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CITY OF WEST ALLIS  
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**NOTICE OF CLAIM**

TO: **VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
**STATE OF WISCONSIN, WISCONSIN DEPARTMENT OF TRANSPORTATION**  
**c/o ATTORNEY GENERAL, JOSH KAUL**  
17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857

**CITY OF WEST ALLIS**  
**c/o CITY CLERK, MONICA SCHULTZ**  
7525 W. Greenfield Avenue, Room 108-110  
West Allis, WI 53214

*[Handwritten signature]*  
PROCESS SERVER  
TIME: *3:10* AM DATE: *3/9/20*  
 PERSONAL  SUBSTITUTED  
 POSTED  CORPORATE

RE: Renee Kretlow  
108 S. 63<sup>rd</sup> Street  
Milwaukee, WI 53214

Date of Accident: May 8, 2017  
Location: Between the street and sidewalk at 1444 S. 70<sup>th</sup> Street  
West Allis, WI

**PLEASE TAKE NOTICE**, pursuant to Wis. Stats. § 893.80, that on September 1, 2017, a Notice of Circumstance was filed on behalf of Renee Kretlow, for injuries she sustained when she tripped and fell on an unfilled hole in the grass area between the street and sidewalk in front of the apartment building located at 1444 S. 70<sup>th</sup> Street in the City of West Allis, County of Milwaukee, State of Wisconsin. The hole was created when a signpost was removed from the ground and the hole left was not filled in.

Jason Roselle, Mark Klipstein and Sean Race are employees and/or agents of the State of Wisconsin and are employed by or associated with the Wisconsin Department of Transportation, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187. Mr. Roselle and Mr. Klipstein were the project supervisors in charge of DOT project number 10603381, and Mr.

Roselle and Mr. Race were the project supervisors in charge of DOT project number 10603483. Both projects, and more generally other Wisconsin Department of Transportation projects, resulted in detour signs being posted for northbound traffic on S. 70<sup>th</sup> Street in the City of West Allis due to the Zoo Interchange construction project. The above-named individuals, along with other Wisconsin Department of Transportation project supervisors, were responsible for supervising unknown agents and/or employees of the State of Wisconsin in the proper performance of their duties.

The State of Wisconsin Department of Transportation was responsible for a project that took place at or near the above-referenced property and was responsible for the maintenance and general safety surrounding the removal of signage. Furthermore, the City of West Allis is responsible for the ongoing maintenance and review of the safety of the areas surrounding the public sidewalks, including but not limited to, the threshold between the curb and sidewalk.

The Wisconsin Department of Transportation and the City of West Allis are liable for the acts of their agents and employees, who as further set forth in this Notice of Circumstance, were acting within the scope of their employment at the time of said incident. Furthermore, the Wisconsin Department of Transportation and City of West Allis are responsible for maintaining safe public areas in the preparation, execution and aftermath of a project. The failure to fill the hole that had been left after a signpost was removed in front of the apartment building at 1444 S. 70<sup>th</sup> Street in West Allis, Wisconsin, led to serious and painful injuries for Renee Kretlow, and the Wisconsin Department of Transportation and/or the City of West Allis are liable.

On the above date and time, Renee Kretlow was carrying boxes to her car parked on the street in front of 1444 S. 70<sup>th</sup> Street in West Allis, Wisconsin, when she tripped and fell on the unfilled hole as she walked across the grass area near the curb. The unsafe and unfilled hole caused Ms. Kretlow's fall and resulting injuries.

The Wisconsin Department of Transportation and/or the City of West Allis created a hazard and failed to properly remedy/maintain the area where Ms. Kretlow fell, and as a result of the Wisconsin Department of Transportation and/or the City of West Allis's negligence, Renee Kretlow sustained personal injuries, which necessitated medical care and treatment. Furthermore, these injuries may be permanent in nature.

Liability for Rene Kretlow's injuries and damages is attributed to the City of West Allis and the State of Wisconsin, Wisconsin Department of Transportation as the governmental bodies are responsible for maintaining the property at the time and location of the accident and pursuant to the theory of *Respondeat Superior*, in that it is responsible for the acts of its employees, servants, agents, and/or volunteers operating in the course and scope of their employment and/or contract, in this case, Jason Roselle, Mark Klipstein, and Sean Race, who were responsible for the construction, maintenance, and general safety surrounding the removal of the signage, while in the course and scope of their employment and/or contract with the City of West Allis and the State of Wisconsin, Wisconsin Department of Transportation, resulting in Rene Kretlow's injuries and damages.

**PLEASE TAKE FURTHER NOTICE** that as a proximate result of the negligence described in the Notice of Circumstance, Renee Kretlow sustained injuries causing her to incur medical bills and expenses as follows:

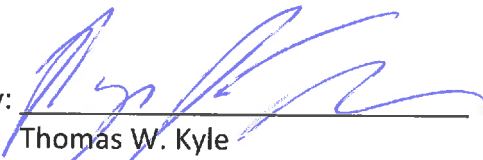
(a)	Aurora Health Care	\$22,131.00
(b)	ATI Physical Therapy	\$ 7,567.06
(c)	Dr. Bradford Nelson	\$ 2,330.00
(d)	South Shore Family Chiropractic	\$ 2,759.00
(e)	Future Care Costs	\$52,723.00 to \$57,763.00
		<hr/>
	Total:	\$87,510.06 to \$92,550.06

As a proximate result of the negligence described in the Notice of Injury, Renee Kretlow suffered conscious pain and suffering in the amount of \$100,000.00, in addition to the special damages outlined above, all to her damage, in the amount of \$187,510.06 to \$192,550.06.

**WHEREFORE**, Renee Kretlow demands \$50,000.00 from the Wisconsin Department of Transportation and/or the City of West Allis.

**DATED** at Milwaukee, Wisconsin this 5<sup>th</sup> day of March, 2020.

GROTH LAW FIRM, S.C.  
Attorneys for Claimant,

By:   
Thomas W. Kyle  
State Bar No. 1027907  
Ryan J. Truesdale  
State Bar No. 1092417

Post Office Address:  
11063 W. Bluemound Road  
Wauwatosa, WI 53226  
(877) 375-7001

cc: **AIG BENEFIT SOLUTIONS**  
**ATTN: KAY WILLIAMS**  
P.O. Box 25588  
Shawnee Mission, KS 66225