

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Boonie Eastman

Date: 12/20/16

- In-person
 - Process Server
 - Claimant
 - Other _____

By mail

By email

By fax

Received by: Marica Schultz

- Hand deliver to: Ann Marie or Janel
- Forwarded to Attorney's Office by Ann Marie or Janel
- Response from Attorney's Office 12-20-16 / 3:00 PM
- Common Council Agenda: Yes No

BONNIE L. EASTMAN
2346 South 107th Street
Apartment 2
West Allis, WI 53227
Plaintiff,

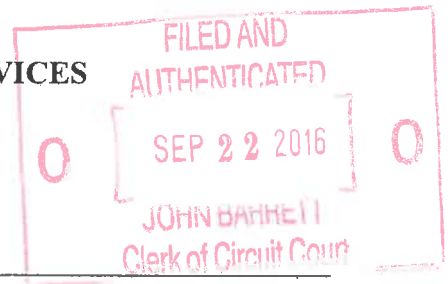
HON. JOHN DIMOTTO, BR. 41
CIVIL F

Case No.:
Code: 30107 Personal Injury- Other.

-vs.-

CITY OF WEST ALLIS
7525 West Greenfield Avenue
West Allis, WI 53214
and

CMS- CENTER FOR MEDICARE AND MEDICAID SERVICES
c/o NGHP
PO Box 138832
Oklahoma City, OK 73113
Defendants.



SUMMONS

THE STATE OF WISCONSIN, To each party named above as a Defendant:

YOU ARE HEREBY NOTIFIED that the Plaintiff named above 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 that does not follow the requirements of the Statutes. The Answer must be sent or delivered to the Court, whose address is:

Clerk of Circuit Court
Milwaukee County Courthouse
901 North 9th Street
Milwaukee WI 53233

RECEIVED
DEC 20 2016
CITY OF WEST ALLIS
CITY CLERK

and to Wackman Law Offices, Plaintiff's attorney, whose address is:


933 N. Mayfair Road
Suite #107
Wauwatosa, WI 53226

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 own now or in the future, and may also be enforced by garnishment or seizure of property.

DATED at Wauwatosa, Wisconsin, this 20th day of September, 2016.

WACKMAN LAW OFFICES
Attorney for Plaintiff

By: 
Christopher H. Wackman
State Bar No.: 01004017

POST OFFICE ADDRESS:
933 N. Mayfair Rd., Suite #107
Wauwatosa, WI 53226
(414) 258-8283

16CV007114

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

BONNIE L. EASTMAN

2346 South 107th Street

Apartment 2

West Allis, WI 53227

Plaintiff,

Case No.:

Code: 30107 Personal Injury- Other.

-vs.-

CITY OF WEST ALLIS

7525 West Greenfield Avenue

West Allis, WI 53214

and

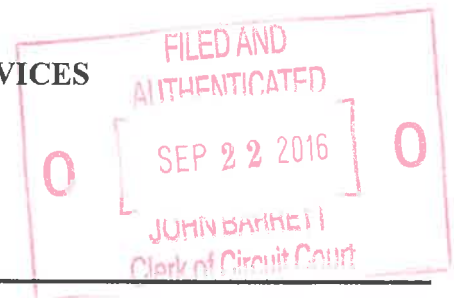
CMS- CENTER FOR MEDICARE AND MEDICAID SERVICES

c/o NGHP

PO Box 138832

Oklahoma City, OK 73113

Defendants.



COMPLAINT

NOW COMES the above-named Plaintiff, BONNIE L. EASTMAN, by her attorneys, WACKMAN LAW OFFICES, by Christopher H. Wackman, and as and for a Cause of Action against the Defendants, respectfully alleges and shows the Court as follows:

1. The Plaintiff, BONNIE L. EASTMAN, is an adult residing at 2346 South 107th Street, Apartment 2, in the City of West Allis, County of Milwaukee, State of Wisconsin.

2. Upon information and belief, the Defendant, CITY OF WEST ALLIS, is a political corporation whose principal offices are located at 7525 West Greenfield Avenue, in the City of West Allis, County of Milwaukee, State of Wisconsin.

3. The Defendant, CMS- CENTER FOR MEDICARE AND MEDICAID SERVICES c/o NGHP, located at PO Box 138832 Oklahoma City, OK 73113 has oversight responsibility for

RECEIVED

DEC 20 2016

**CITY OF WEST ALLIS
CITY CLERK**

the health care, financing and administration for the agency responsible for administrating the Federal Medicare program, and is therefore a proper Defendant to this action.

4. Prior to and on the 25th day of September, 2013, the Defendant, CITY OF WEST ALLIS, and its Department of Public Works, by its agents, servants and employees, was negligent in constructing and in failing to properly maintain the sidewalk in front of 1400 South 84th Street in the City of West Allis, County of Milwaukee, State of Wisconsin, in a safe and proper condition for public use, in failing to repair or maintain the water utility equipment in a manner in which to not cause injury, by having a water shut off valve intruding onto the public sidewalk, in not having a cover on said water shut off valve and in other respects.

5. As a direct result of the aforementioned negligence on behalf of the Defendant, CITY OF WEST ALLIS, and its Department of Public Works, by its agents, servants and employees, the Plaintiff BONNIE L. EASTMAN tripped over the water shut off valve described above and fell, injuring herself, which injury has caused her damages in the form of incurring costs for medical care, aid and attention, pain and suffering in the past, and future pain, suffering and disability, all to her damage.

6. The direct and proximate cause of the aforementioned damages suffered by the Plaintiff, Bonnie L. Eastman, was the aforementioned negligence on the part of the Defendant, CITY OF WEST ALLIS, and its Department of Public Works, by its agents, servants and employees,

7. The Defendant CMS- CENTER FOR MEDICARE AND MEDICAID SERVICES has oversight responsibility for the health care, financing and administration for the agency responsible for administrating the Federal Medicare program. Upon information and belief, the Medicare program may have paid health claims on behalf of the Plaintiff, BONNIE L.

EASTMAN for medical care and services rendered as a result of the incident which is the subject of this case. Pursuant to Federal Code, Medicare may be entitled to reimbursement for related paid claims if the Plaintiff, BONNIE L. EASTMAN recovers through settlement or judgment. The Plaintiff, BONNIE L. EASTMAN, asserts no claim against the United States, its agencies or employees.

8. On December 9, 2013, within 120 days of the occurrence, pursuant to Section 893.80(1d)(a) Wis. Stats., the Plaintiff, BONNIE L. EASTMAN caused to be served upon the Defendant, CITY OF WEST ALLIS a written notice of the circumstances of the claim signed by the attorney for the Plaintiff. This Notice Of Circumstances, excluding attachments, is attached hereto as Exhibit A.

9. On May 12, 2016, pursuant to Section 893.80(1d)(b) Wis. Stats., the Plaintiff, BONNIE L. EASTMAN caused to be served upon the Defendant, CITY OF WEST ALLIS a Notice of Claim and Claim For Damages, containing the address of the claimant and an itemized statement of the relief sought. This Notice of Claim and Claim For Damages, excluding attachments, is attached hereto as Exhibit B.


10. More than 120 days have elapsed since service of the Notice of Claim and Claim For Damages upon the Defendant, CITY OF WEST ALLIS, and the Plaintiff, BONNIE L. EASTMAN has not received a notice of disallowance of the claim submitted from the Defendant, CITY OF WEST ALLIS. Therefore, pursuant to Section 893.80(1g) Wis. Stats., said Claim has been deemed to be disallowed.

WHEREFORE, the Plaintiff, BONNIE L. EASTMAN, demands Judgment against the Defendant CITY OF WEST ALLIS, in the form of a sum of money sufficient to compensate the

Plaintiff, BONNIE L. EASTMAN, for her losses and damages referred to herein, together with the costs, disbursements and statutory attorney fees relative hereto, and such other and further relief as the Court in its discretion deems equitable under the circumstances.

DATED at Wauwatosa, Wisconsin this 20th day of September, 2016.

WACKMAN LAW OFFICES
Attorney for Plaintiff

By: 
Christopher H. Wackman
State Bar No.: 01004017

This document prepared by:
Wackman Law Offices
933 N. Mayfair Rd., Suite #107
Wauwatosa, WI 53226
(414) 258-8283

NOTICE OF CIRCUMSTANCES

RECEIVED COPY
DEC 09 2013
CITY OF WEST ALLIS
CLERK/TREASURER

TO: CITY CLERK
CITY OF WEST ALLIS
7525 WEST GREENFIELD AVE – ROOM 108-110
WEST ALLIS WI 53214

PLEASE TAKE NOTICE Pursuant to Wisconsin Statute § 893.80 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:

BONNIE EASTMAN

DATE AND TIME OF INJURIES SUSTAINED:

SEPTEMBER 25, 2013 at 11:30 a.m.

PLACE OR LOCATION WHERE INJURY OR DAMAGES OCCURRED:

Sidewalk in front of 1400 S 84th Street, West Allis, WI

MANNER IN WHICH DAMAGES OR INJURIES WERE RECEIVED OR OCCURRED:

Claimant was walking north on the city sidewalk, on the east side of 84th Street. She stepped on a City of West Allis water shut-off valve that did not have a cover and fell to the sidewalk.

GROUND ON WHICH CLAIM IS MADE:

Negligence on the part of the City of West Allis and the City of West Allis Department of Public Works, by its agents, servants, and employees including but not limited to failure to maintain the sidewalk in a safe and proper condition for public use, and failure to repair or maintain the water utility equipment in such a manner so as not to cause injury.

1. Attorney 12-9-13

EXHIBIT A

GENERAL DESCRIPTION OF INJURIES AND DAMAGES:

PERSONAL INJURIES: Right Knee Injury
MEDICAL EXPENSES

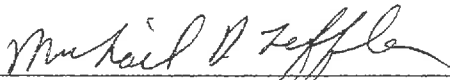
PLEASE TAKE NOTICE that satisfaction for such injuries or damages will be claimed, but that the amount of said demand is **UNKNOWN** at the present time.

Dated at Milwaukee, Wisconsin, this 5th day of December 2013.

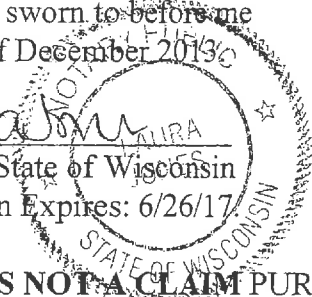
Claimant: BONNIE EASTMAN
1428 S 78th STREET
MILWAUKEE WI 53214

ACTION LAW OFFICES

BY:


MICHAEL D. LEFFLER
Attorney for the Claimant
933 North Mayfair Road, Suite 200
Milwaukee, Wisconsin 53226
Telephone: (414) 456-1111

Subscribed and sworn to before me
this 5th day of December 2013


Yara A. Mura
Notary Public: State of Wisconsin
My Commission Expires: 6/26/17

THIS IS NOT A CLAIM PURSUANT TO §893.80 WISCONSIN STATUTES.

IT IS ONLY A NOTICE OF CIRCUMSTANCES PURSUANT TO §893.80 WISCONSIN STATUTES.

NOTICE OF CLAIM AND CLAIM FOR DAMAGES
Pursuant to Wisconsin Statutes Section 893.80(1d)(b)

RECEIVED

MAY 12 2016

CITY OF WEST ALLIS
CITY CLERK

To: CITY CLERK
CITY OF WEST ALLIS
7525 WEST GREENFIELD AVENUE
WEST ALLIS, WI 53214

PLEASE TAKE NOTICE Pursuant to Wisconsin Statutes Section 893.80(1d)(b) that the Claimant named below hereby makes a claim for injuries and damages against the City of West Allis, Wisconsin by virtue of the injuries suffered by the Claimant on September 25, 2013 on the sidewalk in front of 1400 South 84th Street, West Allis, WI, as described in the Notice Of Circumstances submitted on behalf of the Claimant on December 9, 2013; a copy of which is attached hereto and incorporated by reference.

NAME OF CLAIMANT: BONNIE L. EASTMAN
ADDRESS OF CLAIMANT: 2346 SOUTH 107th STREET
APARTMENT 2
WEST ALLIS, WI 53227

ITEMIZED STATEMENT OF DAMAGES:

MEDICAL BILLS (Documentation attached hereto):

City of West Allis Fire Department:	\$ 535.40
West Allis Memorial Hospital:	\$ 1,937.79
Emergency Medical Specialists:	\$ 1,530.00
Aurora Medical Group, Inc.:	\$ 76.00
Aurora At Home:	\$ 50.00
Milwaukee Clinic Of Orthopedic Surgery:	\$ 680.00
Wisconsin Bone & Joint, S.C.:	<u>\$ 5,839.00</u>

TOTAL MEDICAL BILLS: \$ 10,648.19

PAIN, SUFFERING AND DISABILITY:

Past Pain, Suffering and Disability:	\$ 25,000.00
Future Pain, Suffering and Impairment:	<u>\$ 10,000.00</u>

TOTAL PAIN, SUFFERING AND DISABILITY: \$ 35,000.00

EXHIBIT B

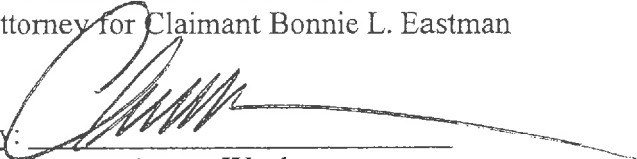
TOTAL CLAIM:

\$ 45,648.19

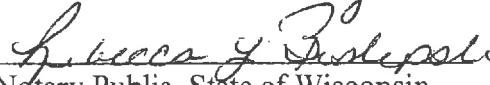
I certify that the above-described injury and damages actually occurred, that I have read the above foregoing Claim, and that the same is true to my own knowledge except as to those matters stated upon information and belief and as to those matters, I believe the same to be true.

DATED at Wauwatosa, Wisconsin, this 11th day of May, 2016

WACKMAN LAW OFFICES
Attorney for Claimant Bonnie L. Eastman

By: 
Christopher H. Wackman
State Bar No.: 01004017

SUBSCRIBED and SWORN to before me
this 11 day of May, 2016


Notary Public, State of Wisconsin
My commission: 6-25-18

