into the hotel room that my child
mother and I were staying at as a courtesy of my
cousin Lindell Howard. After they entered, they pulled
my child's mother Brittany Vaillancourt out of
the room. The police then proceeded to ask "is there
anyone else in this room?" To which I responded "yes"

I was told to get on my knees with my hands up in the air and face away from them, I did exactly what was asked of me, seconds later as I was on my knees facing away, I was rushed from behind, I was knocked forward onto my chest and my face crashed the floor. There was an officer kneeling on my back as he choked me he yelled "You thought you were gonna get away with this mother fucker". Other officers were punching me and kicking me, I eventually lost consciousness and can not speak on what happened immediately there after. I was taken to The West Allis Memorial Hospital

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

The Plaintiff is suing for the following - I am Suing the defendants for violation of the 8th amendment, acts of cruel and unusual punishment, violation of the 5th amendment, Excessive force, liability, Pain and suffering, mental and Emotion trauma. (Damages) The Plaintiff seeks the following amounts from the defendants, for compensatory damages. - 1.) Steve Kuhnmuensch, The Plaintiff seeks Three Hundred Thousand Dollars. (300,000.00) 2.) Jason Vanderwerff, The Plaintiff seeks Three Hundred Thousand Dollars. (300,000.00) 3.) Patrick Mitchell, The Plaintiff seeks four Hundred and fifty Thousand Dollars (450,000.00) 4.) Chad Evenson, The Plaintiff seeks four Hundred and fifty Thousand Dollars (450,000.00) 5.) All John Doe(s) The Plaintiff seeks Two Hundred Thousand Dollars, (200,000.00) from each John Doe. (Punitive Damages) The Plaintiff seeks the following amounts from the defendants for Punitive Damages, 1.) Steve Kuhnmuensch, The Plaintiff seeks Six Hundred Thousand Dollars (600,000.00) 2.) Jason Vanderwerff, The Plaintiff seeks Six Hundred Thousand Dollars, (600,000.00) 3.) Patrick Mitchell, The plaintiff seeks Nine Hundred Thousand Dollars, (900,000.00) 4.) Chad Evenson, The Plaintiff seeks Nine Hundred Thousand Dollars (900,000.00) 5.) All John Doe(s), The Plaintiff seeks four Hundred Thousand Dollars (400,000.00) from each John Doe

E. JURY DEMAND

I want a jury to hear my case.

- YES

- NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 25th day of December 2018.

Respectfully Submitted,

William McBride

Signature of Plaintiff

2018009699

Plaintiff's Prisoner ID Number

8885 S. 68th St

Franklin, W.I. 53212

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

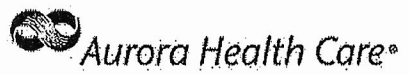
REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.

EX. 1 ATT. 1

AFTER VISIT SUMMARY



Willie McBride DoB: [REDACTED] 991 4/13/2018 AWAMC Emergency Services 414-328-6111

Instructions

Your personalized instructions can be found at the end of this document.



Follow up with Amy M Moschell, MD in 1 week (around 4/20/2018)

Why: As needed, If symptoms worsen
Specialty: Ophthalmology
Contact: 2424 S 90TH ST
STE 204
West Allis WI 53227
414-328-8760

Today's Visit

You were seen by Stephanie R. Petrucci, DO

Diagnoses

- Injury of head, initial encounter
- Contusion of face, initial encounter
- Contusion of rib on left side, initial encounter

Imaging Tests

- Head CT
- Rib X-ray

What's Next

You currently have no upcoming appointments scheduled.

Disclaimer

Follow-up Care: It is your responsibility to arrange for follow-up care with your healthcare provider or as instructed. Call to get an appointment time.

Preventive care and screening

Your blood pressure was today. If your blood pressure is higher than 120/80, we recommend follow up with your primary care provider to obtain basic health screening, including reassessment of your blood pressure, within three months.

What to Do with Your Medications

No changes were made to your prescriptions during this visit.

Your End of Visit Vitals

Temperature (Oral) 98.3 °F

Pulse 59

Respiration 18

Oxygen Saturation 99%

2018 DEC 28 A 11:56
STEPHEN C. DRIES
CLERK
115. DISTRICT COURT
EASTERN DISTRICT-MN
FILED

EX.1 ATT.2

Patient Portal

Send messages to your doctor, view your test results, renew your prescriptions and more!

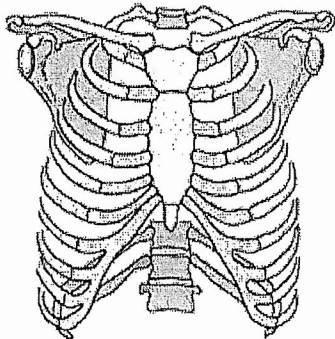
Go to my.aurorahealthcare.org, click "Sign up Now" and enter your personal activation code:

4TD68-Q7SS8

Expires: 5/13/2018 11:23 AM

Instructions

Rib Contusion



A rib contusion is a bruise to one or more rib bones. It may cause pain, tenderness, swelling and a purplish discoloration. There may be a sharp pain while breathing

You will be assessed for other injuries. You will likely be given medication for pain. Rib contusions heal on their own, without further treatment. However, pain may take weeks to months to go away.

Note that a small crack (fracture) in the rib may cause the same symptoms as a rib contusion. The small crack may not be seen on a chest x-ray. However, the two conditions are managed in the same way.

Home care

- Rest. Avoid heavy lifting, strenuous exertion, or any activity that causes pain.
- Ice the area to reduce pain and swelling. Put ice cubes in a plastic bag or use a cold pack. (Wrap the cold source in a thin towel. Do not place it directly on your skin.) Ice the injured area for 20 minutes every 1-2 hours the first day. Continue with ice packs 3-4 times a day for the next two days, then as needed for the relief of pain and swelling.
- Take any prescribed pain medication. If none was prescribed, take acetaminophen, ibuprofen, or naproxen to control pain.

Follow-up care

Follow up with your healthcare provider during the next week or as directed.

When to seek medical advice

Call your healthcare provider for any of the following:

- Shortness of breath or trouble breathing
- Increasing chest pain with breathing
- Coughing
- Dizziness, weakness, or fainting

- New or worsening pain
- Fever of 100.4°F (38°C) or higher, or as directed by your healthcare provider

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Facial Contusion

A contusion is another word for a bruise. It happens when small blood vessels break open and leak blood into the nearby area. A facial contusion can result from a bump, hit, or fall. This may happen during sports or an accident. Symptoms of a contusion often include changes in skin color (bruising), swelling, and pain.

The swelling from the contusion should decrease in a few days. Bruising and pain may take several weeks to go away.

Home care

- If you have been prescribed medicines for pain, take them as directed.
- To help reduce swelling and pain, wrap a cold pack or bag of frozen peas in a thin towel. Put it on the injured area for up to 20 minutes. Do this a few times a day until the swelling goes down.
- If you have scrapes or cuts on your face requiring stitches or other closures, care for them as directed.
- For the next 24 hours (or longer if instructed):
 - Don't drink alcohol, or use sedatives or medicines that make you sleepy.
 - Don't drive or operate machinery.
 - Avoid doing anything strenuous. Don't lift or strain.
 - Do not return to sports or other activity that could result in another head injury.

Note about concussion

Because the injury was to your head, it is possible that a concussion (mild brain injury) could result. You don't have signs of a concussion at this time. But symptoms can show up later. Be alert for signs and symptoms of a concussion. Seek emergency medical care if any of these develop over the next hours to days:

- Headache
- Nausea or vomiting
- Dizziness
- Sensitivity to light or noise
- Unusual sleepiness or grogginess
- Trouble falling asleep
- Personality changes

- Vision changes
- Memory loss
- Confusion
- Trouble walking or clumsiness
- Loss of consciousness (even for a short time)
- Inability to be awakened

Follow-up care

Follow up with your healthcare provider or our staff as directed.

When to seek medical advice

Call your healthcare provider right away if any of these occur:

- Swelling or pain that gets worse, not better
- New swelling or pain
- Warmth or drainage from the swollen area or from cuts or scrapes
- Fluid drainage or bleeding from the nose or ears
- Fever of 100.4°F (38°C) or higher, or as directed by your healthcare provider

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Imaging Results

XR Ribs Left W Pa Chest (Final result)

Result time 04/13/18 11:12:57

Final result

Narrative:

EXAM: XR RIBS LEFT W PA CHEST

CLINICAL HISTORY: trauma

COMPARISON:None.

FINDINGS: The cardiac silhouette and vascularity are within normal limits.

The lungs are well aerated and clear. No consolidations or effusions are noted.

There is no pneumothorax.

No acute displaced left rib fractures are noted.

EX.1 ATT.7

Medication Safety: What you need to know (continued)

Recent studies show measurable amounts of medication have been found in drinking water and wildlife due to flushing or throwing away medications

Medication strength changes over time and is not typically safe after one year

Proper disposal removes the medication from your home in a safe way so that others don't have access to it. Use your local drug drop site.

Your local pharmacy can provide information on medication disposal options in your community. The Department of Justice Drug Enforcement Administration website also has information on safe medication disposal:

www.deadiversion.usdoj.gov/drug_disposal/index.html

EX. 2 ATT. 8

ATT: THIS IS FOR
LEGAL MATTERS!

To: West Allis P.D.

11301 W. Lincoln Avenue

6-22-18

West Allis, Wisconsin 53227

Phone: (414) 302-8000

Fax: (414) 302-8099

Hello,

My name is Willie Martez McBride (D.O.B.) 05-27-1991. I'm writting for a copy of a police report due to me being arrested. The date of my arrest was 04-13-2018 from the hours of 5am - 6am. I'm in custody at the time at the House of Correction. I have no way to contact you but I would like a police report and would like to file a complaint also. If there is a way that I could speak to a captain about this matter please and thank you. I'm also still at the time suffering injuries from the day of my arrest due to west Allis P.D. beating me without me resisting or even attempting to fight back. I also have a wittness who was with me Brittany Vaillancourt. (2018009699)

Return Address: Willie Martez McBride

House of Correction

8885 S. 68th Street

Franklin, WI 53132

Ex. 3 . ATT. 9



DEPARTMENT OF POLICE

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Botsch
Deputy Chief of Police

July 17, 2018

Willie M. McBride
8885 S. 68 St.
Franklin, WI 53132

Mr. McBride,

This letter is to inform you that we have received your Citizen Complaint form. Lt. Nick Pye has been assigned to investigate your complaint and may choose to speak with you regarding the incident.

If you have a change of address, please contact us. At the conclusion of the investigation, you will be notified in writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Evenson".

Chad Evenson
Captain of Police

EX-4 ATT. 10



DEPARTMENT OF POLICE

Patrick S. Mitchell
Chief of Police

Robert Fletcher
Deputy Chief of Police

Christopher Botsch
Deputy Chief of Police

August 14th, 2018

Willie M. McBride
Inmate – House of Correction
8885 S. 68 St.
Franklin, WI 53132

RE: Citizen Complaint

Dear Mr. McBride:

On or about July 13th, 2018, the West Allis Police Department received a citizen complaint from you in regards to an incident that occurred on April 13th, 2018. I have been informed that Lt. Nick Pye reviewed your citizen complaint and determined that arresting Detectives Todd Kurtz and Lucas Binter were justified in their actions and did not violate any laws or department rules. I concur with his findings.

The investigation into your complaint is now concluded. If you have any further questions regarding this, please contact Lt. Pye at (414) 302-8000.

Sincerely,


Patrick Mitchell
Chief of Police

EX. 5. ATT. 11



Protecting
Justice for all
Since 1977

Wisconsin State Public Defender

819 N. 6th St. – Room 908
Milwaukee, WI 53203-1606

Office Number: 414-227-4130 / Fax Number: 414-227-1801
www.wisspd.org

Kelli S. Thompson
State Public Defender

Jennifer Bias
Trial Division Director

Thomas Reed
Office Supervisor

December 10, 2018

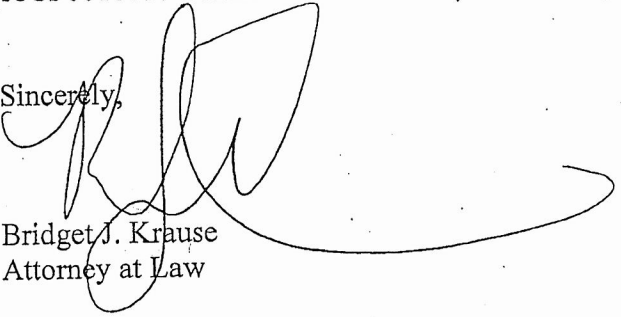
Atty. Annamarie A. Wineke
Annamarie Wineke Attorney at Law
7245 S 76th St
Franklin WI 53132-9041

Re: Willie McBride; 5/27/1991

Attorney Wineke,

Enclosed please find pictures I took of the client at Intake court on April 19, 2018 on Case Number 18CF001809. Please let me know if you need anything further. Thanks.

Sincerely,

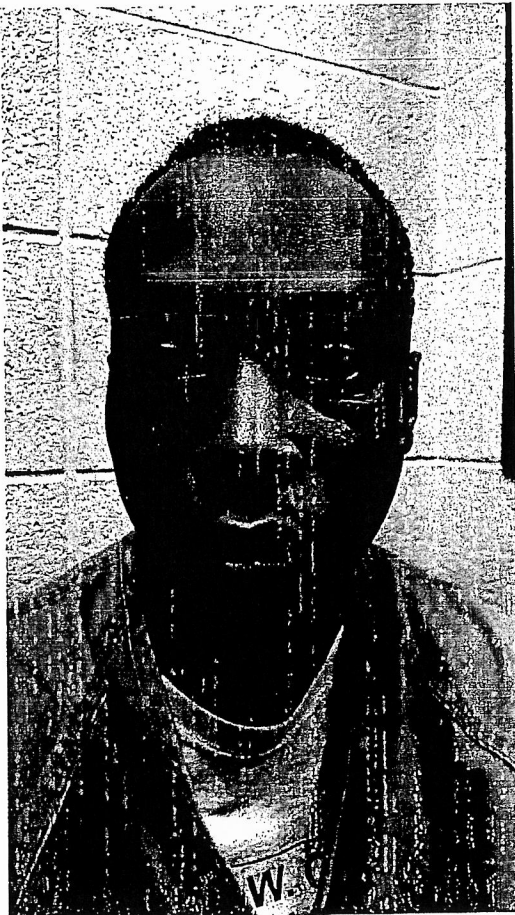
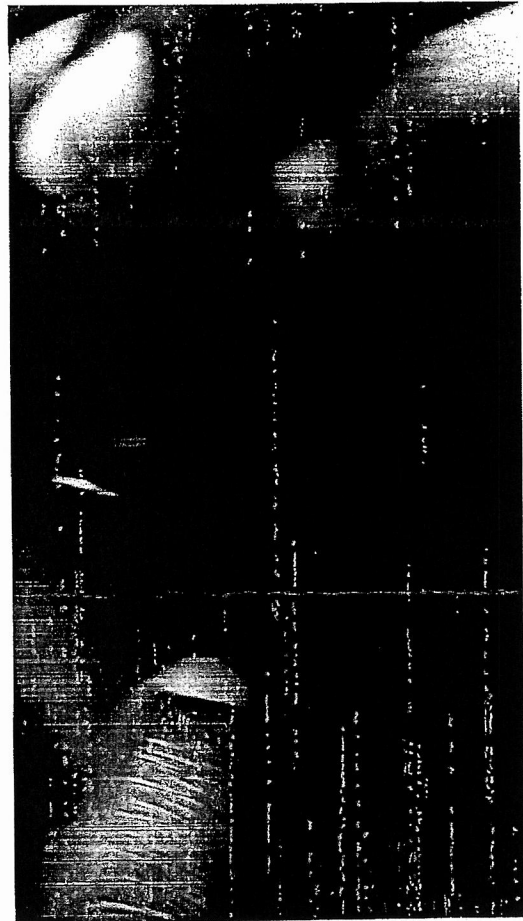
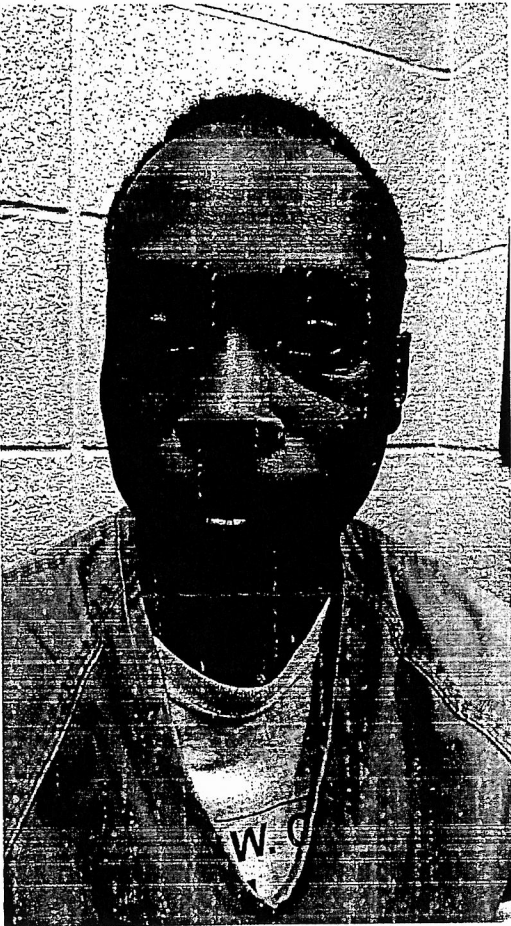


Bridget J. Krause
Attorney at Law

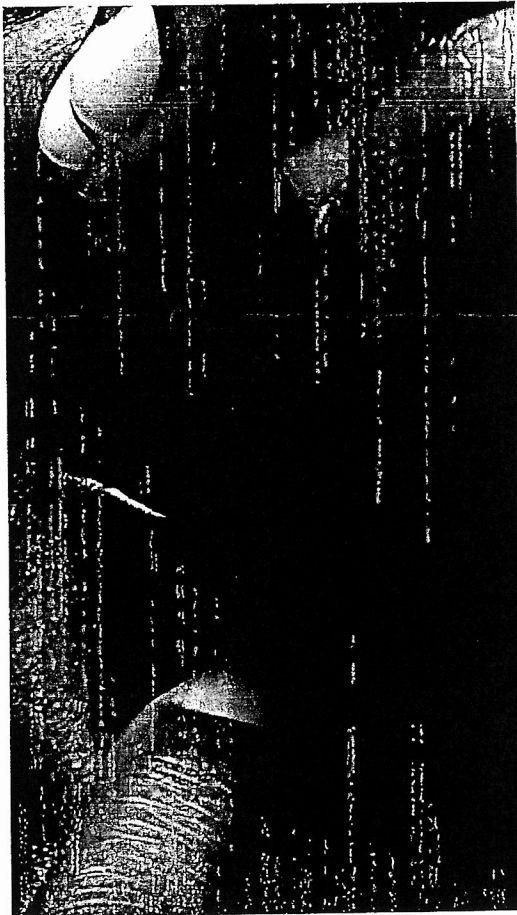
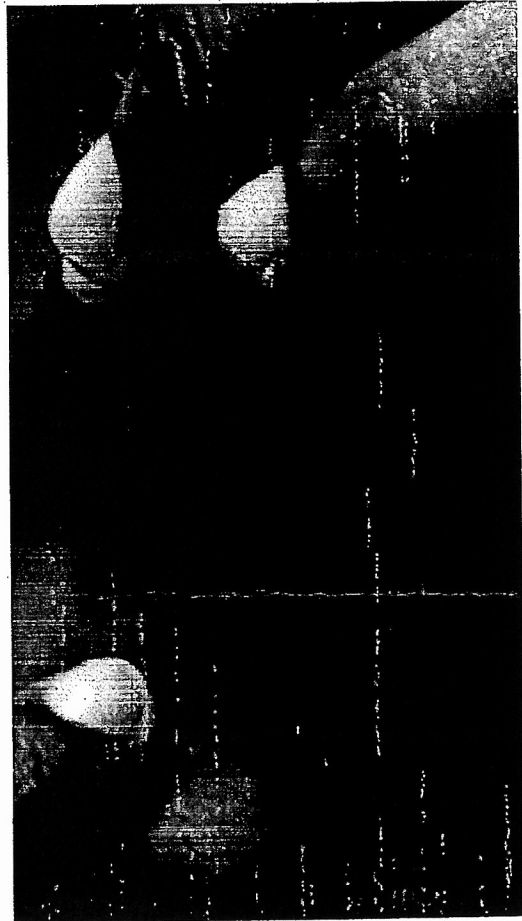
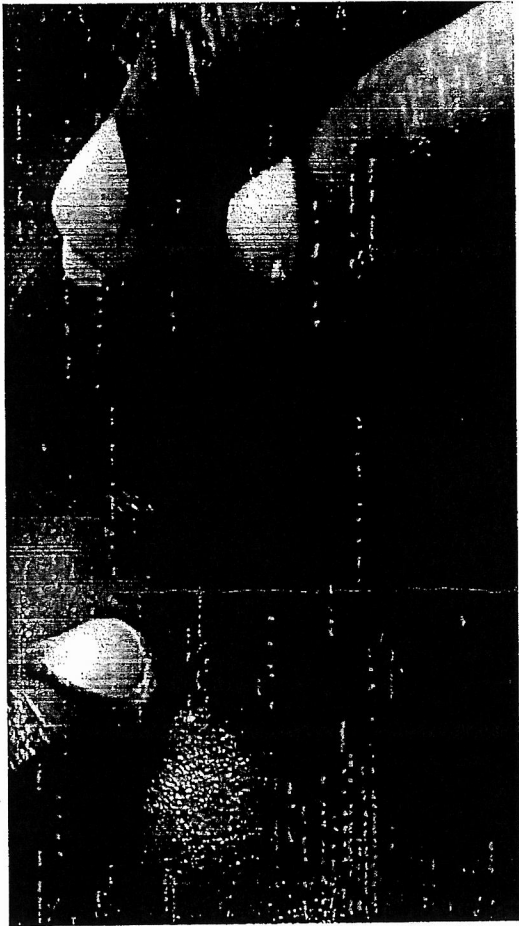
Enclosures

cc: Willie McBride, 8885 S. 68th Street, Franklin, WI 53132

Ex 5, ATT 12



EX. 5 ATT 13



Ex. 6. ATT. 14

STATE OF WISCONSIN
NOTICE OF INJURY AND CLAIM
Pursuant to Section 893.82, Wis. Stats.

This notice must be served by certified mail within 120 days (180 days for medical malpractice claims) of the event giving rise to the claim for such injury, damage or death upon the Attorney General, 114 East, State Capitol, Post Office Box 7857, Madison, Wisconsin 53707-7857.

Claimant's Name, Address and Phone Willie Martee McBride 8885 S. 68 th St Franklin, WI. 53132	Time and Date of Occurrence 5am - 6am, April, 13 th 2018 Location The village Inn Hotel Milwaukee, WI.
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Statement of Circumstances Giving Rise to the Claim for Such Injury, Damage or Death and Names of Persons Involved, Including Name(s) of State Officer(s), Agent(s) or Employee(s). (If additional space is needed, continue on backside of this notice form.)

On April, the 13th of 2018, I was with some friends at The Village Inn Hotel located on 30th Wisconsin Ave, Milwaukee, WI. Some time between the hours of 5am and 6am, the West Allis Police forced entry into the hotel room that my child's mother Brittany Vallancourt and I Willie M. McBride, were staying in as a courtesy of my cousin Lindell Howard. After they entered, they pulled my child's mother out of the room. The police then proceeded to ask "Is there anyone else in this room?" to which I responded "Yes." I was told to get on

I hereby certify that all statements contained herein are true and that the injury, damage or death actually occurred.

Date: 12-7-2018

Willie M. McBride
Signature of Claimant

Being first duly sworn, on oath, deposes and says that he/she is the claimant above named, that he/she has read the above foregoing notice of injury and claim and that the same is true to his/her own knowledge except as to those matters therein stated upon information and belief and as to those matters, he/she verily believes the same to be true.

Date: _____

Notary Public, State of Wisconsin
My commission: _____

The House of Correction does not notarize or due certified mail

my knees with my hands up in the air and face away from them. I did exactly what was asked of me, seconds later as I was on my knees facing away, I was rushed from, I was knocked forward onto my chest and my face crashed the floor. There was an officer kneeling on my back as he choked me. Other officers were punching me and kicking me I eventually lost consciousness and can not speak on what happened immediately thereafter. I was taken to The West Allis Memorial Hospital.

- I am Suing for Violation of the 8th Amendment Acts of cruel and unusual punishment, Pain and suffering, deliberate and difference, mental and emotional Trauma, and Liability.

Statement of Claim cont'd

West allis memorial Hospital, on
4-13-2018. By Stephanie R. Petrucci, DO

I was diagnosed with a ①
Head injury, initial encounter,

2. contusion of face, initial encounter

3. Contusion of rib on the left side, initial
encounter.

I also received a Head(CT), and
Rib X-ray, (See EX. 1, Pages 1-7)

I was suppose to be seen on a
follow up, by Amy M. Macchell, MD on
4-20-2018, But I was not. (See EX. 1

Page 1 of 7). After my medical visit I was
sent to the county Jail for Processing.

On July 17th 2018 I contacted captain
of police Chad Eversom, and submitted
a citizen complaint about what was
done to me (see EX. 2 ATT. 8, EX 3 ATT 9).

On August 14th 2018 I recieved a
letter from the chief of police
Patrick Mitchell stating that the
officers didn't break any laws see
EX. 4 ATT. 10), enclosed is also Photo's
of my injury's. (See EX 5 ATT. 11-13

On 12-8-2018 I put in to Milwaukee County Corrections Health Care form to follow up because continued problems with my injuries I sustained at the hand of the West Allis police see Ex. 7 ATT. 13 I was given a follow up medical appointment 12-9-2018.

End of statement of claim

Respectfully Submitted

On this, 25th, day of December 2018

The Plaintiff also submitted a notice of claim to the attorney general, alleging state claims, and the plaintiff submitted a copy of such claim to the court. (see Ex. 6 ATT. 12)