

FILED
07-18-2024
Anna Maria Hodges
Clerk of Circuit Court
2024CV005781
Honorable Glenn H
Yerxa
Branch 34

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

WEST ALLIS HOTEL VENTURES LLC
d.b.a. HAMPTON INN & SUITES MILWAUKEE WEST
8201 W. Greenfield Avenue
West Allis, Wisconsin 53214

1845m / 8/7/24
PROCESS SERVER
TIME AM/PM DATE
() PERSONAL () SUBSTITUTE
() POSTED () CORPORATE

Plaintiff,

v.

Case No. _____

Case Code: 30301

Case Type: Money Judgment

CITY OF WEST ALLIS
7525 W. Greenfield Avenue
West Allis, Wisconsin 53214

Defendant.

SUMMONS

THE STATE OF WISCONSIN, TO EACH PERSON NAMED 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 20 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 Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, and to plaintiff's attorney, Eric J. Hatchell, Foley & Lardner LLP, 150 E. Gilman Street, P.O. Box 1497, Madison, WI 53701-1497. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 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 18th day of July, 2024.

FOLEY & LARDNER LLP

Electronically signed by Eric J. Hatchell

Eric J. Hatchell (WI Bar No. 1082542)

Evan V. Bondoc (WI Bar No. 1123612)

FOLEY & LARDNER LLP

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Attorneys for the Plaintiff

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COMPLAINT

Plaintiff, by its undersigned attorneys, Foley & Lardner LLP, as and for its Complaint against the defendant, City of West Allis (“City”), hereby alleges and shows to the Court as follows:

NATURE OF ACTION AND PARTIES

1. This is an action brought pursuant to Wis. Stat. § 74.37 to recover a refund of future 2024 real property taxes that will be imposed because of the excessive assessment of the real property described below.
2. Plaintiff owns the parcel of real property identified by the City as 452-0710-000, located at 8210 W. Greenfield Avenue, West Allis, WI 53948 (the “Subject Property”).
3. The defendant City is a body corporate and politic, duly organized as a municipal corporation under Wisconsin law.

CLAIM FOR RELIEF

4. For the 2024 tax year, the City assessed the Subject Property at \$12,152,200 (“the 2024 assessment”).

5. The 2024 assessment was excessive and exceeded the fair market value of the Subject Property.

6. Pursuant to Wis. Stat. § 70.47(8m), the City Assessor requested a waiver of the board of review hearing. The waiver request was approved by the Board of Review.

7. Under Wisconsin law, the waiver of board of review hearing satisfies the taxpayer’s obligation to file a claim with the municipality prior to filing an excessive assessment lawsuit in circuit court. A taxpayer thus must initiate the lawsuit prior to the issuance of the relevant tax bill.

8. The excessive assessment of the Subject Property has resulted in the imposition of excessive taxes in the amount to be determined after the issuance of the 2024 tax bill.

9. Plaintiff is timely filing this *de novo* refund action pursuant to Wis. Stat. § 74.37(3)(d). Plaintiff is entitled to a refund of the excessive 2024 property taxes that will be imposed for the Subject Property based on the 2024 assessment, plus statutory interest.

WHEREFORE, Plaintiff respectfully requests that this Court enter Judgment in its favor and against the City awarding Plaintiff:

A. A refund of a portion of its 2024 property taxes as is supported by the evidence, together with statutory interest;

B. Its costs, disbursements and attorneys' fees of this action; and

C. Such other and further relief as this Court deems just and equitable.

Dated this 18th day of July, 2024.

FOLEY & LARDNER LLP

Electronically signed by Eric J. Hatchell

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Attorneys for the Plaintiff

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

West Allis Hotel Ventures LLC vs. City of West Allis

**Electronic Filing
Notice**

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Class Code: Money Judgment

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WEST ALLIS WI 53214

Case number 2024CV005781 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: bea766

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 18, 2024