

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Alyssa Banley-Surges

Date: 2-1-19

In-person

Process Server

Claimant

Other _____

By mail

By email

By fax

Received by: Ann Marie Helf

- Hand deliver to: Ann Marie or Janel
- Forwarded to Attorney's Office by Ann Marie or Janel
- Response from Attorney's Office
- Common Council Agenda: Yes No

RECEIVED

FEB 07 2019

CITY OF WEST ALLIS
CITY CLERK

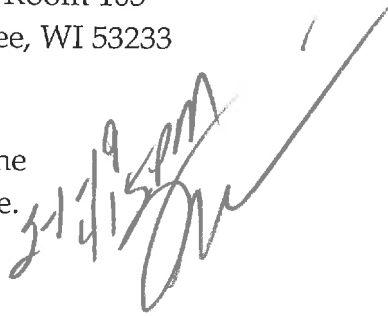
NOTICE OF INJURY AND CLAIM FOR DAMAGES

Pursuant to Wis. Stats 893.80 et seq. and 893.80(1d)(a)

Notice of Claim Served Upon To each municipal entity and their agents as follows:

Milwaukee County Clerk
George L. Christenson Room 105
901 N 9th St, Milwaukee, WI 53233

West Allis City Hall:
Attn: Mayor Dan Devine
7525 W. Greenfield Ave.
West Allis, WI 53214



West Allis Police Department
Attn: Chief Patrick Mitchell
11301 W. Lincoln Ave.
West Allis WI 53227

Unknown Police Officers 1-10
West Allis Police Department
11301 W. Lincoln Ave.
West Allis WI 53227

Date of Incident: October 25th, 2018
Discovery of Injury and Damages: October 25th, 2018 and regarding the injury discovery and damages are accruing.
Claimants demand under 42 U.S.C. 1983 is for \$1,500,000.00

Location of Incident: At 82nd and Becher within West Allis, Milwaukee County and at other locations including:
The West Allis Police Department
11301 W. Lincoln Ave.
West Allis WI 53227

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Claimant: Alyssa Bailey-Surges
2911 N. Newhall St.
Milwaukee WI 53211

Attorneys for Claimant: Paul Strouse, Strouse Law Offices
Thomas Napierala, Napierala Law Offices
413 North 2nd Street, Suite 150
Milwaukee WI 53203

Please Take Notice of the Details and Circumstances of the Claim: that pursuant to Wis. Stat. 893.80 et seq. particularly upon Wis. Stats. 893.80(1d)(a), that on or about October 26th 2018 Alyssa Bailey-Surges (“Alyssa”), who is Caucasian was in the company of her friend (name omitted) who was African American. Alyssa was driving a vehicle in West Allis at 82nd and Becher. She was pulled over by unknown West Allis Police Department Officers on the allegation her vehicle did not display a license plate. Thereafter Alyssa and her friend were asked to exit the vehicle. Shortly thereafter Alyssa was detained, then thrown to the ground, punched and kneed. Alyssa was also open hand frisked by the unknown Officers. The unknown Officers accused her of being under the influence, possessing marijuana and of resisting arrest. Alyssa was not under the

influence, possessed no marijuana and was, upon information and belief, never arrested. No marijuana was found and Alyssa was not under the influence of any intoxicants. The next day Alyssa sought medical attention for her injuries which were proximately caused by the excessive force exercised by the Unknown West Allis Police Officers. That Alyssa now seeks psychological counseling for fear, anguish and mental anxiety caused by Unknown West Allis Police Officers.

Please Take Notice that an additional basis for Claimant's anticipated 42 U.S.C. 1983 action is that:

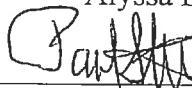
1. That the liberty of Alyssa was restrained by Unknown West Allis Police Officers, who at all times material to the claim were serving in their official capacity as police officers for West Allis.
2. That Unknown West Allis Police Officers had no probable cause to make Alyssa exit her vehicle.
3. That the male Unknown West Allis Police Officers had no probable cause to pat down search Alyssa.
4. That the male Unknown West Allis Police Officers had no probable cause to pat down search Alyssa, without the assistance of a female police officer.
5. That the Unknown West Allis Police Officers had no probable cause to search Alyssa, or her vehicle.
6. That the Unknown West Allis Police Officers applied excessive force when they slammed Alyssa to the ground and used their knees and fists to accost her.
7. That the West Allis Police Department has a disproportionately hostile policing policy towards marijuana, particularly small amounts, considering Milwaukee County penalties are a mere citation for personal use amounts.

8. In addition Unknown West Allis Police Officers menaced Alyssa and displayed a hostile and humiliating demeanor towards Alyssa and all of the acts of excessive force and intimidation caused her apprehension, fear and emotional distress
9. That Unknown West Allis Police Officers caused Alyssa Intentional Infliction of Emotional Distress;
10. That Unknown West Allis Police Officers caused Alyssa Mental Anxiety, Anguish and Humiliation;

Claim For Damages: Since an action arising under 42 U.S.C. 1983 is not subject to the \$50,000.00 cap on municipal liability (See Thompson v. Village of Hales Corners, 115 Wis. 2d 289, 340 N.W.2d 704 (1983)), Alyssa Bailey-Surges claims \$1,500,000.00 in damages for permanent bodily injury, bodily injury, emotional damages and for punitive damages.

Dated this 23 of January 2019

Attorneys for Claimant,
Alyssa Bailey-Surges



Paul Strouse- *Attorney At Law*
SBN: 1017891

Thomas Napierala-*Attorney at Law*
SBN: 1011811

Prepared By:

The Law Offices of Paul Strouse
413 North 2nd Street Suite #150
Milwaukee WI 53203

The Law Offices of Thomas Napierala
413 North 2nd Street Suite #150
Milwaukee WI 53203

January 23, 2019

Requesting Party:

Attorney Paul Strouse
Strouse Law Offices
413 North 2nd Street Suite #150
Milwaukee WI 53203

Name of Custodian(s) of Records:

Milwaukee County Clerk
George L. Christenson Room 105
901 N 9th St, Milwaukee, WI 53233

West Allis City Hall:
Attn: Mayor Dan Devine
7525 W. Greenfield Ave.
West Allis, WI 53214

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Dear Custodian of Records,

Under the Wisconsin Open Records Law, Wis. Stats. 19.31 et seq., I am requesting full and complete copies of all recorded video, photographic, audio and written data (“data”) gathered by any officer of the West Allis Police Department pursuant to the initial traffic stop, detention, arrest, booking and any subsequent law enforcement and/or medical investigation and/or action taken of **Alyssa Bailey-Surges on October 25th, 2018.**

If there are any fees for searching or copying these records, please send me a bill for prompt payment. I also request a response in writing, within the 5 days described by law, if you intend to deny this request. Also, if you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies of the data and/or the ability to inspect the requested records.

If you deny any or all of this request for data, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Dated this 23 of January 2019



Paul Strouse- *Attorney At Law*

SBN: 1017891

Thomas Napierala-*Attorney at Law*

SBN: 1011811

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