

**STATE OF WISCONSIN****CIRCUIT COURT****MILWAUKEE**

Isaiah McVey vs. City of West Allis et al

**Electronic Filing  
Notice**

Case No. 2024CV005262

Class Code: Other-Personal Injury

**FILED****07-01-2024****Anna Maria Hodges****Clerk of Circuit Court****2024CV005262****Honorable Thomas J.****McAdams-07****Branch 7**

CITY OF WEST ALLIS  
7525 WEST GREENFIELD AVENUE  
WEST ALLIS WI 53214

RECEIVED

**JUL 02 2024**WEST ALLIS  
CITY ATTORNEY

Case number 2024CV005262 was electronically filed with/converted by the Milwaukee County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a fee to register as an electronic party. This fee may be waived if you file a Petition for Waiver of Fees and Costs Affidavit of Indigency (CV-410A) and the court finds you are indigent under §814.29, Wisconsin Statutes.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 678e74**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4140.

Milwaukee County Circuit Court  
Date: July 2, 2024

WEST ALLIS  
2 JUL '24 AM 9:56

FILED

07-01-2024

Anna Maria Hodges

Clerk of Circuit Court

2024CV005262

Honorable Thomas J.

McAdams-07

Branch 7

**STATE OF WISCONSIN  
MILWAUKEE COUNTY****CIRCUIT COURT  
CIVIL COURT****ISAIAH MCVEY**6616 West Montana Avenue  
Milwaukee, WI 53219

Plaintiff,

vs.

**CITY OF WEST ALLIS**7525 West Greenfield Avenue  
West Allis, WI 53214**ABC INSURANCE COMPANY**

(A fictitious entity)

Defendants.

**SUMMONS****Case No.****Case Code 30107****Personal Injury – Other**

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WEST ALLIS  
CITY ATTORNEY**THE STATE OF WISCONSIN TO EACH PERSON ABOVE AS A DEFENDANT:**

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The complaint which is attached states the nature and basis of the legal action.

Within 45 days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is:

Clerk of Circuit Court  
Milwaukee County Courthouse  
901 N 9<sup>th</sup> Street  
Milwaukee, WI 53233

and to:

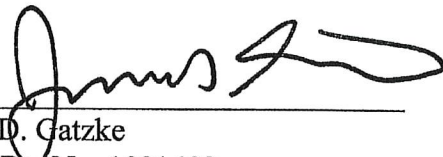
Attorney John D. Gatzke  
The Law Offices of Benske, Gatzke, McFadden & Rose  
15730 West National Avenue  
New Berlin, WI 53151

You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 1<sup>st</sup> day of July, 2024.

BGMR LAW OFFICES  
Attorneys for the Plaintiff

  
\_\_\_\_\_  
John D. Gatzke  
State Bar No. 1091409

The Law Offices of Benske, Gatzke, McFadden & Rose  
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**Anna Maria Hodges**  
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**STATE OF WISCONSIN**  
**MILWAUKEE COUNTY**

**CIRCUIT COURT**  
**CIVIL COURT**

**ISAIAH MCVEY**  
6616 West Montana Avenue  
Milwaukee, WI 53219

Plaintiff,

vs.

**CITY OF WEST ALLIS**  
7525 West Greenfield Avenue  
West Allis, WI 53214

**ABC INSURANCE COMPANY**  
(A fictitious entity)

Defendants.

**COMPLAINT**

**Case No.**

**Case Code 30107**

**Personal Injury – Other**

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Now comes the Plaintiff, Isaiah McVey, by his attorneys, the Law Offices of Benske, Gatzke McFadden & Rose, by Attorney John D. Gatzke, and alleges and complains as follows:

1. That the Plaintiff, Isaiah McVey (“McVey”), is an adult resident of the State of Wisconsin, currently residing at 6616 West Montana Avenue in the City and County of Milwaukee.
2. That the Defendant, City of West Allis, is a Wisconsin body politic, with its principal offices located at 7525 West Greenfield Avenue in the City of West Allis and County of Milwaukee.
3. That, with respect to Defendant City of West Allis, all required conditions precedent have been complied with prior to the filing of this action, namely that Notice of Injury pursuant to Wis. Stat. §§ 893.80(1d)(a) and (1p), and Notice of Claim pursuant to Wis. Stat. § 893.80(1d)(b) were properly and



timely served upon the City of West Allis. The City of West Allis disallowed the claim on January 1, 2024, although it is unclear as to what date the Notice of Disallowance was served on the Plaintiff, if at all.

4. That Defendant, ABC Insurance Company, is a fictitious entity as that term is defined in Section 807.12, Wis. Stats., and upon information and belief was at all times pertinent hereto, an insurance company licensed to issue liability insurance policies in the State of Wisconsin; at all of the times pertinent hereto said defendant had in full force and effect a policy or policies of liability insurance coverage issued to the Defendant, the City of West Allis.
5. That, on August 18, 2023, police officers employed by the City of West Allis conducted a traffic stop of the Plaintiff.
6. That, upon information and belief, the Defendant did not have probable cause nor reasonable suspicion to conduct said traffic stop.
7. That, during the process of the traffic stop, one City of West Allis police officer pulled his squad car around and struck the Plaintiff's vehicle with it. Shortly thereafter, a separate City of West Allis police officer struck the rear of the Plaintiff's vehicle with a separate squad car.
8. That, after striking the Plaintiff's vehicle, and without probable cause nor reasonable suspicion to do so, City of West Allis police officer forcibly removed the Plaintiff from his vehicle, causing further damage to the Plaintiff's vehicle and also causing personal injury to the Plaintiff.
9. That the City of West Allis is liable for the conduct, acts and omissions of its employees under the theory of respondeat superior.

10. That, the City of West Allis police officers conducting the traffic stop causing Plaintiff's injuries breached certain ministerial duties during the traffic stop, and were also otherwise negligent in causing the Plaintiff's injuries and damages.

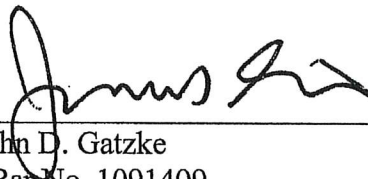
11. That, as a result of the Defendants' negligence and breach of ministerial duties owed to the Plaintiff and to the general public, Plaintiff sustained personal injuries and property damage.

**WHEREFORE**, Plaintiff demands judgment against defendants as follows:

- a. For recovery of all medical expenses incurred to date and for a determination and award of all future medical costs related to the matter herein.
- b. For recovery of all loss due to earnings incapacity incurred to date and for a determination and award of all future loss due to earnings incapacity related to the matter herein.
- c. For an award of compensation for all pain and suffering, disability, humiliation and embarrassment, and loss of enjoyment of life incurred to date and for an award of compensation for future pain and suffering, disability, humiliation and embarrassment, and loss of enjoyment of life related to the matter herein.
- d. For recovery of all property damages or losses incurred to date.
- e. For all such other relief as determined by the Court to be appropriate.
- f. For judgment determining the subrogation rights, if any, of the Involuntary Plaintiffs and medical care providers.
- g. For recovery of all costs and disbursements of this action as provided by law.

Dated this 1<sup>st</sup> day of July, 2024

BGMR LAW OFFICES  
Attorneys for the Plaintiff

A handwritten signature in black ink, appearing to read "John D. Gatzke", is written over a horizontal line.

By: John D. Gatzke  
State Bar No. 1091409

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