

NOTICE OF CLAIM AND CLAIM FOR DAMAGES

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CITY OF WEST ALLIS
CITY CLERK

TO: City Clerk-ATTN: Claims
West Allis City Hall
7525 W. Greenfield Avenue
West Allis, WI 53215

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Charles Padgett, Chief of Police
City of West Allis
West Allis Police Department
11301 W. Lincoln Avenue
West Allis, WI 53227

Ms. Jenna Merten
Assistant City Attorney
West Allis City Hall
7525 W. Greenfield Avenue
Room 232
West Allis, WI 53214

Pursuant to the provisions of Sec. 893.80(1)(b) and §66.189 of the Wisconsin Statutes, the claimant, Jerome Lochowicz, herewith give Notice of Claim and make a claim for relief in the form of monetary damages as set forth below.

1. That the Claimant, Jerome Lochowicz, is an adult, residing at 3264 S. 76th Street, Apartment 3, in the City and County of Milwaukee, State of Wisconsin 53219.

2. The attorneys for Jerome Lochowicz, an adult resident of the City of Milwaukee residing at 3264 S. 76th Street, Milwaukee, WI 53219, are GENDLIN, LIVERMAN & RYMER, S.C. 10335 W. Oklahoma Ave., Suite 300, Milwaukee, Wisconsin 53227.

3. That the Claimant, Jerome Lochowicz, sustained serious personal injuries at approximately 3:42 p.m. on June 17, 2015 at West National Avenue and South 72nd Street, in the City of West Allis, County of Milwaukee, State of Wisconsin, when the vehicle he was operating Westbound on West National Avenue, had a collision with a City of West Allis police vehicle,

driven by Brandon Matthew Rapp, whom was traveling northbound on South 72nd Street, when Brandon Matthew Rapp negligently pulled away from a posted stop sign, and proceeded to cross West National Avenue, in West Allis, Wisconsin, into the path of Mr. Lochowicz.

4. That a proximate cause of said injuries was the negligence of Brandon Matthew Rapp, a City of West Allis Police Officer, for failing to maintain proper lookout and for failing to yield the right of way, causing serious injuries.

5. That as a result of the afore stated incident, Claimant, Jerome Lochowicz, sustained serious personal injuries, pain, suffering and disability, incurred medical expenses and loss of earnings as more fully described below.

6. That the City of West Allis has had both actual and constructive notice of the collision of June 17, 2015, and the Claimant's injuries and damages caused thereof.

7. That as a result of the aforementioned collision and negligence, Claimant, Jerome Lochowicz, has suffered injuries to various parts of his body, including, but without limitations as follows:

- ▶ Left proximal humerus neck fracture requiring open reduction and internal fixation;
- ▶ Open repair of left rotator cuff tear;
- ▶ Open repair of left pectoralis major rupture;
- ▶ Right proximal ulnar fracture involving the anterior medial facet requiring open reduction and internal fixation;
- ▶ Right arthroscopic subacromial decompression, acromioclavicular resection of the rotator cuff;
- ▶ Left ulnar nerve entrapment requiring surgical release;
- ▶ Loss of consciousness/closed head trauma; post-concussive headaches
- ▶ Chest wall contusion;

► Multiple cuts, abrasions, bruising

8. That as a result of the aforementioned incident and negligence, the Claimant, Jerome Lochowicz, has and will continue to incur medical expenses, loss of earnings and has and will in the future experience pain, suffering and disability.

9. That the Claimant, Jerome Lochowicz, has incurred medical expenses and lost wages, to date, as follows:

Froedtert Memorial Lutheran Hospital	\$125,147.90
Medical College Physicians	\$ 94,748.81
Froedtert Surgery Center	\$ 5,400.00
Sunrise Care Center-Northern	\$ 5,714.87
Aurora Medical Clinic	\$ 361.00
Loss of Earnings 06/17/16 to 01/10/17	\$ 54,272.50
Future Loss of Earnings	\$ 211,000.00
Future Medical Expenses	\$ To be determined
Pain & Suffering	\$250,000.00
Incomplete Total:	\$746,645.08

10. That pursuant to Section 893.80(1)(b), Wisconsin Statutes, the above-indicated Incomplete Itemization of Special Damages, with supporting documentation, is provided and, that at the present time, a demand is made by the Claimant, and against the City of West Allis, Wisconsin as follows:

1. For the Claimant, Jerome Lochowicz, from the City of West Allis, Wisconsin the sum of \$746,645.08, for the above-indicated special damages, and his pain, suffering and disability.

11. That the undersigned is the attorney for the Claimant, Jerome Lochowicz, and is therefore authorized to give this Notice of Claim and Claim for Damages.

Dated at Milwaukee, Wisconsin, this 13th day of July, 2017.

GENDLIN, LIVERMAN & RYMER, S.C.

By: Timothy J. Rymer
Timothy J. Rymer
S.B.N.: 1001739
Attorney for Claimant,
Jerome Lochowicz

P.O. ADDRESS

Suite 300
10335 W. Oklahoma Ave.
Milwaukee, WI 53227
(414) 272-3399

STATE OF WISCONSIN
COUNTY OF MILWAUKEE
Subscribed and sworn to before me this

This 13 day of July, 2017.

Micheline Wagner
Notary Public

My commission expires: 06/19/2020
(Seal if any below)

