

STL D

Schmidlkofer, Toth, Loeb & Drosen, LLC

CITY OF WEST ALLIS
13 OCT '20 PM 1:05

Scott A. Schmidlkofer

ATTORNEYS AT LAW

Grete A. Engel

Mark R. Toth

Alexander R. Huppertz

Basil M. Loeb

Christopher M. Drosen

October 8, 2020

City of West Allis
City Clerk
7525 W. Greenfield Avenue
West Allis, WI 53214

SENT VIA PERSONAL SERVICE ON CITY CLERK

Re: My client: Joseph J. Fellin
Notice of Claim

Dear Clerk:

Please note that I represent Joseph J. Fellin.

Enclosed for filing is Mr. Fellin's Notice of Claim. This is a summary of what happened:

Mr. Fellin was cited by West Allis Police Department on December 17, 2019 for Automobile Following Too Closely in Citation No.: BC377326-5. The citation provided Mr. Fellin with an initial appearance date of January 16, 2020 at 8:30 a.m. Mr. Fellin appeared in court on January 16, 2020, which was MLK, Jr. Day. He was advised that court was not in session. He was not provided with a new court date at this time. A copy of the citation is enclosed with this claim.

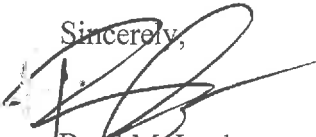
Mr. Fellin heard nothing from the court until he received a notice dated February 18, 2020 indicating that he failed to appear in court on February 17, 2020 and that unless he returned the form and entered a plea, a Not in Court Warrant would be issued "within the next ten days". A copy of this form is also enclosed.

On February 23, 2020, prior to the expiration of the ten days referenced in the previous paragraph, Mr. Fellin was stopped by the City of Muskego Police Department because of a warrant issued by the City of West Allis for non-appearance in court. Mr. Fellin was taken into custody and subject to a \$25.00 warrant fee. He also received a citation for Possession of Drug Paraphernalia. Mr. Fellin was ultimately convicted of Possession of Drug Paraphernalia and received a forfeiture of \$250.00. He should never have been subject to a traffic stop by the City of Muskego Police.

Based on the improperly issued warrant, Mr. Fellin paid a \$25.00 warrant fee, a \$250.00 forfeiture and attorney fees of \$500.00. He makes this claim, therefore, against the City of West Allis, for the sum of \$775.00.

Please contact me with any questions. Thank you.

Sincerely,



Basil M. Loeb
Attorney at Law


Enclosure

c: Joseph J. Fellin (w/ enclosure)



CLAIMANT CONTACT INFORMATION

Name: Joseph J. Fellin
Address: c/o Atty. Basil M. Loeb
949 Glenview Ave.
Wauwatosa, WI 53213

Phone: 414-259-9300
Email: 

INSTRUCTIONS


Complete this form, print and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: 2/23/2020 + 6/24/2020 Time of day: unknown
Location: N/A - improperly issued warrant

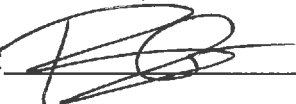
Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

See attached correspondences.



Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: 

Date: 9/30/2020

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ 775-

SAVE

PRINT

Transmission Log

Schmidlkofer Toth LL

Tuesday, 2020-02-25 15:39

414 259 9303

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pgs	Status
2020-02-25	15:37	SCAN	02196	1:23	14400	4144798999	5	OK -- V.17 AM31

STL&D

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FACSIMILE COVER SHEET

DATED: February 25, 2020

ATTN: Clerk

FAX NUMBER: (414) 479-8999

CC: Nicholas Cerwin

FAX NUMBER: (414) 302-8444

RE: City of West Allis v. Joseph J Fellin

Pages: 5

FROM: Attorney Basil Loeb
Assistant, Robyn Olson

(Including Cover Page)

ORIGINAL:

COMMENTS:

The document(s) accompanying this facsimile transmission contain information from the sender that is confidential and/or privileged. This information is intended to be for the sole use of the recipient(s) named on this transmission sheet. If you are not the intended recipient(s), be aware that any disclosure, copying, distribution, or use of the contents of this information is prohibited and may constitute an invasion of privacy of the intended recipient(s). If you have received this transmission in error, if it is incomplete, or illegible, or if you have any questions concerning the document(s) received, please contact the sender at (414)259-9300.

949 Glenview Avenue, Wauwatosa, Wisconsin 53213
PHONE: (414) 259-9300 • FAX (414) 259-9303

Transmission Log

Schmidlkofer Toth LL

Tuesday, 2020-02-25 15:40

414 259 9303

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pgs	Status
2020-02-25	15:39	SCAN	02197	0:40	31200	14143028444	5	OK -- V.34 1B31

STL&D

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Transmission Log

Schmidlkofer Toth LL

Wednesday, 2020-02-26 15:56

414 259 9303

Date	Time	Type	Job #	Length	Speed	Fax Name/Number	Pgs	Status
2020-02-26	15:54	SCAN	02201	1:29	14400	West Allis PD	5	OK -- V.17 1B31

STL&D

Schmidlkofer, Toth, Loeb & Drosen, LLC

Scott A. Schmidlkofer

ATTORNEYS AT LAW

Mark R. Toth

Grete A. Engel

Basil M. Loeb

Alexander R. Huppertz

Christopher M. Drosen

FACSIMILE COVER SHEET

DATED: February 26th, 2020

ATTN: Clerk

FAX NUMBER: (414) 302-8196

CC:

FAX NUMBER:

RE: City of West Allis v. Joseph J Fellin

Pages: 5

FROM: Attorney Basil Loeb
Assistant, Robyn Olson

(Including Cover Page)

ORIGINAL:

COMMENTS:

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Pages: 5

FROM: Attorney Basil Loeb
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STL&D

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Scott A. Schmidlkofer

ATTORNEYS AT LAW

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Mark R. Toth

Alexander R. Huppertz

Basil M. Loeb

Christopher M. Drosen

February 25, 2020

The Honorable Paul Murphy
Municipal Court Judge
West Allis Municipal Court
11301 W. Lincoln Avenue
West Allis, WI 53227

RE: City of West Allis v. Joseph James Fellin
Citation No.: BC377326-5

Dear Judge Murphy:

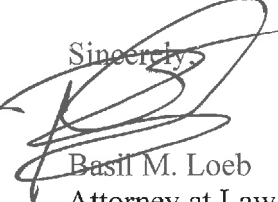
Please note that I represent Mr. Fellin in the above-referenced citation. Please see the enclosed correspondence from the court and a copy of the original citation.

This case has a strange history. Mr. Fellin was cited on December 17, 2019 and provided with an initial court date of January 20, 2020. Mr. Fellin then appeared in court on January 20, 2020 and was advised that court was not in session due to MLK, Jr. Day. Mr. Fellin was not provided a new court date and heard nothing about the case until he received the enclosed correspondence from the court.

On February 23, 2020, Mr. Fellin was the subject of a traffic stop by City of Muskego Police. City of Muskego Police then advised Mr. Fellin that the City of West Allis had a warrant for his arrest for non-appearance in court. Mr. Fellin was taken into custody and paid the face amount of the citation (\$124.00). Mr. Fellin does wish to enter a not guilty plea to this citation and requests a pretrial conference. Mr. Fellin would also like to know why a warrant for his arrest was entered when the attached correspondence does not reference a Not in Court Warrant being issued until February 28, 2020 at the earliest.

Thank you very much for your attention to this matter and I look forward to hearing back from the court.

Sincerely,



Basil M. Loeb
Attorney at Law

Enclosure

c: Nicholas S. Cerwin (w/ enclosure)
Joseph James Fellin (w/ enclosure)

CITY OF WEST ALLIS
MUNICIPAL COURT
11301 West Lincoln Avenue
West Allis, WI 53227

Municipal Judge
PAUL M. MURPHY

February 18, 2020

Joseph James Fellin
2231 S 82Nd St
West Allis, WI 53219

RE: City of West Allis vs. Fellin, Joseph James
Citation # BC377326-5
Charge: Automobile Following Too Closely

A Wisconsin Uniform Traffic Citation or West Allis Municipal Citation has been filed with the Court, charging the above person with violating section 10.01(1) of the State Statute/Municipal Code. No appearance was made on February 17, 2020 which was the return date noted on the citation.

AMOUNT DUE \$124.00

Unless the form below is completed and returned to the West Allis Municipal Court within the next 10 days, or the fine paid, a Not In Court Warrant will be issued for the arrest of the defendant.

BY THE COURT:
Hon. Paul M. Murphy
Municipal Judge
City of West Allis

SEND TO: Clerk of Court - 11301 W. Lincoln Ave., West Allis, WI 53227

Name: Joseph Fellin

Address: c/o Atty. Basil Loeb 949 Glenview Ave.

Citation No. BC 373321-4

Court date on Citation: 01-20-2020

Wauwatosa WI
53213

- I hereby enter plea of guilty with time to pay
 I hereby enter plea of no contest with time to pay
 I hereby enter plea of not guilty & request a pre-trial date.

Basil Loeb
Atty Ford 2/25/2020

You are Notified to Pay or Appear

Appearance Required: NO **JAN-20-2020** **08:30 AM**

WEST ALLIS CITY MUNICIPAL COURT
 11301 W LINCOLN AVE
 WEST ALLIS, WI 53227
 (414) 302-8181 WWW.WESTALLISWI.GOV

Form No. and Version CT: **MV4017 0901**
 CITATION NO.: **BC373321-4**
 Estimated Points: **3**
 DEPOSIT: **\$124.00**
 Court Use: **DA N**

Defendant (Last Name, First, Middle), Street Address, P.O. Box, City, State, Zip
FELLIN, JOSEPH JAMES
 2331 S 82ND ST
 WEST ALLIS WI 53219

Birth Date: **1/24/1980**
 Sex: **M**
 Race: **W**
 HT: **[REDACTED]**
 WT: **[REDACTED]**
 Hair: **BROWN**
 Eyes: **HAZEL**

Driver License/Identification Card Number: **[REDACTED]**
 State: **WI**
 Exp. Yr.: **2023**
 State: **WI**
 Exp. Yr.: **2019**
 Hazmat No.: **[REDACTED]**
 Vehicle Year: **2003**
 Make: **FORD**
 Type: **4D**
 Color: **SIL**

OPERATING AS:
DRIVER
 Vehicle Class: **D**
 Vehicle Endorsements:
CDL Waiver
 Holds CDL: **N**

Plaintiff: **CITY OF WEST ALLIS**
 Ordinance Violated: **10.01(1)**
 Adopting State Statute: **346.14(1M)**

Violation Description: **AUTOMOBILE FOLLOWING TOO CLOSELY**
 Week Day: **TUESDAY 12/17/2019**
 Date: **12/17/2019**
 Time: **06:01 PM**
 County: **MILWAUKEE - 40**
 City/Village/Town: **WEST ALLIS - 60, CITY**
 ON Hwy No. and/or Street Name: **W NATIONAL AVE**
 Estimate Distance: **80 FT WEST**
 From/AT Hwy No. and/or Street Name: **S 76TH ST**
 GPS Coordinates: **43.011752 -88.007574**

Agency Space: **19-049151**
 Minor Passenger: **N**

Officer Name: **OFFICER C. GAENSLER**
 Zone: **N**
 RR: **N**
 Utility: **N**
 School: **N**
 Const: **N**
 Accident Severity: **N**
 Officer ID: **2950**
 Department: **WEST ALLIS POLICE DEPARTMENT**
 Date Citation Served: **12/17/2019**
 Method: **IN PERSON**

INSTRUCTIONS - READ CAREFULLY

COURT APPEARANCE REQUIRED - If your citation is checked 'yes' following 'Appearance Required,' you MUST appear in court. The 'Court Appearance Not Required' instructions do not apply to you.
COURT APPEARANCE NOT REQUIRED - IF YOU WISH TO DISPUTE THE CITATION, you must either appear in court or enter a 'not guilty' plea by mail prior to your court date. Please include a photocopy of your ticket and your correct mailing address OR your correct name and mailing address, citation number, court appearance date listed on the citation, offense, and arresting police agency. These should be mailed to the court address.
 You may demand a jury trial, rather than a trial before a judge, but must make that demand in writing and pay the proper fee within 10 days of entering a not guilty plea. Make check payable to the Clerk of Court and forward it to the address shown above. Jury demands in Municipal court can only be made for intoxicated driving charges.
If you have a disability and need help in court, please contact the above Clerk of Court's office.

IF YOU DO NOT WISH TO DISPUTE THE CITATION, mail the 'deposit' amount, by your court date, with a photocopy of your citation OR your correct name and address, citation number, court appearance date listed on the citation, offense and arresting police agency. Make check payable to the Clerk of Court and mail it to the court address. You do not need to appear. The court will find you guilty and keep the 'deposit' amount as payment for your citation.
IF YOU DO NOTHING, the court may issue a warrant for your arrest, or may find you guilty and suspend your driver license if you fail to pay your fine.
DEMERIT POINT, SUSPENSION AND REVOCATION INFORMATION
 This charge may result in demerit points assessed against you. Accumulating 12 or more points within 12 consecutive months will be cause for suspending your driving privileges. **If you have a probationary license, points for the second and subsequent convictions may be doubled.** Depending on the circumstances and charge, conviction may result in a revocation or suspension of your driving privileges.
 Traffic Safety School may be used to reduce points. For more information, contact the DMV.



Return to City of Muskego

If you have any questions, email us at: customerservice@ecitytransactions.com.

eCity | Transactions

CONFIRMATION PAGE

Confirmation #: 35409

Date: 02/23/2020
Time: 06:00 pm CST

Status: Transaction Submitted

Address (must match credit card address on file):

Ph#: 414-313-5551

Joseph Fellin
2231 S 82nd St
West Allis, WI 53219

Item	Qty	Description	Amount
Payments	1	General Payment Category: Warrant Other Department Accounting Code: 100.01.08.00.4272	124.00
	1	Warrant Fee Accounting Code: 100.02.20.01.4333	25.00
Subtotal:			149.00
Fee/Discount Cost (Convenience):			5.00
Total Charged to Credit Card *****1445:			\$154.00

All payments are subject to approval.

949 Glen View
4:30

MUSKEGO MUNICIPAL COURT
W182 S8200 RACINE AVENUE
MUSKEGO, WI 53150
Telephone: 262-679-4114/Fax: 262-679-5605

RECORD OF JUDGMENT-TTP – COURT DATE: February 23, 2020

Joseph James Fellin
2231 S 82Nd St
West Allis, WI 53219

 COPY

CITATION # DL81CPTJPT

INITIAL CHARGE: Possession Of Drug Paraphernalia

PENALTIES ASSESSED: TOTAL AMOUNT DUE: \$250.00

AMOUNT PAID: \$0.00

BALANCE DUE: \$250.00


 COPY

****PAYMENT DUE DATE: April 8, 2020 BY 2:00PM****

If an amendment of the charge or dismissal of citation is offered, the amount due **MUST** be paid by the due date or the amendment/dismissal will revert back to the original charge and forfeiture.

****If unable to pay by your due date, you MUST appear in Court that day for an INDIGENCY HEARING at 5:30 PM.****

Payment can be made via the following options:

- **Mail check/money order to:** Muskego Municipal Court
W182 S8200 Racine Ave.  COPY
Muskego, WI 53150
- **Online or via cellphone** using *Credit/Debit card at www.cityofmuskego.org
- **In person** at the Muskego Court Office
Monday-Friday (excluding holidays) 8:30AM - 4:00PM. *Credit/Debit cards, cash, checks, money orders, and cashier checks are accepted. Make payable to "CITY OF MUSKEGO".

OR

Muskego Police Department (Police Department is open 24 hours a day, 7 days a week including Holidays)

Using Credit/Debit card is subject to processing fees as assessed by eCity Payment Services Inc.

***** If you have questions please, call the Court Clerk at 262-679-4114.*****

Penalties for non-payment by due date or non-appearance at Indigency Hearing will be imposed without further notice to you ANY OF THE FOLLOWING:

- Intercept your Taxes/Collections Agency
- Suspension of Driver's License and /or Suspension of Vehicle Registration
- Commitment for your arrest/Incarceration at Waukesha County Jail

NOTICE OF INTENT TO REFER DEBT FOR COLLECTION: Pursuant to section 71.93(8) and/or 71.935, Wisconsin Statutes, you are hereby notified that the Muskego Municipal Court may refer the debt to the Wisconsin Department of Revenue that you are indebted to Muskego Municipal Court for Municipal Citation(s). If this debt is not paid in full the amount due may be referred to a DOR agent for collection action. A delinquent collection fee of 15% of the unpaid balance or \$35.00, whichever is greater, will be added to your account. Collection action may include one or all of the following: • Interception of your Wisconsin tax refunds • Attachment of wages • Garnishment, seizure or levy against your property, including bank accounts and IRAs. • Filing a delinquent tax warrant with the Clerk of Courts in the county in which you reside and/or own property. ****To avoid this referral to the Department of Revenue, please pay the total debt due to Muskego Municipal Court, W182 S8200 Racine Ave., Muskego, WI 53150****