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CITY OF WEST ALLIS
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**WRITTEN NOTICE OF CIRCUMSTANCES OF CLAIM
PURSUANT TO SECTIONS 893.80(1d)(a),
345.05(3) and 801.11(4)(a)3. Wis. Stats. (2017-2018)**

TO: The City of West Allis, a municipal corporation, in care of its City Clerk, Mr. Steven Braatz, in his office at 7525 West Greenfield Avenue, Rooms 108 to 110, West Allis, WI 53214

NOTICE OF CIRCUMSTANCES OF CLAIM as required by Section 893.80(1d)(a), Wis. Stats. (2017-2018), is hereby served upon the City of West Allis, Wisconsin, that James M. Franken, suffered personal injuries and property damage and has a claim therefore under the following circumstances:

1. That James M. Franken, is an adult citizen of the State of Wisconsin and resides at 2416 South 83rd Street, West Allis, Wisconsin 53219.

2. That on or about May 17, 2020, at approximately 9:49 PM James M. Franken, was a passenger in a motor vehicle being operated in a non-emergency status as an Ambulance that was owned by the City of West Allis Fire Department. At the time of the loss herein said Ambulance was traveling Northbound on North 84th Street just South of its intersection with West O'Connor Street, both public highways, in the City of West Allis, Wisconsin. At that time and place said Ambulance was being driven by Timothy A. Bollom, who on information and belief is an employee and/or agent of the City of West Allis Fire Department and was operating said Ambulance within the scope of his said employment and/or agency with the City of West Allis at the time of these events.

3. That at the time and place alleged above, said Timothy A. Bollom failed to honor a red traffic control light for his direction of travel and entered the intersection with West O'Connor Street causing a collision with another vehicle operated in a westerly direction by Armando J. Chevere Ortega. Timothy A. Bollom was negligent for failing to honor the red traffic control light for his direction of travel; failing to exercise proper management and control over his

vehicle; failing to maintain a proper lookout and was otherwise negligent.

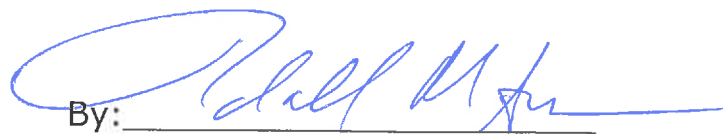
4. That as a direct and proximate result of Timothy A. Bollom's negligence while acting as an employee and/or agent of the City of West Allis, Wisconsin, James M. Franken, was caused to suffer property damage and severe and permanent personal injuries, including, but not limited to, injuries to his legs, back and knees.

5. That the negligence and the damages proximately caused by its employee and/or agent Timothy A. Bollom is imputed to the City of West Allis, Wisconsin and said City is responsible to James M. Franken to reasonably compensate him for said damages.

PLEASE TAKE NOTICE that this is a **Notice of Circumstances of Claim** under Section 893.80(1d)(a), Wis. Stats. (2017-2018). It is **not a claim** under Section 893.80(1d)(b), Wis. Stats. (2017-2018). Therefore, **there is nothing for the party served herein to allow or disallow with respect to this document.** After James M. Franken's treatment is completed and his injuries are evaluated, he will present a claim under Section 893.80(1d)(b), Wis. Stats. (2017-2018) for the party served herein to allow or disallow as it sees fit. There is no requirement that James M. Franken serve a claim, as opposed to a **Notice of Circumstances of Claim**, within 120 days of his May 17, 2020, injury. See Figgs v. City of Milwaukee, 121 Wis.2d 44, 357 N.W.2d 548 at 552 (1984).

Dated this 24th day of June 2020.

CARLSON, BLAU & CLEMENS, S.C
Attorneys for Claimant James M. Franken

By: 

Randall M. Aronson
State Bar No. 1007585

POST OFFICE ADDRESS:

3535 West Wisconsin Avenue
Milwaukee, WI 53208

(414) 342-1000

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