



# City of West Allis

## Meeting Agenda

### Administration & Finance Committee

*Aldersperson Kevin Haass, Chair*  
*Aldersperson Danna Kuehn, Vice-Chair*  
*Alderspersons: Thomas G. Lajsic, Angelito Tenorio, and Martin J. Weigel*

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Tuesday, December 15, 2020

6:15 PM

City of West Allis YouTube Channel

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**VIRTUAL STANDING COMMITTEE MEETING**  
**City of West Allis YouTube Channel**  
<https://www.youtube.com/user/westalliscitychannel/live>

#### A. CALL TO ORDER

#### B. ROLL CALL

#### C. NEW AND PREVIOUS MATTERS

1. [O-2020-0058](#) Ordinance to Amend the City of West Allis Salary Schedule due to 2021 Adopted Budget Action - Position Creation and Reclassifications
2. [2020-0013](#) Summons and Complaint by Charles Cleveland vs City of West Allis, et al, regarding injuries and damages sustained at eastbound on W. Lincoln Ave. on November 20, 2018 (Case No. 2019CV009679)
3. [2019-0137](#) Martin Law Office, S.C. communication submitted on behalf of Charles Cleveland regarding property damage allegedly sustained at S. 89 St. and W. Lincoln Ave. on November 20, 2018.

*For agenda items 2 and 3, the committee may convene in closed session pursuant to the provisions of Wis. Stat. 19.85(1)(g) for the purpose of conferring with the city attorney who will render oral or written advice concerning strategy to be adopted with respect to litigation in which the city is or is likely to become involved. This committee may reconvene in open session after completion of the closed session to consider the balance of the agenda.*

#### D. ADJOURNMENT



All meetings of the Administration & Finance Committee are public meetings. In order for the general public to make comments at the committee meetings, the individual(s) must be scheduled (as an appearance) with the chair of the committee or the appropriate staff contact; otherwise, the meeting of the committee is a working session for the committee itself, and discussion by those in attendance is limited to committee members, the mayor, other alderpersons, staff and others that may be a party to the matter being discussed.

#### **NOTICE OF POSSIBLE QUOROM**

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

#### **NON-DISCRIMINATION STATEMENT**

The City of West Allis does not discriminate against individuals on the basis of race, color, religion, age, marital or veterans' status, sex, national origin, disability or any other legally protected status in the admission or access to, or treatment or employment in, its services, programs or activities.

#### **AMERICANS WITH DISABILITIES ACT NOTICE**

Upon reasonable notice the City will furnish appropriate auxiliary aids and services when necessary to afford individuals with disabilities an equal opportunity to participate in and to enjoy the benefits of a service, program or activity provided by the City.

#### **LIMITED ENGLISH PROFICIENCY STATEMENT**

It is the policy of the City of West Allis to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

**CITY OF WEST ALLIS  
ORDINANCE O-2020-0058**

**NOW THEREFORE**, be it ordained by the Council of City Of West Allis, in the State of Wisconsin, as follows:

**SECTION 1:**        **ADOPTION** “O-2020-0058” of the City Of West Allis Municipal Code is hereby *added* as follows:

ADOPTION

O-2020-0058(*Added*)

The Common Council of the City of West Allis do ordain as follows:

The City of West Allis Salary Schedule (most recently amended by O-2020-0048) shall be amended as follows:

***Remove:***

Director of Development - Grade R - Exempt

City Clerk - Exempt - Grade N - Exempt

Assistant City Engineer - Grade N - Exempt

GIS Administrator - Grade K - Exempt

Community Development Supervisor - Grade J - Exempt

Assistant City Assessor - Grade I - Exempt

Benefit/Wellness Coordinator - Grade I - Exempt

Buyer - Grade G - Exempt

Assistant Director Senior Center - Grade H - Nonexempt

Executive Administrative Assistant - Grade E - Nonexempt

Neighborhood Services Liaison - Grade D - Nonexempt

***Change/Add:***

Assistant Fire Chief (EMS) and Assistant Fire Chief (Operations) - Grade Q Exempt to Assistant Fire Chief - Grade Q - Exempt

Deputy Fire Chief Training/Prevention Grade O - Exempt to Deputy Fire Chief - Grade O - Exempt

Community Development Manager from Grade L - Exempt to Economic Development Executive Director - Grade L - Exempt

Community Development and Economic Development Coordinator - Grade K - Exempt to Development Project Manager - Grade K - Exempt

Deputy City Clerk - Grade L - Exempt

Housing Coordinator - Grade H - Exempt

Housing Specialist from Grade E - Non Exempt to Housing Navigator – Salary Grade F - Nonexempt

Neighborhood Services Zoning Inspector from Grade F - Nonexempt to Zoning Administrator and City Process Liaison - Grade I - Exempt

Communications Strategist from Grade J - Exempt to Community Engagement Coordinator – Grade K - Exempt

**SECTION 2:**            **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 3:**            **EFFECTIVE DATE** This Ordinance shall be in full force and effect from January 1, 2021 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

\_\_\_\_\_  
Rebecca Grill, City Clerk, City Of  
West Allis

\_\_\_\_\_  
Dan Devine, Mayor City Of West  
Allis

CITY OF WEST ALLIS PAY PLAN - FLSA EXEMPT

Common Council 12/15/2020 - Effective 1/1/2021

NON-RESIDENT

Grade	87.5% Minimum	90.0% Step 2	92.5% Step 3	95.0% Step 4	97.5% Step 5	100.0% Control Pt.	High Performance	120.0% Maximum
R	\$103,812.80	\$106,787.20	\$109,740.80	\$112,715.20	\$115,668.80	\$118,643.20	▶	\$142,376.00
	\$3,992.80	\$4,107.20	\$4,220.80	\$4,335.20	\$4,448.80	\$4,563.20		\$5,476.00
	\$49.91	\$51.34	\$52.76	\$54.19	\$55.61	\$57.04		\$68.45

Assistant City Administrator/Talent and Strategy Director  
 City Attorney  
 Director of Public Works  
 Finance Director  
 Fire Chief\*  
 Health Commissioner/City Sealer  
 Police Chief\*

Q	\$95,180.80	\$97,905.60	\$100,630.40	\$103,355.20	\$106,059.20	\$108,784.00	▶	\$130,540.80
	\$3,660.80	\$3,765.60	\$3,870.40	\$3,975.20	\$4,079.20	\$4,184.00		\$5,020.80
	\$45.76	\$47.07	\$48.38	\$49.69	\$50.99	\$52.30		\$62.76

Assistant Fire Chief \*^  
 City Engineer  
 Deputy Police Chief - Operations\*^  
 Deputy Police Chief - Support Services\*^  
 Director of Information Technology

P	\$90,875.20	\$93,475.20	\$96,075.20	\$98,654.40	\$101,254.40	\$103,854.40	▶	\$124,633.60
	\$3,495.20	\$3,595.20	\$3,695.20	\$3,794.40	\$3,894.40	\$3,994.40		\$4,793.60
	\$43.69	\$44.94	\$46.19	\$47.43	\$48.68	\$49.93		\$59.92

Director of Building Inspections & Neighborhood Services  
 Director of Communications  
 Library Director  
 Deputy City Attorney

O	\$86,548.80	\$89,024.00	\$91,478.40	\$93,953.60	\$96,428.80	\$98,904.00	▶	\$118,684.80
	\$3,328.80	\$3,424.00	\$3,518.40	\$3,613.60	\$3,708.80	\$3,804.00		\$4,564.80
	\$41.61	\$42.80	\$43.98	\$45.17	\$46.36	\$47.55		\$57.06

Captain (Police)\*^  
 Deputy Fire Chief \*^

N	\$82,222.40	\$84,572.80	\$86,923.20	\$89,273.60	\$91,624.00	\$93,974.40	▶	\$112,777.60
	\$3,162.40	\$3,252.80	\$3,343.20	\$3,433.60	\$3,524.00	\$3,614.40		\$4,337.60
	\$39.53	\$40.66	\$41.79	\$42.92	\$44.05	\$45.18		\$54.22

Assistant Director of Public Works  
 Battalion Chief\*^  
 City Assessor  
 Deputy Finance Director  
 Deputy Health Commissioner  
 Lieutenant (Police)\*^

M	\$77,937.60	\$80,163.20	\$82,388.80	\$84,614.40	\$86,840.00	\$89,065.60	▶	\$106,870.40
	\$2,997.60	\$3,083.20	\$3,168.80	\$3,254.40	\$3,340.00	\$3,425.60		\$4,110.40
	\$37.47	\$38.54	\$39.61	\$40.68	\$41.75	\$42.82		\$51.38

None

L	\$73,611.20	\$75,732.80	\$77,833.60	\$79,934.40	\$82,035.20	\$84,136.00	▶	\$100,963.20
	\$2,831.20	\$2,912.80	\$2,993.60	\$3,074.40	\$3,155.20	\$3,236.00		\$3,883.20
	\$35.39	\$36.41	\$37.42	\$38.43	\$39.44	\$40.45		\$48.54

Deputy City Clerk  
 Economic Development Executive Director  
 Library Manager  
 Manager of Planning & Zoning  
 Network and Security Administrator  
 Principal Assistant City Attorney  
 Principal Engineer  
 Senior Center Director  
 WIC Program Director

\* Annual Holiday Allowance Additional

^ Compression Adjustment

K	\$69,284.80	\$71,260.80	\$73,236.80	\$75,233.60	\$77,209.60	\$79,185.60	▶	\$95,014.40
	\$2,664.80	\$2,740.80	\$2,816.80	\$2,893.60	\$2,969.60	\$3,045.60		\$3,654.40
	\$33.31	\$34.26	\$35.21	\$36.17	\$37.12	\$38.07		\$45.68

Adult Services & Circulation Supervisor  
 Business Manager  
 Cataloging & Technical Processing Librarian  
 Community and Economic Development Coordinator  
 Community Engagement Coordinator  
 Electrical Maintenance Superintendent  
 Facilities Superintendent  
 Fleet Services Superintendent  
 Forestry & Grounds Superintendent  
 Municipal Court Administrator  
 Professional Engineer  
 Public Safety IT Supervisor  
 Safety & Training Coordinator  
 Sanitation & Streets Superintendent  
 Water Systems Superintendent

J	\$64,979.20	\$66,830.40	\$68,681.60	\$70,553.60	\$72,404.80	\$74,256.00	▶	\$89,107.20
	\$2,499.20	\$2,570.40	\$2,641.60	\$2,713.60	\$2,784.80	\$2,856.00		\$3,427.20
	\$31.24	\$32.13	\$33.02	\$33.92	\$34.81	\$35.70		\$42.84

Assistant City Attorney  
 Children Services Supervisor  
 Communications Manager  
 Communications Strategist  
 Deputy Treasurer/Senior Accountant  
 Engineer & Professional Land Surveyor  
 Environmentalist Coordinator  
 Neighborhood Services Supervisor  
 Public Health Nurse Coordinator  
 Senior Accountant  
 Street & Sewer Supervisor

I	\$60,652.80	\$62,379.20	\$64,105.60	\$65,832.00	\$67,579.20	\$69,305.60	▶	\$83,158.40
	\$2,332.80	\$2,399.20	\$2,465.60	\$2,532.00	\$2,599.20	\$2,665.60		\$3,198.40
	\$29.16	\$29.99	\$30.82	\$31.65	\$32.49	\$33.32		\$39.98

Civil Engineer  
 Customer Service Administrator  
 Database Administrator  
 Environmentalist  
 HR Generalist  
 Lead Planner  
 Public Health Nurse  
 Public Health Specialist  
 Sanitation Supervisor  
 Senior Buyer  
 Solutions Analyst  
 Zoning Administrator and City Process Liaison

H	\$56,368.00	\$57,969.60	\$59,592.00	\$61,193.60	\$62,816.00	\$64,417.60	▶	\$77,292.80
	\$2,168.00	\$2,229.60	\$2,292.00	\$2,353.60	\$2,416.00	\$2,477.60		\$2,972.80
	\$27.10	\$27.87	\$28.65	\$29.42	\$30.20	\$30.97		\$37.16

Community Health Education Coordinator  
 Housing Coordinator  
 Librarian  
 Office Supervisor  
 WIC Project Nutritionist

G	\$52,020.80	\$53,497.60	\$54,995.20	\$56,472.00	\$57,969.60	\$59,446.40	▶	\$71,344.00
	\$2,000.80	\$2,057.60	\$2,115.20	\$2,172.00	\$2,229.60	\$2,286.40		\$2,744.00
	\$25.01	\$25.72	\$26.44	\$27.15	\$27.87	\$28.58		\$34.30

Accountant  
 BINS Office Services Supervisor  
 Communications Supervisor  
 Community Health Nutritionist

CITY OF WEST ALLIS PAY PLAN - FLSA NON-EXEMPT

NON-RESIDENT

	87.5%	90.0%	92.5%	95.0%	97.5%	100.0%	High	120.0%
Grade	Minimum	Step 2	Step 3	Step 4	Step 5	Control Pt.	Performance	Maximum

I	\$29.16	\$29.99	\$30.82	\$31.65	\$32.49	\$33.32	▶	\$39.98
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Commercial Construction Inspector  
 Fleet Manager  
 GIS Analyst  
 Lead Electrical Mechanic \*\*  
 Plumber \*\*

H	\$27.10	\$27.87	\$28.65	\$29.42	\$30.20	\$30.97	▶	\$37.16
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Building & Sign Lead Person  
 Business Process Analyst  
 Crime Analyst  
 Electrical Mechanic \*\*  
 Engineering Technician - IT Systems  
 Engineering Technician - Traffic & Utilities  
 Lead Arborist  
 Lead Equipment Mechanic  
 Lead Inventory Services Specialist  
 PC Network Specialist  
 Residential Construction Inspector  
 Victim Advocate  
 Water Lead Person

G	\$25.01	\$25.72	\$26.44	\$27.15	\$27.87	\$28.58	▶	\$34.30
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Boring Operator  
 Building Maintenance Technician  
 Dental Hygienist  
 Engineering Technician  
 Graphic Design/Production Specialist  
 HVAC Technician  
 Planner  
 Tourism and Event Coordinator  
 Tradesperson - Carpenter

F	\$22.94	\$23.60	\$24.25	\$24.91	\$25.56	\$26.22	▶	\$31.46
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Appraiser  
 Associate Planner  
 Equipment Mechanic  
 Equipment Operations Specialist  
 Housing Navigator  
 Lead Clerk Records Unit  
 Library Assistant  
 Maintainer  
 Pumping Station Operator  
 Rehabilitation Specialist  
 Senior Video Producer

\*\* Market Exception



**CITY OF WEST ALLIS PAY PLAN - FLSA NON-EXEMPT**

**NON-RESIDENT**

<b>E</b>	<b>\$20.86</b>	<b>\$21.46</b>	<b>\$22.05</b>	<b>\$22.65</b>	<b>\$23.24</b>	<b>\$23.84</b>	<b>▶</b>	<b>\$28.61</b>
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Accounting Specialist  
 Administrative Support Specialist  
 Administrative Support Specialist - Police Body Cameras  
 Arborist  
 Assistant Pumping Station Operator  
 Carpenter  
 Clerk/Election Specialist  
 Dispatcher-Trainer  
 Equipment Operator  
 Fleet Maintenance Technician  
 Human Resources Specialist  
 Lead Library Technician  
 Legal Secretary - Principal  
 Maintenance Repairer  
 Municipal Court Clerk  
 Neighborhood Services Inspector  
 Painter  
 PC Technician  
 Property Room Technician  
 Special Assessments Specialist  
 Truck Driver - Lead

<b>D</b>	<b>\$18.79</b>	<b>\$19.32</b>	<b>\$19.86</b>	<b>\$20.40</b>	<b>\$20.93</b>	<b>\$21.47</b>	<b>▶</b>	<b>\$25.76</b>
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Administrative Support Assistant  
 Communications Assistant  
 Community Health Technician  
 Deputy Registrar  
 Dispatcher  
 Environmental Technician  
 Inventory Services Specialist  
 Legal Secretary - Senior  
 Sign Painter  
 Truck Driver  
 Utility Locate Technician

<b>C</b>	<b>\$17.39</b>	<b>\$17.88</b>	<b>\$18.38</b>	<b>\$18.88</b>	<b>\$19.37</b>	<b>\$19.87</b>	<b>▶</b>	<b>\$23.84</b>
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Circulation Services Representative  
 Custodian/Janitor  
 Laborer  
 Library Technician  
 Municipal Court Assistant  
 Park Attendant  
 Water Meter Technician  
 WIC Support Staff

<b>B</b>	<b>\$16.11</b>	<b>\$16.57</b>	<b>\$17.03</b>	<b>\$17.49</b>	<b>\$17.95</b>	<b>\$18.41</b>	<b>▶</b>	<b>\$22.09</b>
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Clerical Assistant  
 Parking Control Operator  
 Yard Attendant

<b>A</b>	<b>\$14.91</b>	<b>\$15.34</b>	<b>\$15.76</b>	<b>\$16.19</b>	<b>\$16.61</b>	<b>\$17.04</b>	<b>▶</b>	<b>\$20.45</b>
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WIC Breastfeeding Peer Counselor

CITY OF WEST ALLIS PAY PLAN - FLSA EXEMPT

Common Council 12/15/2020 - Effective 1/1/2021

RESIDENT

Grade	87.5% Minimum	90.0% Step 2	92.5% Step 3	95.0% Step 4	97.5% Step 5	100.0% Control Pt.	High Performance	120.0% Maximum
<b>R</b>	<b>\$106,412.80</b>	<b>\$109,449.60</b>	<b>\$112,486.40</b>	<b>\$115,523.20</b>	<b>\$118,560.00</b>	<b>\$121,617.60</b>	▶	<b>\$145,932.80</b>
	<b>\$4,092.80</b>	<b>\$4,209.60</b>	<b>\$4,326.40</b>	<b>\$4,443.20</b>	<b>\$4,560.00</b>	<b>\$4,677.60</b>		<b>\$5,612.80</b>
	<b>\$51.16</b>	<b>\$52.62</b>	<b>\$54.08</b>	<b>\$55.54</b>	<b>\$57.00</b>	<b>\$58.47</b>		<b>\$70.16</b>

Assistant City Administrator/Talent and Strategy Director  
 City Attorney - Effective 5/1/20  
 Director of Public Works  
 Finance Director  
 Fire Chief\*  
 Health Commissioner/City Sealer  
 Police Chief\*

<b>Q</b>	<b>\$97,552.00</b>	<b>\$100,360.00</b>	<b>\$103,147.20</b>	<b>\$105,934.40</b>	<b>\$108,700.80</b>	<b>\$111,508.80</b>	▶	<b>\$133,806.40</b>
	<b>\$3,752.00</b>	<b>\$3,860.00</b>	<b>\$3,967.20</b>	<b>\$4,074.40</b>	<b>\$4,180.80</b>	<b>\$4,288.80</b>		<b>\$5,146.40</b>
	<b>\$46.90</b>	<b>\$48.25</b>	<b>\$49.59</b>	<b>\$50.93</b>	<b>\$52.26</b>	<b>\$53.61</b>		<b>\$64.33</b>

Assistant Fire Chief (EMS)\*^  
 City Engineer  
 Deputy Police Chief - Operations\*^  
 Deputy Police Chief - Support Services\*^  
 Director of Information Technology

<b>P</b>	<b>\$93,142.40</b>	<b>\$95,804.80</b>	<b>\$98,467.20</b>	<b>\$101,129.60</b>	<b>\$103,792.00</b>	<b>\$106,454.40</b>	▶	<b>\$127,753.60</b>
	<b>\$3,582.40</b>	<b>\$3,684.80</b>	<b>\$3,787.20</b>	<b>\$3,889.60</b>	<b>\$3,992.00</b>	<b>\$4,094.40</b>		<b>\$4,913.60</b>
	<b>\$44.78</b>	<b>\$46.06</b>	<b>\$47.34</b>	<b>\$48.62</b>	<b>\$49.90</b>	<b>\$51.18</b>		<b>\$61.42</b>

Director of Building Inspections & Neighborhood Services  
 Director of Communications  
 Library Director  
 Deputy City Attorney

<b>O</b>	<b>\$88,712.00</b>	<b>\$91,249.60</b>	<b>\$93,766.40</b>	<b>\$96,304.00</b>	<b>\$98,841.60</b>	<b>\$101,379.20</b>	▶	<b>\$121,659.20</b>
	<b>\$3,412.00</b>	<b>\$3,509.60</b>	<b>\$3,606.40</b>	<b>\$3,704.00</b>	<b>\$3,801.60</b>	<b>\$3,899.20</b>		<b>\$4,679.20</b>
	<b>\$42.65</b>	<b>\$43.87</b>	<b>\$45.08</b>	<b>\$46.30</b>	<b>\$47.52</b>	<b>\$48.74</b>		<b>\$58.49</b>

Captain (Police)\*^  
 Deputy Fire Chief (Prevention/Urban Affairs)\*^

<b>N</b>	<b>\$84,281.60</b>	<b>\$86,694.40</b>	<b>\$89,086.40</b>	<b>\$91,499.20</b>	<b>\$93,912.00</b>	<b>\$96,324.80</b>	▶	<b>\$115,606.40</b>
	<b>\$3,241.60</b>	<b>\$3,334.40</b>	<b>\$3,426.40</b>	<b>\$3,519.20</b>	<b>\$3,612.00</b>	<b>\$3,704.80</b>		<b>\$4,446.40</b>
	<b>\$40.52</b>	<b>\$41.68</b>	<b>\$42.83</b>	<b>\$43.99</b>	<b>\$45.15</b>	<b>\$46.31</b>		<b>\$55.58</b>

Assistant Director of Public Works  
 Battalion Chief\*^  
 City Assessor  
 Deputy Finance Director  
 Deputy Health Commissioner  
 Lieutenant (Police)\*^

<b>M</b>	<b>\$79,892.80</b>	<b>\$82,160.00</b>	<b>\$84,448.00</b>	<b>\$86,736.00</b>	<b>\$89,003.20</b>	<b>\$91,291.20</b>	▶	<b>\$109,532.80</b>
	<b>\$3,072.80</b>	<b>\$3,160.00</b>	<b>\$3,248.00</b>	<b>\$3,336.00</b>	<b>\$3,423.20</b>	<b>\$3,511.20</b>		<b>\$4,212.80</b>
	<b>\$38.41</b>	<b>\$39.50</b>	<b>\$40.60</b>	<b>\$41.70</b>	<b>\$42.79</b>	<b>\$43.89</b>		<b>\$52.66</b>

None

<b>L</b>	<b>\$75,441.60</b>	<b>\$77,625.60</b>	<b>\$79,788.80</b>	<b>\$81,931.20</b>	<b>\$84,094.40</b>	<b>\$86,236.80</b>	▶	<b>\$103,480.00</b>
	<b>\$2,901.60</b>	<b>\$2,985.60</b>	<b>\$3,068.80</b>	<b>\$3,151.20</b>	<b>\$3,234.40</b>	<b>\$3,316.80</b>		<b>\$3,980.00</b>
	<b>\$36.27</b>	<b>\$37.32</b>	<b>\$38.36</b>	<b>\$39.39</b>	<b>\$40.43</b>	<b>\$41.46</b>		<b>\$49.75</b>

Economic Development Executive Director  
 Library Manager  
 Manager of Planning & Zoning  
 Network and Security Administrator  
 Principal Assistant City Attorney  
 Principal Engineer  
 Senior Center Director  
 WIC Program Director

\* Annual Holiday Allowance Additional

^ Compression Adjustment

<b>K</b>	<b>\$71,011.20</b>	<b>\$73,049.60</b>	<b>\$75,067.20</b>	<b>\$77,105.60</b>	<b>\$79,144.00</b>	<b>\$81,161.60</b>	▶	<b>\$97,385.60</b>
	<b>\$2,731.20</b>	<b>\$2,809.60</b>	<b>\$2,887.20</b>	<b>\$2,965.60</b>	<b>\$3,044.00</b>	<b>\$3,121.60</b>		<b>\$3,745.60</b>
	<b>\$34.14</b>	<b>\$35.12</b>	<b>\$36.09</b>	<b>\$37.07</b>	<b>\$38.05</b>	<b>\$39.02</b>		<b>\$46.82</b>

Adult Services & Circulation Supervisor  
 Business Manager  
 Cataloging & Technical Processing Librarian  
 Community and Economic Development Coordinator  
 Community Engagement Coordinator  
 Electrical Maintenance Superintendent  
 Facilities Superintendent  
 Fleet Services Superintendent  
 Forestry & Grounds Superintendent  
 Municipal Court Administrator  
 Professional Engineer  
 Public Safety IT Supervisor  
 Safety & Training Coordinator  
 Sanitation & Streets Superintendent  
 Water Systems Superintendent

<b>J</b>	<b>\$66,601.60</b>	<b>\$68,494.40</b>	<b>\$70,408.00</b>	<b>\$72,321.60</b>	<b>\$74,214.40</b>	<b>\$76,107.20</b>	▶	<b>\$91,332.80</b>
	<b>\$2,561.60</b>	<b>\$2,634.40</b>	<b>\$2,708.00</b>	<b>\$2,781.60</b>	<b>\$2,854.40</b>	<b>\$2,927.20</b>		<b>\$3,512.80</b>
	<b>\$32.02</b>	<b>\$32.93</b>	<b>\$33.85</b>	<b>\$34.77</b>	<b>\$35.68</b>	<b>\$36.59</b>		<b>\$43.91</b>

Assistant City Attorney  
 Children Services Supervisor  
 Communications Manager  
 Communications Strategist  
 Deputy Treasurer/Senior Accountant  
 Engineer & Professional Land Surveyor  
 Environmentalist Coordinator  
 Neighborhood Services Supervisor  
 Public Health Nurse Coordinator  
 Senior Accountant  
 Street & Sewer Supervisor

<b>I</b>	<b>\$62,171.20</b>	<b>\$63,939.20</b>	<b>\$65,707.20</b>	<b>\$67,475.20</b>	<b>\$69,264.00</b>	<b>\$71,032.00</b>	▶	<b>\$85,238.40</b>
	<b>\$2,391.20</b>	<b>\$2,459.20</b>	<b>\$2,527.20</b>	<b>\$2,595.20</b>	<b>\$2,664.00</b>	<b>\$2,732.00</b>		<b>\$3,278.40</b>
	<b>\$29.89</b>	<b>\$30.74</b>	<b>\$31.59</b>	<b>\$32.44</b>	<b>\$33.30</b>	<b>\$34.15</b>		<b>\$40.98</b>

Civil Engineer  
 Customer Service Administrator  
 Database Administrator  
 Environmentalist  
 HR Generalist  
 Lead Planner  
 Public Health Nurse  
 Public Health Specialist  
 Sanitation Supervisor  
 Senior Buyer  
 Solutions Analyst  
 Zoning Administrator and City Process Liaison

<b>H</b>	<b>\$57,782.40</b>	<b>\$59,425.60</b>	<b>\$61,089.60</b>	<b>\$62,732.80</b>	<b>\$64,396.80</b>	<b>\$66,019.20</b>	▶	<b>\$79,227.20</b>
	<b>\$2,222.40</b>	<b>\$2,285.60</b>	<b>\$2,349.60</b>	<b>\$2,412.80</b>	<b>\$2,476.80</b>	<b>\$2,539.20</b>		<b>\$3,047.20</b>
	<b>\$27.78</b>	<b>\$28.57</b>	<b>\$29.37</b>	<b>\$30.16</b>	<b>\$30.96</b>	<b>\$31.74</b>		<b>\$38.09</b>

Community Health Education Coordinator  
  
 Librarian  
 Office Supervisor  
 WIC Project Nutritionist

<b>G</b>	<b>\$53,331.20</b>	<b>\$54,828.80</b>	<b>\$56,368.00</b>	<b>\$57,886.40</b>	<b>\$59,425.60</b>	<b>\$60,923.20</b>	▶	<b>\$73,132.80</b>
	<b>\$2,051.20</b>	<b>\$2,108.80</b>	<b>\$2,168.00</b>	<b>\$2,226.40</b>	<b>\$2,285.60</b>	<b>\$2,343.20</b>		<b>\$2,812.80</b>
	<b>\$25.64</b>	<b>\$26.36</b>	<b>\$27.10</b>	<b>\$27.83</b>	<b>\$28.57</b>	<b>\$29.29</b>		<b>\$35.16</b>

Accountant  
 BINS Office Services Supervisor  
 Communications Supervisor  
 Community Health Nutritionist

CITY OF WEST ALLIS PAY PLAN - FLSA NON-EXEMPT

RESIDENT

	87.5%	90.0%	92.5%	95.0%	97.5%	100.0%	High	120.0%
Grade	Minimum	Step 2	Step 3	Step 4	Step 5	Control Pt.	Performance	Maximum

I	\$29.89	\$30.74	\$31.59	\$32.44	\$33.30	\$34.15	▶	\$40.98
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Commercial Construction Inspector  
 Fleet Manager  
 GIS Analyst  
 Lead Electrical Mechanic \*\*  
 Plumber

H	\$27.78	\$28.57	\$29.37	\$30.16	\$30.96	\$31.74	▶	\$38.09
---	---------	---------	---------	---------	---------	---------	---	---------

Building & Sign Lead Person  
 Business Process Analyst  
 Crime Analyst  
 Electrical Mechanic \*\*  
 Engineering Technician - IT Systems  
 Engineering Technician - Traffic & Utilities  
 Lead Arborist  
 Lead Equipment Mechanic  
 Lead Inventory Services Specialist  
 PC Network Specialist  
 Residential Construction Inspector  
 Victim Advocate  
 Water Lead Person

G	\$25.64	\$26.36	\$27.10	\$27.83	\$28.57	\$29.29	▶	\$35.16
---	---------	---------	---------	---------	---------	---------	---	---------

Boring Operator  
 Building Maintenance Technician  
 Dental Hygienist  
 Engineering Technician  
 Graphic Design/Production Specialist  
 HVAC Technician  
 Planner  
 Tourism and Event Coordinator  
 Tradesperson - Carpenter

F	\$23.51	\$24.19	\$24.86	\$25.53	\$26.20	\$26.88	▶	\$32.25
---	---------	---------	---------	---------	---------	---------	---	---------

Appraiser  
 Associate Planner  
 Equipment Mechanic  
 Equipment Operations Specialist  
 Housing Navigator  
 Lead Clerk Records Unit  
 Library Assistant  
 Maintainer  
 Pumping Station Operator  
 Rehabilitation Specialist  
 Senior Video Producer

\*\* Market Exception

**CITY OF WEST ALLIS PAY PLAN - FLSA NON-EXEMPT**

**RESIDENT**

<b>E</b>	<b>\$21.38</b>	<b>\$22.00</b>	<b>\$22.60</b>	<b>\$23.22</b>	<b>\$23.82</b>	<b>\$24.44</b>	<b>▶</b>	<b>\$29.33</b>
Accounting Specialist Administrative Support Specialist Administrative Support Specialist - Police Body Cameras Arborist Assistant Pumping Station Operator Carpenter Clerk/Election Specialist Dispatcher-Trainer Equipment Operator Fleet Maintenance Technician Human Resources Specialist Lead Library Technician Legal Secretary - Principal Maintenance Repairer Municipal Court Clerk Neighborhood Services Inspector Painter PC Technician Property Room Technician Special Assessments Specialist Truck Driver - Lead								

<b>D</b>	<b>\$19.26</b>	<b>\$19.80</b>	<b>\$20.36</b>	<b>\$20.91</b>	<b>\$21.45</b>	<b>\$22.01</b>	<b>▶</b>	<b>\$26.40</b>
Administrative Support Assistant Communications Assistant Community Health Technician Deputy Registrar Dispatcher Environmental Technician Inventory Services Specialist Legal Secretary - Senior Sign Painter Truck Driver Utility Locate Technician								

<b>C</b>	<b>\$17.82</b>	<b>\$18.33</b>	<b>\$18.84</b>	<b>\$19.35</b>	<b>\$19.85</b>	<b>\$20.37</b>	<b>▶</b>	<b>\$24.44</b>
Circulation Services Representative Custodian/Janitor Laborer Library Technician Municipal Court Assistant Park Attendant Water Meter Technician WIC Support Staff								

<b>B</b>	<b>\$16.51</b>	<b>\$16.98</b>	<b>\$17.46</b>	<b>\$17.93</b>	<b>\$18.40</b>	<b>\$18.87</b>	<b>▶</b>	<b>\$22.64</b>
Clerical Assistant Parking Control Operator Yard Attendant								

<b>A</b>	<b>\$15.28</b>	<b>\$15.72</b>	<b>\$16.15</b>	<b>\$16.59</b>	<b>\$17.03</b>	<b>\$17.47</b>	<b>▶</b>	<b>\$20.96</b>
WIC Breastfeeding Peer Counselor								

STATE OF WISCONSIN                      CIRCUIT COURT                      MILWAUKEE

Charles Cleveland et al vs. City of West Allis et al

Electronic Filing Notice

Case No. 2019CV009679  
Class Code: Personal Injury/Automobile

FILED  
12-23-2019  
John Barrett  
Clerk of Circuit Court  
2019CV009679  
Honorable Carl Ashley-33  
Branch 33

CITY OF WEST ALLIS  
C/O STEVEN A. BRAATZ JR.  
7525 W. GREENFIELD AVE.  
MILWAUKEE WI 53214

1-2-20 WJ  
1:15 PM  
Anna Neff

Case number 2019CV009679 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 \$20.00 fee to register as an electronic party.

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: 72a83e**

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 414-278-4120.

Milwaukee County Circuit Court  
Date: December 23, 2019

RECEIVED  
JAN 02 REC'D  
CITY OF WEST ALLIS  
CITY CLERK

FILED  
12-23-2019  
John Barrett  
Clerk of Circuit Court  
2019CV009679  
Honorable Carl Ashley-33  
Branch 33

**STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY**

---

CHARLES CLEVELAND  
2231 S. 67<sup>th</sup> Place, Upper  
West Allis, WI 53219

Plaintiff,

and,

WISCONSIN DEPT. OF HEALTH SERVICES  
c/o Secretary Designee Andrea Palm,  
1 West Wilson Street  
Madison, WI 53703

BLUE CROSS BLUE SHIELD OF WISCONSIN  
d/b/a ANTHEM BLUE CROSS BLUE SHIELD  
c/o CT Corporation System  
301 S. Bedford St., Ste. 1  
Madison, WI 53703

Involuntary Plaintiffs,

vs.

CITY OF WEST ALLIS  
c/o West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

STEVEN M. JANCZAK  
10226 W. Steepleview Lane  
Franklin, WI 53132

Defendants.

**SUMMONS**

Case No.:

Code No.: Personal Injury-Auto: 30101

---

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 forty-five (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 Milwaukee County Courthouse, 901 N. Ninth Street, Milwaukee, WI 53233, and to Martin Law Office, S.C., plaintiff's attorneys, whose address is 7280 S. 13<sup>th</sup> St., Ste. 102, Oak Creek, WI 53154. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (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: December 17, 2019

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff(s)

*Electronically Signed by Drew J. De Vinney*

---

Drew J. De Vinney  
State Bar No. 01088576

ADDRESS  
7280 S. 13th St., Ste.102  
Oak Creek, WI 53154  
414-856-2310 (office)  
414-856-2677 (direct fax)  
drew@martin-law-office.com



FILED  
12-23-2019  
John Barrett  
Clerk of Circuit Court  
2019CV009679  
Honorable Carl Ashley-33  
Branch 33

**STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY**

---

CHARLES CLEVELAND  
2231 S. 67<sup>th</sup> Place, Upper  
West Allis, WI 53219

**COMPLAINT**

Plaintiff,

Case No.:

Code No.: Personal Injury-Auto: 30101

and,

WISCONSIN DEPT. OF HEALTH SERVICES  
c/o Secretary Designee Andrea Palm,  
1 West Wilson Street  
Madison, WI 53703

BLUE CROSS BLUE SHIELD OF WISCONSIN  
d/b/a ANTHEM BLUE CROSS BLUE SHIELD  
c/o CT Corporation System  
301 S. Bedford St., Ste. 1  
Madison, WI 53703

Involuntary Plaintiffs,

vs.

CITY OF WEST ALLIS  
c/o West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

STEVEN M. JANCZAK  
10226 W. Steepleview Lane  
Franklin, WI 53132

Defendants.

---

NOW COMES the above-named plaintiff, by his attorneys, Martin Law Office, S.C. and  
as for their claim for relief, allege and show to the Court as follows:

### PARTIES AND GENERAL ALLEGATIONS

1. At the present time, the plaintiff, Charles Cleveland, is an adult citizen and resident of the State of Wisconsin, residing at 2231 S. 67<sup>th</sup> Place, Upper, West Allis, WI 53219.

2. That the involuntary plaintiff, Wisconsin Department of Health Services, is a statutorily created health insurance provider, with offices of its Sect. Designee Andrea Palm, located at 1 West Wilson St., Madison, WI 53703; that Wisconsin Department of Health Services has paid health claims on behalf of the plaintiff, Charles Cleveland, for medical care and services rendered as a result of the injuries he sustained as hereinafter set forth; that by reason of any such payments, Wisconsin Department of Health Services is a proper party hereto.

3. That the involuntary plaintiff, Blue Cross Blue Shield of Wisconsin d/b/a Anthem Blue Cross and Blue Shield (hereinafter collectively "Blue Cross"), is an insurance company, licensed to do business in the State of Wisconsin, with offices of its Registered Agent, CT Corporation System, located at 301 S. Bedford St., Ste. 1, Madison, WI 53703; that Blue Cross has paid medical and related expenses on behalf of the plaintiff, Charles Cleveland, as a result of the injuries sustained as hereinafter set forth; that Blue Cross has no legal right to subrogation or reimbursement despite its payments of benefits, but by reason of any such payments, Blue Cross is a proper party under sec. 803.03, Wis. Stat.

4. That the defendant, City of West Allis, at all times material hereto, is a municipal corporation, organized and existing under the laws of the State of Wisconsin, whose principle offices are located at City Hall, Room 108-110, 7525 W. Greenfield Ave., West Allis, WI 53214; that the defendant, City of West Allis, has a legal obligation to indemnify its city employees, including Steven M. Janczak, and to satisfy any judgement entered against them if it is

determined that the defendant city employees, including Steven M. Janczak, were acting within the scope of their employment at all times material hereto.

5. That the defendant, Steven M. Janczak, is an adult citizen and resident of the State of Wisconsin, residing at 10226 W. Steepleview Lane, Franklin, WI 53132; that at the time of the collision that is the subject of this lawsuit, Steven M Janczak was the permissive driver of a motor vehicle owned by the defendant, City of West Allis, that at the time of the collision that is the subject of this lawsuit, Steven M. Janczak was acting within the scope of his employment, agency, or servitude with the defendant, City of West Allis.

6. That on November 20, 2018, at approximately 7:38 am, the plaintiff, Charles Cleveland was operating a 2005 Ford Focus ZX4 eastbound on W. Lincoln Avenue in West Allis, Wisconsin, in the left lane; that at the same time, the defendant, Steven M. Janczak, was operating 2017 Peterbilt 320 garbage truck eastbound on W. Lincoln Avenue; that Mr. Janczak pulled his vehicle to the right side of the roadway and attempted a sudden U-turn in front of Mr. Cleveland's vehicle; that Mr. Cleveland was unable to avoid impact with Mr. Janczak; that Mr. Cleveland's vehicle collided into the side of the garbage truck operated by Mr. Janczak; that Mr. Janczak was negligent in the operation of his vehicle; that Mr. Janczak's negligence was a direct and proximate cause of the collision and herein and the injuries and damages sustained by the plaintiff as hereinafter described.

**FIRST CLAIM FOR RELIEF:**  
**NEGLIGENCE AGAINST STEVEN M. JANCZAK**

7. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

8. That the defendant, Steven M. Janczak, was negligent in the operation and use of his motor vehicle on November 20, 2018, as alleged, in that Mr. Janczak failed to yield the right,

failed to maintain a proper lookout, and was otherwise negligent; that such negligence was a direct and proximate cause of the collision and herein and the injuries and damages sustained by the plaintiff as hereinafter described.

9. That the negligence of the defendant, Steven M. Janczak, as alleged was a cause of the injuries and damages of the plaintiff, Charles Cleveland, including loss of use of his vehicle, past pain and suffering, past medical expenses, and other compensable injuries and damages, all to his damage in an amount to be determined at a trial of this matter.

**SECOND CLAIM FOR RELIEF:**  
**NEGLIGENCE AGAINST CITY OF WEST ALLIS**

10. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

11. That upon information and belief, the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M. Janczak, was negligent in the operation of the garbage truck on November 20, 2018.

12. That the negligent operation of the garbage truck by the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M Janczak, as alleged, was a proximate cause of the injuries and damages of the plaintiff, Charles Cleveland, as set forth herein.

13. That the negligence of the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M Janczak, as alleged, was a cause of the injures damages of the plaintiff, Charles Cleveland, including loss of use of his vehicle, past pain, suffering, past medical expenses, and other compensable injuries and damages, all to his damage in an amount to be determined at a trial of this matter.

**WHEREFORE**, the plaintiff demands judgment as follows:

- a. For compensatory damages on behalf of Charles Cleveland, in an amount to be determined at a trial of this matter.
- b. For all costs, disbursements and actual attorney's fees, and all interest due and owing pursuant to sec. 628.46, Wis. Stat.;
- c. For a dismissal of any and all subrogation or reimbursement claims in this matter; and,
- d. For any other relief the court deems just and equitable.

**PLEASE TAKE NOTICE THAT THE PLAINTIFFS DEMAND A TRIAL IN THE ABOVE-ENTITLED ACTION.**

Dated: December 17, 2019

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff(s)

*Electronically Signed by Drew J. De Vinney*

---

Drew J. De Vinney  
State Bar No. 01088576

ADDRESS  
7280 S. 13th St., Ste.102  
Oak Creek, WI 53154  
414-856-2310 (office)  
414-856-2677 (direct fax)  
drew@martin-law-office.com

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Charles Cleveland SdC  
2019 CV 009679

Date: 1-2-20

In-person

Process Server

Claimant

Other \_\_\_\_\_

By mail

By email

By fax

Received by: a Neff

➤ Hand deliver to: Ann Marie  or Janel

➤ Forwarded to Attorney's Office by Ann Marie or Janel

➤ Response from Attorney's Office

➤ Common Council Agenda: Yes  No

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE

Charles Cleveland et al vs. City of West Allis et al

Electronic Filing Notice

Case No. 2019CV009679

Class Code: Personal Injury/Automobile

FILED 12-23-2019 John Barrett Clerk of Circuit Court 2019CV009679 Honorable Carl Ashley-33 Branch 33

CITY OF WEST ALLIS C/O STEVEN A. BRAATZ JR. 7525 W. GREENFIELD AVE. MILWAUKEE WI 53214

Handwritten notes: 1-2-20 w/ 1:15 p Anna Neff

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Pro Se opt-in code: 72a83e

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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 414-278-4120.

Milwaukee County Circuit Court Date: December 23, 2019

RECEIVED JAN 02 REC'D CITY OF WEST ALLIS CITY CLERK

FILED  
12-23-2019  
John Barrett  
Clerk of Circuit Court  
2019CV009679  
Honorable Carl Ashley-33  
Branch 33

**STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY**

---

CHARLES CLEVELAND  
2231 S. 67<sup>th</sup> Place, Upper  
West Allis, WI 53219

Plaintiff,

and,

WISCONSIN DEPT. OF HEALTH SERVICES  
c/o Secretary Designee Andrea Palm,  
1 West Wilson Street  
Madison, WI 53703

BLUE CROSS BLUE SHIELD OF WISCONSIN  
d/b/a ANTHEM BLUE CROSS BLUE SHIELD  
c/o CT Corporation System  
301 S. Bedford St., Ste. 1  
Madison, WI 53703

Involuntary Plaintiffs,

vs.

CITY OF WEST ALLIS  
c/o West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

STEVEN M. JANCZAK  
10226 W. Steepleview Lane  
Franklin, WI 53132

Defendants.

**SUMMONS**

Case No.:

Code No.: Personal Injury-Auto: 30101

---

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.

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If you do not provide a proper answer within forty-five (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: December 17, 2019

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff(s)

*Electronically Signed by Drew J. De Vinney*

---

Drew J. De Vinney  
State Bar No. 01088576

ADDRESS  
7280 S. 13th St., Ste.102  
Oak Creek, WI 53154  
414-856-2310 (office)  
414-856-2677 (direct fax)  
drew@martin-law-office.com

FILED  
12-23-2019  
John Barrett  
Clerk of Circuit Court  
2019CV009679  
Honorable Carl Ashley-33  
Branch 33

**STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY**

---

CHARLES CLEVELAND  
2231 S. 67<sup>th</sup> Place, Upper  
West Allis, WI 53219

**COMPLAINT**

Plaintiff,

Case No.:

Code No.: Personal Injury-Auto: 30101

and,

WISCONSIN DEPT. OF HEALTH SERVICES  
c/o Secretary Designee Andrea Palm,  
1 West Wilson Street  
Madison, WI 53703

BLUE CROSS BLUE SHIELD OF WISCONSIN  
d/b/a ANTHEM BLUE CROSS BLUE SHIELD  
c/o CT Corporation System  
301 S. Bedford St., Ste. 1  
Madison, WI 53703

Involuntary Plaintiffs,

vs.

CITY OF WEST ALLIS  
c/o West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

STEVEN M. JANCZAK  
10226 W. Steepleview Lane  
Franklin, WI 53132

Defendants.

---

NOW COMES the above-named plaintiff, by his attorneys, Martin Law Office, S.C. and  
as for their claim for relief, allege and show to the Court as follows:

### PARTIES AND GENERAL ALLEGATIONS

1. At the present time, the plaintiff, Charles Cleveland, is an adult citizen and resident of the State of Wisconsin, residing at 2231 S. 67<sup>th</sup> Place, Upper, West Allis, WI 53219.

2. That the involuntary plaintiff, Wisconsin Department of Health Services, is a statutorily created health insurance provider, with offices of its Sect. Designee Andrea Palm, located at 1 West Wilson St., Madison, WI 53703; that Wisconsin Department of Health Services has paid health claims on behalf of the plaintiff, Charles Cleveland, for medical care and services rendered as a result of the injuries he sustained as hereinafter set forth; that by reason of any such payments, Wisconsin Department of Health Services is a proper party hereto.

3. That the involuntary plaintiff, Blue Cross Blue Shield of Wisconsin d/b/a Anthem Blue Cross and Blue Shield (hereinafter collectively "Blue Cross"), is an insurance company, licensed to do business in the State of Wisconsin, with offices of its Registered Agent, CT Corporation System, located at 301 S. Bedford St., Ste. 1, Madison, WI 53703; that Blue Cross has paid medical and related expenses on behalf of the plaintiff, Charles Cleveland, as a result of the injuries sustained as hereinafter set forth; that Blue Cross has no legal right to subrogation or reimbursement despite its payments of benefits, but by reason of any such payments, Blue Cross is a proper party under sec. 803.03, Wis. Stat.

4. That the defendant, City of West Allis, at all times material hereto, is a municipal corporation, organized and existing under the laws of the State of Wisconsin, whose principle offices are located at City Hall, Room 108-110, 7525 W. Greenfield Ave., West Allis, WI 53214; that the defendant, City of West Allis, has a legal obligation to indemnify its city employees, including Steven M. Janczak, and to satisfy any judgement entered against them if it is

determined that the defendant city employees, including Steven M. Janczak, were acting within the scope of their employment at all times material hereto.

5. That the defendant, Steven M. Janczak, is an adult citizen and resident of the State of Wisconsin, residing at 10226 W. Steepleview Lane, Franklin, WI 53132; that at the time of the collision that is the subject of this lawsuit, Steven M Janczak was the permissive driver of a motor vehicle owned by the defendant, City of West Allis, that at the time of the collision that is the subject of this lawsuit, Steven M. Janczak was acting within the scope of his employment, agency, or servitude with the defendant, City of West Allis.

6. That on November 20, 2018, at approximately 7:38 am, the plaintiff, Charles Cleveland was operating a 2005 Ford Focus ZX4 eastbound on W. Lincoln Avenue in West Allis, Wisconsin, in the left lane; that at the same time, the defendant, Steven M. Janczak, was operating 2017 Peterbilt 320 garbage truck eastbound on W. Lincoln Avenue; that Mr. Janczak pulled his vehicle to the right side of the roadway and attempted a sudden U-turn in front of Mr. Cleveland's vehicle; that Mr. Cleveland was unable to avoid impact with Mr. Janczak; that Mr. Cleveland's vehicle collided into the side of the garbage truck operated by Mr. Janczak; that Mr. Janczak was negligent in the operation of his vehicle; that Mr. Janczak's negligence was a direct and proximate cause of the collision and herein and the injuries and damages sustained by the plaintiff as hereinafter described.

**FIRST CLAIM FOR RELIEF:**  
**NEGLIGENCE AGAINST STEVEN M. JANCZAK**

7. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

8. That the defendant, Steven M. Janczak, was negligent in the operation and use of his motor vehicle on November 20, 2018, as alleged, in that Mr. Janczak failed to yield the right,

failed to maintain a proper lookout, and was otherwise negligent; that such negligence was a direct and proximate cause of the collision and herein and the injuries and damages sustained by the plaintiff as hereinafter described.

9. That the negligence of the defendant, Steven M. Janczak, as alleged was a cause of the injuries and damages of the plaintiff, Charles Cleveland, including loss of use of his vehicle, past pain and suffering, past medical expenses, and other compensable injuries and damages, all to his damage in an amount to be determined at a trial of this matter.

**SECOND CLAIM FOR RELIEF:**  
**NEGLIGENCE AGAINST CITY OF WEST ALLIS**

10. Realleges and incorporates herein by reference the allegations of the preceding paragraphs.

11. That upon information and belief, the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M. Janczak, was negligent in the operation of the garbage truck on November 20, 2018.

12. That the negligent operation of the garbage truck by the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M Janczak, as alleged, was a proximate cause of the injuries and damages of the plaintiff, Charles Cleveland, as set forth herein.

13. That the negligence of the defendant, City of West Allis, its agents, servants, and/or employees, including Steven M Janczak, as alleged, was a cause of the injures damages of the plaintiff, Charles Cleveland, including loss of use of his vehicle, past pain, suffering, past medical expenses, and other compensable injuries and damages, all to his damage in an amount to be determined at a trial of this matter.

**WHEREFORE**, the plaintiff demands judgment as follows:

- a. For compensatory damages on behalf of Charles Cleveland, in an amount to be determined at a trial of this matter.
- b. For all costs, disbursements and actual attorney's fees, and all interest due and owing pursuant to sec. 628.46, Wis. Stat.;
- c. For a dismissal of any and all subrogation or reimbursement claims in this matter; and,
- d. For any other relief the court deems just and equitable.

**PLEASE TAKE NOTICE THAT THE PLAINTIFFS DEMAND A TRIAL IN THE ABOVE-ENTITLED ACTION.**

Dated: December 17, 2019

**MARTIN LAW OFFICE, S.C.**  
Attorney for Plaintiff(s)

*Electronically Signed by Drew J. De Vinney*

---

Drew J. De Vinney  
State Bar No. 01088576

ADDRESS  
7280 S. 13th St., Ste.102  
Oak Creek, WI 53154  
414-856-2310 (office)  
414-856-2677 (direct fax)  
drew@martin-law-office.com

**From:** [Rebecca Hammock](#)  
**To:** [Janel Lemanske](#); [Kris Palmer](#)  
**Cc:** [Kail Decker](#)  
**Subject:** RE: Claim - Charles Cleveland  
**Date:** Monday, February 10, 2020 12:31:30 PM

---

This is not a new claim. It is further pleadings in the lawsuit filed under jacket 2020-0013.

**Rebecca Hammock**

Principal Assistant City Attorney | City Attorney's Office  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Dept: 414-302-8450  
[thatswhywestallis.com](http://thatswhywestallis.com)

---

**From:** Janel Lemanske  
**Sent:** Monday, February 10, 2020 11:58 AM  
**To:** Rebecca Hammock; Kris Palmer  
**Cc:** Kail Decker  
**Subject:** Claim - Charles Cleveland

Hi Rebecca and Kris

There are 2 jackets currently in the system. Should I open another file?  
2020-0013 and 2019-0137

Thank you

**Janel Lemanske**

Administrative Support Specialist | Clerk's Office  
City of West Allis  
7525 W. Greenfield Ave. | West Allis, WI 53214  
Office: 414-302-8203 | Dept: 414-302-8220  
[thatswhywestallis.com](http://thatswhywestallis.com)

**From:** CH-CLERK-CMFP@westalliswi.gov [mailto:CH-CLERK-CMFP@westalliswi.gov]  
**Sent:** Monday, February 10, 2020 11:59 AM  
**To:** Janel Lemanske  
**Subject:** Message from KMBT\_C454e

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Charles Cleveland (Mallery + Zimmerman, S.C.)  
Milw. City Case# 19-CV-9679

Date: 2/10/2020

In-person

Process Server

Claimant

Other \_\_\_\_\_

By mail

By email

By fax

Received by: J Lemanski

➤ Hand deliver to: Ann Marie  or Janel

➤ Forwarded to Attorney's Office by Ann Marie or Janel

➤ Response from Attorney's Office

➤ Common Council Agenda: Yes  No

Jackets 202-0013 (1/7/2020)  
2019-0137 (3/5/19)



# MALLERY & ZIMMERMAN, S.C.

A LIMITED LIABILITY SERVICE CORPORATION

## WAUSAU OFFICE

JOHN A. CRAVENS  
MATTHEW S. MAYER \*  
MARK A. SAUER  
MARY SUE ANDERSON  
SHELDON OPPERMANN  
STEVEN H. SCHINKER ±  
ROBERT W. ZIMMERMAN +, Of Counsel  
THOMAS F. MALLERY, of Counsel  
TERRENCE J. GARSKE, of Counsel  
+ Certified Public Accountant  
\* Certified in Civil Trial Advocacy by the  
National Board of Trial Advocacy  
± LL.M. in Environmental Law and also  
licensed to practice in Arizona, Colorado and  
Florida

500 THIRD STREET, SUITE 800 · PO BOX 479  
WAUSAU, WISCONSIN 54402-0479  
TELEPHONE – 715.845.8234  
FACSIMILE – 715.848.1085  
WWW.MALLERYANDZIMMERMAN.COM  
MMAYER@MZATTYS.COM

February 1, 2020

**RECEIVED**

**FEB 10 2020**

**CITY OF WEST ALLIS  
CITY CLERK**

## MILWAUKEE OFFICE

RANDALL G. ERKERT  
JOHN M. WIRTH  
DOUGLAS G. FRENCH  
JON S. HERREMAN  
MICHAEL J. McDONAGH  
JACQUELINE G. HROVAT  
ADAM A. BARDOSY  
MICHAEL A. MARX  
ANDREW H. ROBINSON  
K. SCOTT WAGNER  
ANDREW FRANK  
ANNE M. Plichta  
SHAUNA D. MANION  
MARGARET L. SEIFERT

STEVENS POINT OFFICE  
STANTON E. THOMAS

RHINELANDER OFFICE  
ANDREW P. SMITH

Jesus G.Q. Garza, Esq.  
Wisconsin Department of Health Services  
1 West Wilson Street, Room 651  
P.O. Box 7850  
Madison, WI 53707-7850

**RE: Charles Cleveland, et al. v. City of West Allis, et al.  
Milwaukee County Case No. 19-CV-9679**

Dear Attorney Garza:

Please find enclosed the following document in the above-entitled matter which was electronically filed with the Court:

- Answer, Counterclaim and Cross-Claim of Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin.

Additionally enclosed is an Affidavit of Mailing evidencing service of the same. Thank you.

Sincerely,

MALLERY & ZIMMERMAN, S.C.



MATTHEW S. MAYER

MSM:rrr  
Enclosures

cc: City of West Allis  
Mr. Steven M. Janczak

STATE OF WISCONSIN

CIRCUIT COURT  
BRANCH 33

MILWAUKEE COUNTY

**CHARLES CLEVELAND,**

Plaintiff,

and

**WISCONSIN DEPARTMENT OF  
HEALTH SERVICES and BLUE CROSS  
BLUE SHIELD OF WISCONSIN,**

Involuntary Plaintiffs,

Case No. 19-CV-9679

Case Code No. 30101

v.

**CITY OF WEST ALLIS and  
STEVEN M. JANCZAK,**

Defendants.

**ANSWER, COUNTERCLAIM AND CROSS-CLAIM OF INVOLUNTARY  
PLAINTIFF, BLUE CROSS BLUE SHIELD OF WISCONSIN**

NOW COMES Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin, by its attorneys, Mallery & Zimmerman, S.C. by Matthew S. Mayer, and, as and for its answer to Plaintiff's Complaint, and its counterclaim and cross-claim, hereby alleges and shows to the Court as follows:

1. In answering Paragraph 1 of the Complaint, admits the allegations contained therein.
2. In answering Paragraph 2 of the Complaint, is without knowledge or information sufficient to form a belief as to the truth of the allegations pertaining to any payments made to or

on behalf of Plaintiff, as well as any subrogation rights and/or interests; admits the remaining allegations contained therein.

3. In answering Paragraph 3 of the Complaint, admits in part and denies in part. Denies all allegations doubting or denying this answering party's subrogation rights and/or interests and puts Plaintiff to his strictest proof thereon; admits the remaining allegations contained therein.

4. In answering Paragraphs 4 through 6 of the Complaint, admits the allegations contained therein.

5. In answering Paragraph 7 of the Complaint, realleges and incorporates as if fully set forth hereat Paragraphs 1 through the preceding paragraph of this answer.

6. In answering Paragraphs 8 and 9 of the Complaint, admits the allegations contained therein.

7. In answering Paragraph 10 of the Complaint, realleges and incorporates as if fully set forth hereat Paragraphs 1 through the preceding paragraph of this answer.

8. In answering Paragraphs 11 through 13 of the Complaint, admits the allegations contained therein.

#### COUNTERCLAIM AND CROSS-CLAIM

NOW COMES Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin, by its attorneys, Mallery & Zimmerman, S.C. by Matthew S. Mayer, and, as and for its cross-claim against Plaintiff, Charles Cleveland, and its counterclaim against Defendants, City of West Allis and Steven M. Janczak, hereby alleges as follows:

1. Realleges and incorporates by reference herein the answer of Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin.

2. At all times herein, Plaintiff, Charles Cleveland, received state-funded health benefits administered by Blue Cross Blue Shield of Wisconsin pursuant to Wis. Stat. § 49.89(9).

3. At all times herein, Blue Cross Blue Shield of Wisconsin processed claims and administered payment of medical expenses incurred by Plaintiff, Charles Cleveland, as a result of injuries sustained in the accident referenced in the Complaint.

4. Pursuant to Wis. Stat. § 49.89(2), Blue Cross Blue Shield of Wisconsin has a lien equal to the amount of the medical assistance provided, or to be provided, as a result of the injury, sickness or death that gave rise to this claim. The lien is on any payment resulting from a judgment or settlement which may be due Plaintiff, Charles Cleveland, and continues until such time as released and discharged by Blue Cross Blue Shield of Wisconsin.

5. Pursuant to Wis. Stat. § 49.89(3), Blue Cross Blue Shield of Wisconsin makes a claim to recover its lien from any Defendant found liable.

6. Blue Cross Blue Shield of Wisconsin's lien shall be paid from any compensation received as a result of the occurrence of injury, sickness or death, including any med-pay benefits paid directly to Plaintiff, Charles Cleveland, in accordance with Wis. Stat. § 49.89(5).

WHEREFORE, Involuntary Plaintiff, Blue Cross Blue Shield of Wisconsin, demands judgment as follows:

- A. On its subrogation and/or reimbursement interest in the current amount of \$1,047.47, plus any other medical payments made, or to be made, as well as interest;
- B. For the attorneys' fees, costs, and disbursements of this Involuntary Plaintiff; and
- C. For such other and further relief as the Court deems just and equitable.

DATED this 1st day of February 2020.

MALLERY & ZIMMERMAN, S.C.  
Attorneys for Involuntary Plaintiff, Blue Cross Blue  
Shield of Wisconsin

ADDRESS:

500 Third Street, Suite 800  
P.O. Box 479  
Wausau, WI 54402-0479  
715.845.8234 – telephone  
715.848.1085 – facsimile  
mmayer@mzattys.com

BY: Electronically Signed by Matthew S. Mayer  
MATTHEW S. MAYER  
State Bar No. 1001237





**MARTIN**  
LAW OFFICE, S.C.

7280 S. 13<sup>th</sup> St., Ste. 102 | Oak Creek, WI 53154  
Phone: 414-856-2310 | Fax: 414-856-2315  
[www.martin-law-office.com](http://www.martin-law-office.com)

January 9, 2019

West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield. Ave.  
West Allis, WI 53214

**Re: Our Client: Charles Cleveland**  
**Date/Injury: November 20, 2018**

Dear Mr. Braatz :

We herein give notice of our retention and attorneys' lien, pursuant to sec. 757.36 Wis. Stats., on behalf of Charles Cleveland to make claim against the City of West Allis for personal injuries Charles Cleveland sustained on 11/20/18.

We hereby request, pursuant to sec. 904.12, Wis. Stat., that you immediately release a copy of any statement obtained by you from our client. **Any video recordings or photographs of the subject incident are essential to this claim; therefore, you are under a continuing obligation to preserve the same.** *Sentry Ins. v. Royal Ins. Co.*, 196 Wis. 2d 907, 918-919, 539 N.W.2d 911 (1995). Please contact the undersigned immediately relative to the existence or non-existence of any video recordings or photographs of the subject incident.

This is also to advise that any medical authorization or release of information signed by Charles Cleveland is hereby revoked.

There is also the possibility that a lien may be asserted in connection with our client's claims in this case. WE HEREBY PUT YOU ON NOTICE THAT WE WILL DEAL DIRECTLY WITH THE LIEN CARRIER and THAT NO SEPARATE CHECKS ARE TO BE CUT TO THE LIEN CARRIER WITHOUT OUR PRIOR WRITTEN APPROVAL. When and if we are able to amicably resolve this matter, we will insure that your interests are protected and that any necessary releases are signed.

As soon as we have obtained medical information and other pertinent information regarding this accident, we will forward same to you and will contact you to discuss this matter with a view toward an amicable disposition of the case.

Attorneys

Kevin R. Martin\*  
Michael J. Jassak\*  
Anthony J. Skemp\*  
Drew J. DeVinney

\* Dual Board Certified  
Civil Trial Specialist

RECEIVED

JAN 14 2019  
CITY OF WEST ALLIS  
CITY CLERK

Please provide us with the policy limits for all policies applicable to the above-referenced accident. Finally, kindly acknowledge our letter of retainer.

Sincerely,

**MARTIN LAW OFFICE, S.C.**

*Electronically Signed by Drew J. DeVinney*

Drew J. DeVinney  
(414) 856-2670 (direct)  
(414) 856-2677 (direct fax)  
drew@martin-law-office.com

DJD/kp  
Enclosure: Motor Vehicle Accident Report



1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

1SL0549MJF

Document Number Override		Primary Crash Document #		Agency Crash Number		Investigating Officer/Deputy <b>INVESTIGATOR C. SOHRE</b>	
Crash Date 11/20/2018		Crash Time 07:38 AM		Date Arrived 11/20/2018		Time Arrived 07:45 AM	
Date Notified 11/20/2018		Time Notified 07:41 AM		Total Units 02		Total Injured 01	Total Killed 00
<input type="checkbox"/> On Emergency	<input type="checkbox"/> Hit and Run	<input checked="" type="checkbox"/> Lane Closure		<input type="checkbox"/> Work Zone		<input type="checkbox"/> Trailer or Towed	<input checked="" type="checkbox"/> Reporting Threshold
<input type="checkbox"/> Government Property		<input type="checkbox"/> Active School Zone		School Bus Related NO		Tags	
<input checked="" type="checkbox"/> Reportable		Crash Type DT4000 (STANDARD CRASH)				<input type="checkbox"/> Amended	<input type="checkbox"/> Secondary Crash

Description

Diagram		Reconstruction By	
		Photos By TI SOHRE	
		Additional Information PHOTOS	

I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

VEHICLES #1 AND #2 E/B ON W. LINCOLN AVE IN THE 8900BLK. VEHICLE #1 PULLS TO THE SIDE OF THE ROADWAY IN AN ATTEMPT TO MAKE A "U" TURN. VEHICLE #2 TRIES TO AVOID IMPACT, BUT IS UNABLE TO AS VEHICLE #1 DRIVES OVER PART OF THE HOOD OF VEHICLE #2.

1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

Location

ON 8900BLK W LINCOLN AVE (1) 77 FT W OF S 89TH ST (OTHER 8900BLK)  IN THE CITY OF WEST ALLIS IN MILWAUKEE COUNTY	Latitude 43.002714485	Longitude -88.0236668
	X Coordinate 416565.96875	Y Coordinate 4761624.5
	Structure Type OTHER	

Crash Scene

First Harmful Event MOTOR VEH IN TRANSPORT		First Harmful Event Location ON ROADWAY	
Manner of Collision 08--FRONT TO SIDE		Light Condition DAYLIGHT	
Road Surface Condition(s) DRY		Roadway Factor(s)  NONE	
Environment Factor(s) NONE			
Weather Condition(s) CLEAR			
Animal Type		Relation To Trafficway TRAFFICWAY - ON ROAD	
Crash Classification - Location PUBLIC PROPERTY		Crash Classification - Jurisdiction NO SPECIAL JURISDICTION	
Tribal Land		Access Control NO CONTROL	Special Study
Within Interchange Area NO	Junction Location NON-JUNCTION	Intersection Type NOT AN INTERSECTION	
Closure Type FULL CLOSURE		Reasons for Closure LAW ENFORCEMENT, TOW TRUCK, FIRE/EMS	
Date Initial Lane/Rd Closed 11/20/2018	Time Initial Lane/Rd Closed 07:45 AM		
Date All Lanes Open 11/20/2018	Time All Lanes Open 08:08 AM	Date Scene Cleared 11/20/2018	Time Scene Cleared 08:08 AM

Unit Summary

01 UNIT	Unit Status IN TRANSIT		Vehicle Operating As Classification B CLASS		Unit Type TRUCK		
	Vehicle Type STRAIGHT TRUCK (INSERT TRUCK)				Operating As Endorsements		
	Total Occs 3	Train/Bus # Injured	Total # Citations Issued 0	Total Trailers 0	Total HazMat Types 0		
	Insurance? YES	Direction Of Travel EASTBOUND	<input type="checkbox"/> Pre Crash Tire Mark	Speed Limit 30	Total Lanes 4		
	Most Harmful Event: Collision With MOTOR VEH IN TRANSPORT		Special Function NO SPECIAL FUNCTION		Emergency Motor Vehicle Use NOT APPLICABLE		
	Traffic Way TWO-WAY, NOT DIVIDED		Traffic Control NO CONTROL		Traffic Control Inoperative/Missing NO		
	Surface Type BLACKTOP (BITUMINOUS)		Road Curvature STRAIGHT		Road Grade LEVEL		
	Truck Bus or HazMat TRUCK OR TRUCK COMBINATION > 10,000LBS GVWR/GCWR						
	<b>Vehicle</b>						
		License Plate Number [REDACTED]	Plate Type MUN - MUNICIPAL	St WI	Country of Issuance UNITED STATES		
	Vehicle Identification Number [REDACTED]	Make PETERBILT MOTORS CO	Year 2017	Model 320			

1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

UNIT VEHICLE	Color	WHI - WHITE	Body Style	GG - GARBAGE OR REFUSE	Bus Use	NOT A BUS
	Initial Contact Point	8--LEFT SIDE REAR	Vehicle Damage			
	Extent Of Damage	MINOR DAMAGE	7--LEFT REAR CORNER, 8--LEFT SIDE REAR, 9--LEFT SIDE MIDDLE			
	Towed Due To Damage	NOT TOWED	Vehicle Removed By			
	What Driver Was Doing	U TURN	Vehicle Factors			
	Driver Prior Action Other		NOT APPLICABLE			
UNIT VEHICLE	Driver Actions					
	FAILED TO YIELD RIGHT-OF-WAY					
	Driver Distractions					
NOT DISTRACTED						
01	Owner Name			Owner Address		
01	CITY OF WEST ALLIS (414) 302-8200			7525 W GREENFIELD AVE WEST ALLIS, WI 53214 , US		
<b>Sequence Of Events</b>						
01	Event	MOTOR VEH IN TRANSPORT				
02	Event					
03	Event					
04	Event					
UNIT	<b>Policy Holder</b>					
	Insurance Company			Organization/Company		
	CITIES-&-VILLAGES-MUTUAL-INS-CO			CITY OF WEST ALLIS		
UNIT INDIVIDUAL	<b>Individual</b>					
	Driver		Citations Issued		Sex	
	STEVEN MICHAEL JANCZAK		0		MALE	
	Date of Birth		Race		WHITE	
	[REDACTED]		[REDACTED]			
Address			Driver License Number			
10226 W STEEPLEVIEW LN FRANKLIN, WI 53132 , US			STATE: WISCONSIN COUNTRY: UNITED STATES			
<b>Equipment</b>		On Duty Crash		Safety Equipment		
Seat Position		SHOULDER & LAP BELT				
1--FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY						
Helmet Use		Helmet Compliance				

1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

01 UNIT INDIVIDUAL	001	Eye Protection		Tint Compliance			
		<b>Injury</b>	Injury Severity NO APPARENT INJURY	Airbag NOT APPLICABLE			
		Ejected NOT EJECTED		Ejection Path NOT EJECTED/NOT APPLICABL	Trapped/Extricated NOT TRAPPED		
		Medical Transport NOT TRANSPORTED		EMS Agency Identifier	EMS Run #		
		Hospital		Date of Death	Time of Death		
		<b>Non Motorist</b>		Striking Unit #	Prior Action	Location	To/From School
		Action					
		Action Other					
		<b>Drug &amp; Alcohol</b>		Suspected Alcohol Use NO		Suspected Drug Use NO	
		Alcohol Test Given TEST NOT GIVEN		Alcohol Test Type		Alcohol Test Results	
Drug Test Given TEST NOT GIVEN		Drug Test Type		Drug Test Results			
01 UNIT INDIVIDUAL	001	Drug Type					
		Individual Condition APPEARED NORMAL					
		<b>Individual</b>					
		Passenger CHAD M CLEVELAND		Citations Issued 0		Sex MALE	
Address		Date of Birth [REDACTED]		Race WHITE			
		Driver License Number					
01 UNIT INDIVIDUAL	002	<b>Equipment</b>		On Duty Crash			
		Seat Position RIDING ON VEHICLE EXTERIOR (NON-TRAILIN		Safety Equipment NOT APPLICABLE			
		Helmet Use		Helmet Compliance			
		Eye Protection		Tint Compliance			
		<b>Injury</b>	Injury Severity NO APPARENT INJURY	Airbag NOT APPLICABLE			
		Ejected NOT EJECTED		Ejection Path NOT EJECTED/NOT APPLICABL	Trapped/Extricated NOT TRAPPED		

1SL0549MJF

18-047529

# WISCONSIN MOTOR VEHICLE CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

UNIT	Medical Transport <b>NOT TRANSPORTED</b>		EMS Agency Identifier	EMS Run #
	Hospital		Date of Death	Time of Death
INDIVIDUAL	<b>Non Motorist</b>	Striking Unit #	Prior Action	Location
	To/From School			
01	Action			
	Action Other			
002	<b>Drug &amp; Alcohol</b>	Suspected Alcohol Use <b>NO</b>	Suspected Drug Use <b>NO</b>	
	Alcohol Test Given <b>TEST NOT GIVEN</b>	Alcohol Test Type	Alcohol Test Results	
003	Drug Test Given <b>TEST NOT GIVEN</b>	Drug Test Type	Drug Test Results	
	Drug Type			
INDIVIDUAL	Individual Condition <b>APPEARED NORMAL</b>			
	<b>Individual</b>			
UNIT	Passenger <b>ROBERT G MARTIN</b>	Citations Issued <b>0</b>	Sex <b>MALE</b>	
	Address		Date of Birth [REDACTED]	Race <b>WHITE</b>
INDIVIDUAL	Driver License Number		Safety Equipment	
	<b>Equipment</b>	On Duty Crash	<b>NOT APPLICABLE</b>	
003	Seat Position <b>RIDING ON VEHICLE EXTERIOR (NON-TRAILIN</b>	Helmet Compliance		
	Helmet Use	Tint Compliance		
INDIVIDUAL	<b>Injury</b>	Injury Severity <b>NO APPARENT INJURY</b>	Airbag <b>NOT APPLICABLE</b>	
	Ejected <b>NOT EJECTED</b>	Ejection Path <b>NOT EJECTED/NOT APPLICABL</b>	Trapped/Extricated <b>NOT TRAPPED</b>	
003	Medical Transport <b>NOT TRANSPORTED</b>	EMS Agency Identifier	EMS Run #	
	Hospital	Date of Death	Time of Death	
UNIT	<b>Non Motorist</b>	Striking Unit #	Prior Action	Location
	To/From School			

1SL0549M:JF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

UNIT	INDIVIDUAL	Action				
		Action Other				
	01	003	<b>Drug &amp; Alcohol</b>		Suspected Alcohol Use <b>NO</b>	Suspected Drug Use <b>NO</b>
			Alcohol Test Given <b>TEST NOT GIVEN</b>		Alcohol Test Type	Alcohol Test Results
			Drug Test Given <b>TEST NOT GIVEN</b>		Drug Test Type	Drug Test Results
			Drug Type			
	Individual Condition <b>APPEARED NORMAL</b>					
	<b>Carrier</b>					
	UNIT	01	01	<input checked="" type="checkbox"/> Use Vehicle Owner Same as Carrier		Source <b>VEHICLE-SIDE</b>
				Name <b>CITY OF WEST ALLIS USDOT# 000000</b>		Address <b>7525 W GREENFIELD AVE WEST ALLIS, WI 53214 , US</b>
TRUCK		BUS	GVWR <b>MORE THAN 26,000 LB</b>		Vehicle Configuration <b>SINGLE UNIT TRUCK (3 OR MORE AXLES)</b>	Cargo Body Type <b>GARBAGE/REFUSE</b>
			US DOT # <b>000000</b>		Carrier Type <b>NOT IN COMMERCE/GOVERNMENT</b>	Permitted Load <b>NOT APPLICABLE</b>
			<input type="checkbox"/> OS/OW Load	WI Permit Number	<input type="checkbox"/> Permitted Vehicle On Permitted Route	<input type="checkbox"/> Escort Vehicle Required By Permit
Measured Height		Measured Length	Measured Width	Measured Weight		

**Unit Summary**

UNIT	02	Unit Status <b>IN TRANSIT</b>		Vehicle Operating As Classification <b>D CLASS</b>	Unit Type <b>AUTOMOBILE</b>	
		Vehicle Type <b>PASSENGER CAR</b>			Operating As Endorsements	
	Total Occs <b>1</b>		Train/Bus # Injured	Total # Citations Issued <b>0</b>	Total Trailers <b>0</b>	Total HazMat Types <b>0</b>
	Insurance? <b>NO</b>		Direction Of Travel <b>EASTBOUND</b>	<input type="checkbox"/> Pre Crash Tire Mark	Speed Limit <b>30</b>	Total Lanes <b>4</b>
	Most Harmful Event: Collision With <b>MOTOR VEH IN TRANSPORT</b>			Special Function <b>NO SPECIAL FUNCTION</b>	Emergency Motor Vehicle Use <b>NOT APPLICABLE</b>	
	Traffic Way <b>TWO-WAY, NOT DIVIDED</b>			Traffic Control <b>NO CONTROL</b>	Traffic Control Inoperative/Missing <b>NO</b>	
	Surface Type <b>BLACKTOP (BITUMINOUS)</b>			Road Curvature <b>STRAIGHT</b>	Road Grade <b>LEVEL</b>	
	Truck Bus or HazMat <b>NO</b>					

**Vehicle**

1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

UNIT VEHICLE	02	License Plate Number <b>AAN5732</b>	Plate Type <b>AUT - AUTOMOBILE</b>	St <b>WI</b>	Country of Issuance <b>UNITED STATES</b>	
	02	Vehicle Identification Number [REDACTED]	Make <b>FORD</b>	Year <b>2005</b>	Model <b>FOCUS ZX4</b>	
		Color <b>GRN - GREEN</b>	Body Style <b>4D - 4DR</b>	Bus Use <b>NOT A BUS</b>		
		Initial Contact Point <b>1--RIGHT FRONT CORNER</b>	Vehicle Damage <b>1--RIGHT FRONT CORNER, 2--RIGHT SIDE FRONT, 11--LEFT FRONT CORNER, 12--FRONT</b>			
		Extent Of Damage <b>DISABLING DAMAGE</b>				
		Towed Due To Damage <b>TOWED DUE TO DISABLING DAMAGE</b>	Vehicle Removed By <b>N &amp; S TOWING</b>			
		What Driver Was Doing <b>GOING STRAIGHT</b>	Vehicle Factors <b>NOT APPLICABLE</b>			
UNIT VEHICLE		Driver Prior Action Other				
		Driver Actions <b>NO CONTRIBUTING ACTION</b>				
		Driver Distractions <b>NOT DISTRACTED</b>				
02						
		Owner Name <b>MERCEDES S GORDON (414) 517-1695</b>	Owner Address <b>2231 S 67TH PL WEST ALLIS, WI 53219 , US</b>			
<b>Sequence Of Events</b>						
	01	Event <b>MOTOR VEH IN TRANSPORT</b>				
	02	Event				
	03	Event				
	04	Event				
UNIT INDIVIDUAL	<b>Individual</b>					
		Driver <b>CHARLES H CLEVELAND (414) 517-1695</b>	Citations Issued <b>0</b>	Sex <b>MALE</b>		
			Date of Birth [REDACTED]	Race <b>BLACK</b>		
		Address <b>2231 S 67TH PL WEST ALLIS, WI 53219 , US</b>	Driver License Number [REDACTED] <b>STATE: WISCONSIN COUNTRY: UNITED STATES</b>			
	<b>Equipment</b>	On Duty Crash	Safety Equipment <b>SHOULDER &amp; LAP BELT</b>			
	Seat Position <b>1--FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY</b>					

1SL0549MJF  
18-047529

WISCONSIN MOTOR VEHICLE  
CRASH REPORT

WEST ALLIS POLICE DEPARTMENT  
11301 WEST LINCOLN AVENUE  
WEST ALLIS, WI 53227  
(414) 302-8000

02 004	Helmet Use		Helmet Compliance			
	Eye Protection		Tint Compliance			
	<b>Injury</b>	Injury Severity <b>SUSPECTED MINOR INJURY</b>	Airbag <b>NON DEPLOYED</b>			
	Ejected <b>NOT EJECTED</b>		Ejection Path <b>NOT EJECTED/NOT APPLICABL</b>	Trapped/Extricated <b>NOT TRAPPED</b>		
	Medical Transport <b>EMS GROUND</b>		EMS Agency Identifier <b>6000116</b>	EMS Run # <b>UNKNOWN</b>		
	Hospital <b>AURORA MED CTR-WEST ALLIS</b>		Date of Death	Time of Death		
	<b>Non Motorist</b>		Striking Unit #	Prior Action	Location	To/From School
	Action					
	Action Other					
	<b>Drug &amp; Alcohol</b>		Suspected Alcohol Use <b>NO</b>	Suspected Drug Use <b>NO</b>		
Alcohol Test Given <b>TEST NOT GIVEN</b>		Alcohol Test Type	Alcohol Test Results			
Drug Test Given <b>TEST NOT GIVEN</b>		Drug Test Type	Drug Test Results			
02 004	Drug Type					
	Individual Condition <b>APPEARED NORMAL</b>					





Attorneys

Kevin R. Martin\*  
Michael J. Jassak\*  
Anthony J. Skemp\*  
Drew J. DeVinney

\* Board Certified Civil Trial  
Lawyer  
by the National Board of  
Trial Advocacy

7280 S. 13<sup>th</sup> St., Ste. 102 | Oak Creek, WI 53154  
Phone: 414-856-2310 | Fax: 414-856-2315  
[www.martin-law-office.com](http://www.martin-law-office.com)

January 24, 2019

Atty. Nick Serwin  
City Hall, Room 232  
7525 W Greenfield Ave  
West Allis, WI 53214

**Re: Our Client: Charles Cleveland**  
**Date of Accident: 11/20/2018**

Dear Atty. Serwin:

As you know, our office represents Charles Cleveland with respect to his claim for injuries arising out of an accident involving a City of West Allis refuse vehicle on November 20, 2018. The purpose of my correspondence is to inform you that Mr. Cleveland has a claim relating to the damage sustained by his vehicle, a 2005 Ford Focus Zx4. Mr. Cleveland's vehicle has been nonoperational as a result of the subject collision. Mr. Cleveland expects that his vehicle will be declared a total loss. Unfortunately, Mr. Cleveland does not have the financial means to repair or replace his vehicle.

Mr. Cleveland requests that the City of West Allis make necessary arrangements to inspect his motor vehicle, and either repair the vehicle or compensate Mr. Cleveland for the total loss. As to the claim for property damage, the City of West Allis may communicate directly with Mr. Cleveland by calling: (414) 517-1693

The vehicle is currently located at 2231 S. 67<sup>th</sup> Place, West Allis, WI 53219. Mr. Cleveland was recently informed by his landlord that he is required to remove the vehicle from his premises. We will write a letter to Mr. Cleveland's landlord requesting that Mr. Cleveland be allowed to store his vehicle until such time as the City of West Allis is able to remove the vehicle for inspection. However, please be advised that Mr. Cleveland will not be able to store the vehicle indefinitely.

Sincerely,

**MARTIN LAW OFFICE, S.C.**  
*Electronically Signed by Drew J. DeVinney*  
Drew J. DeVinney  
(414) 856-2670 (direct)  
(414) 856-2677 (direct fax)  
[drew@martin-law-office.com](mailto:drew@martin-law-office.com)

DJD:djd

RECEIVED  
JAN 29 2019  
WEST ALLIS  
CITY ATTORNEY



# MARTIN LAW OFFICE, S.C.

7280 S. 13<sup>th</sup> St., Ste. 102 | Oak Creek, WI 53154  
Phone: 414-856-2310 | Fax: 414-856-2315  
[www.martin-law-office.com](http://www.martin-law-office.com)

### Attorneys

Kevin R. Martin\*  
Michael J. Jassak\*  
Anthony J. Skemp\*  
Drew J. DeVinney

\* Board Certified Civil Trial Lawyer  
by the National Board of Trial Advocacy

February 18, 2019

RECEIVED  
FEB 22 2019  
WEST ALLIS  
CITY ATTORNEY

### Via US Mail and Email

Kail J. Decker  
City of West Allis  
7525 W Greenfield Ave  
West Allis WI 53214-4648

**Re: Our Client: Charles Cleveland**  
**Date of Accident: 11/20/2018**

Dear Atty. Decker:

As you know, our office represents Mr. Cleveland with respect to an accident that occurred on November 20, 2018. Please consider this letter a notice Mr. Cleveland's property damage claim. Mr. Cleveland continues to treat for his injuries. Our office will send a second notice of Mr. Cleveland's personal injury claim, when appropriate.

Mr. Cleveland's 2005 Ford Focus ZX4 ST was totaled in the collision. At the time of the collision, the vehicle had 75,559 miles and was in excellent condition. According to Kelley Blue Book (<https://www.kbb.com/whats-my-car-worth/><sup>1</sup>) identifies a price range between \$2,866 and \$4,539.00, with a Private Party Value of **\$3,703.00**.

Private Party Range  
**\$2,866 - \$4,539**  
Private Party Value  
**\$3,703**

Important info & definitions | Track this car's values

Condition: Excellent  
Valid for ZIP Code 53219 through 02/19/2019  
**Overall Consumer Rating 4.1 / 5**  
★ ★ ★ ★ ☆ 2037 Ratings  
[Write a review](#)

This estimate is consistent with the prices found for similar vehicles listed in this area. A search on Cargurus.com ([www.cargurus.com](http://www.cargurus.com))<sup>2</sup> for 2005 Ford Focus within 100 miles of 53219 results in 21 listings (only 3 of the listed vehicles have under 100,000 miles; 3 listings have no price<sup>3</sup>). The mean price of all Ford Focus's currently listed on cargurus.com is \$3,704.06.

In addition, Mr. Cleveland incurred **\$121.44** in towing expenses from N & S Towing, Inc.

<sup>1</sup> Last accessed 2/18/2019

<sup>2</sup> Last accessed 2/18/2019

<sup>3</sup> Controlling for 2005 Ford Focus listings with mileage under 100,000, the average price is \$4,996.

Finally, Mr. Cleveland has a claim for past loss of use of his vehicle. See Kim v. American Family Mut. Ins. Co., 176 Wis. 2d 890 (1993). Since the collision, Mr. Cleveland has been unable to afford a replacement to his vehicle. As such, he has been without use of a vehicle for 91 days. Wis. J.I.—Civil 1801 notes, in evaluating the damages for past loss of use, “You may consider the reasonable cost to rent a comparable automobile.” A search of Travelocity.com<sup>i</sup> for a compact car rental in Milwaukee shows an average daily price of \$25.00. This is consistent with the amount typically tendered by automobile insurance companies for loss of use. Over 91 days, Mr. Cleveland’s loss of use claim amounts to \$2,275.00.

In sum, Mr. Cleveland incurred \$6,099.44 in property-related damages a result of this accident:

Property Damage:		\$3,703.00
Towing Fee:		\$121.44
Loss of Use:	+	<u>\$2,275.00</u>
		<b>\$6,099.44</b>

Upon approval of the property damage claim, I would ask that payment be remitted directly to Charles Cleveland at:

Mr. Charles Cleveland  
2231 S. 67<sup>th</sup> Place, Upper  
West Allis, WI 53219

Thank you for your review of this claim. Please do not hesitate to contact me if you have any questions.

Sincerely,

**MARTIN LAW OFFICE, S.C.**

*Electronically Signed by Drew J. DeVinney*  
Drew J. DeVinney  
(414) 856-2670 (direct)  
(414) 856-2677 (direct fax)  
[drew@martin-law-office.com](mailto:drew@martin-law-office.com)

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<https://www.travelocity.com/carsearch?date1=02%2F18%2F2019&date2=5%2F20%2F2019&dpln=602647&loc2=&locn=Milwaukee%2C%20Wisconsin&time1=1000PM&time2=1000PM>

**N & S TOWING, INC.**  
 1719 So. 83rd Street • West Allis, WI 53214  
 476-8697 • Fax 476-7828  
 - 24 HOUR ROAD SERVICE -

VISA



**\$ PAID**  
 11/21/18  
 [Signature]

FLAT BED SERVICE

S. GORDON		DATE 11/21/18	CASH	X
PL 53219	RO#	PO#	CHARGE	
Accident	MAKE FORD Focus	YEAR 2005	DRIVER	off
LOCATION WA 7585 - 85th + Lincoln			TRUCK #	MP
7151	MILEAGE			65 00
PHONE ( ) -				
DOB [Redacted]	ADVANCE CHARGES			
EXP: 9/10/25	STORAGE 11/20/18 TO 11/21/18		50	00
damages done to my vehicle can be proven and also I to card issuers agreement	AUTHORIZATION # 204687	TAX 754	6	44
		TOTAL	121	44

4104 8920 0854 9518

14418 ✓

X DRIVER: CLEES GORDON  
 09/19



SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Notice of Claim  
Charles Cleveland

Date: 10-2-19

In-person

Process Server

Claimant

Other \_\_\_\_\_

By mail

By email

By fax

Received by: Ann Marie Reff

➤ Hand deliver to: Ann Marie  or Janel

➤ Forwarded to Attorney's Office by Ann Marie or Janel

➤ Response from Attorney's Office

➤ Common Council Agenda: Yes  No

10-2-19 ug  
1:15P  
Ann Neff

**NOTICE OF OF CLAIM**  
**PURSUANT TO WIS. STATS. §§ 893.80 and 893.82**

TO: West Allis City Clerk Steven A. Braatz, Jr.  
Office of the City Clerk  
City Hall, Room 108-110  
7525 W. Greenfield Ave.  
West Allis, WI 53214

Steven Michael Janczak  
10226 W. Steepleview Ln.  
Franklin, WI 53132

CLAIMANT: Charles Cleveland  
2231 S 67th Place, Upper  
West Allis, WI 53219

CLAIMANT'S ATTORNEY: Drew J. DeVinney, Esq.  
Martin Law Office, S.C.  
7280 S. 13th Street, Ste. 102  
Oak Creek, WI 53154

DATE OF INCIDENT: November 20, 2018

**NOTICE OF CLAIM:**

Pursuant to the provisions of § 893.80(1d)(b), Wisconsin Statutes, the Claimant, Charles Cleveland, herewith gives notice and makes a claim for relief in the form of monetary damages.

**LIABILITY**

On November 20, 2018, Mr. Cleveland was driving his 2005 Ford Focus ZX4 ST eastbound on W. Lincoln Avenue in West Allis, WI. Mr. Cleveland was traveling behind the vehicle being operated by city employee Steven M. Janczak. Suddenly and without warning, Mr. Janczak began making an improper U-turn, colliding with the front of Mr. Cleveland's vehicle.

Mr. Cleveland's vehicle was totaled as a result of the collision.

In addition to Mr. Janczak, Chad M. Cleveland and Robert G. Martin were passengers of the City of West Allis garbage or refuse truck, and were present at the time of the collision. The West Allis Police Department responded to the scene of the collision and prepared a Wisconsin Motor Vehicle Crash Report. Mr. Janczak was cited for failing to yield to the right of way.

**Liability of this collision is clear and falls 100% on Mr. Janczak.**



### **TREATMENT & INJURIES**

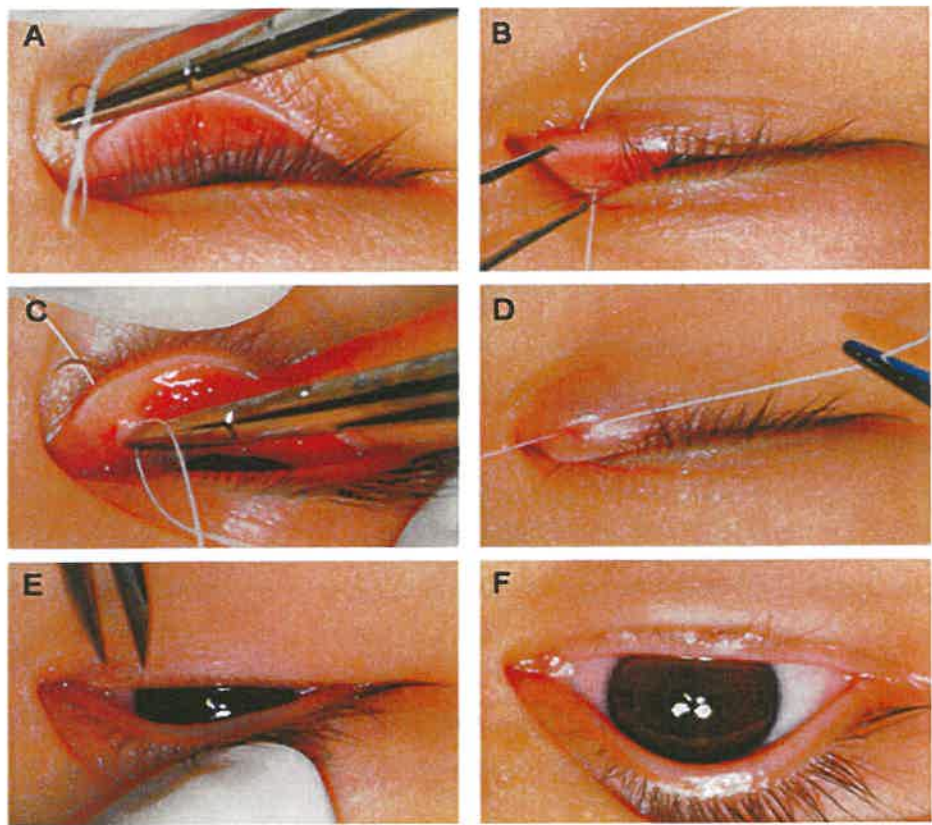
West Allis Fire Department responded to the accident. They evaluated Mr. Cleveland for his *complaints of head and right knee pain*. Mr. Cleveland was transported to Aurora West Allis Memorial for further evaluation.

Upon arrival to the emergency department it was noted that Mr. Cleveland presented with *right facial and eye lid lacerations, lower back abrasion, and right knee abrasion*. Mr. Cleveland reported *experiencing blurry vision, mild headache, right sided neck pain and right knee pain*. During the physical examination the attending physician noted that the *right eye exhibited chemosis and that the right conjunctiva had sustained a hemorrhage*. The attending physician discussed the injury with Mr. Cleveland and recommended that he have *sutures placed on the right eyelid to close the laceration*. After consenting to care, Mr. Cleveland's eyelid was sterilely prepped. Lidocaine





was injected to the area and *four sutures were placed*. Antibiotic ointment was then applied to the closed laceration. Mr. Cleveland was discharged from the hospital shortly after the laceration repair with instructions to follow up with his primary care physician.



On November 27, 2018, Mr. Cleveland presented to Aurora West Allis for suture removal.

On November 29, 2018, Mr. Cleveland presented to Dr. Douglas Bower at Froedtert Tosa Health Center. During the visit Mr. Cleveland reported that he had been involved in a motor vehicle accident on November 20, 2018 and sustained a cut to his right eyelid requiring stitches. He noted that since the accident he was continuing to experience back pain and neck pain that was radiating into his shoulder blades. The pain in his neck and back was making it difficult for him to get a full night's sleep. Mr. Cleveland has been taking ibuprofen and using biofreeze to help with the pain, but these interventions were only providing minimal relief. Dr. Bower prescribed Mr. Cleveland with amitriptyline to help with relieve his pain and provide some assistance with sleeping. R. Cleveland was instructed to return in ten days for a re-evaluation.

Mr. Cleveland presented for a follow-up with Dr. Bower on December 12, 2018. It was noted that Mr. Cleveland was continuing to experience neck and back pain. During the visit Dr. Bower became concerned about Mr. Cleveland's blood pressure and sugars, and decided that these health issue needed to be addressed immediately. No plan of care was established for treating Mr. Cleveland's neck and back pain further.

In January of 2019, Mr. Cleveland had a change with regard to his health insurance and Dr. Bower was no longer covered. Mr. Cleveland establish care with Barbara Szopinski, FNP at Lubsey Medical Center. Barbara Szopinski, FNP provided Mr. Cleveland with a referral to Milan Grbic PT to treat his continued neck and back pain as a result of the November 20, 2018 motor vehicle accident.

Mr. Cleveland presented to Milan Grbic PT on January 24, 2019 for a physical therapy evaluation. He attended regular physical therapy sessions through his discharge on April 10, 2019.

Mr. Cleveland remains symptomatic but expects to reach a full recovery with his home exercise program.

**DAMAGES**

**1. Past Medical Expenses**

PROVIDER	DATE OF SERVICE	AMOUNT
West Allis Fire Dept./LifeQuest	11/20/18	\$815.04
Aurora Health Care	11/20/18, 11/27/18	\$7,139.00
ERMED, S.C.	11/20/18, 11/27/18	\$1,818.00
Milan Grbic PT	01/24/19 to 04/10/19	\$6,180.00
Froedtert Tosa Health Center	11/29/18, 12/12/18	\$349.00
	<b>TOTAL</b>	<b>\$16,301.04</b>

**2. Property Damage Expenses**

Our office previously sent a demand to the City, by letter dated February 18, 2019, on behalf of Mr. Cleveland for his property damage. The city declined to consider Mr. Cleveland’s property damage claim until he was prepared to move forward with his claim for personal injuries.

Please note that, since the previous property damage claim was sent, Mr. Cleveland’s damages for the loss of use of his vehicle have increased. By the time that this claim is likely to be considered by the City, it will be **over nine months since the date of this collision**. Mr. Cleveland continues to be unable to afford a replacement vehicle. As such, his damages for loss of use will continue to accrue until he is either (1) able to afford a replacement vehicle or (2) the City agrees to compensate him for the loss of his 2005 Ford Focus ZX4 ST.

As discussed, Mr. Cleveland's 2005 Ford Focus ZX4 ST was totaled in the collision. At the time of the collision, the vehicle had 75,559 miles and was in excellent condition. Kelley Blue Book (<https://www.kbb.com/whats-my-car-worth/><sup>1</sup>) identifies a price range between \$2,866 and \$4,539.00, with a Private Party Value of **\$3,703.00**.

This estimate is consistent with the prices found for similar vehicles listed in this area. A search on Cargurus.com ([www.cargurus.com](http://www.cargurus.com))<sup>2</sup> for 2005 Ford Focus within 100 miles of 53219 results in 21 listings (only 3 of the listed vehicles have under 100,000 miles; 3 listings have no price<sup>3</sup>). The mean price of all Ford Focus's listed on cargurus.com is \$3,704.06.

In addition, Mr. Cleveland incurred **\$121.44** in towing expenses from N & S Towing, Inc.

Finally, Mr. Cleveland has a valid claim for past loss of use of his vehicle. Kim v. American Family Mut. Ins. Co., 176 Wis. 2d 890 (1993). Since the collision, Mr. Cleveland has been unable to afford a replacement to his vehicle. As such, he has been without use of a vehicle for at least 268 days. Wis. J.I.—Civil 1801 notes, in evaluating the damages for past loss of use, "You may consider the reasonable cost to rent a comparable automobile." A search of Travelocity.com<sup>i</sup> for a compact car rental in Milwaukee shows an average daily price of \$25.00. This is consistent with the amount typically tendered by automobile insurance companies for loss of use claims. Over 268 days, Mr. Cleveland's loss of use claim amounts to \$6,700.00.

I want to stress that the loss of use claim may continue to increase if not timely paid.

In sum, Mr. Cleveland incurred \$10,524.44 in property-related damages a result of this accident:

Property Damage:		\$3,703.00
Towing Fee:		\$121.44
Loss of Use:	+	<u>\$6,700.00</u>
		<b><u>\$10,524.44</u></b>

#### **CLAIM AMOUNT**

As a result of this accident, Charles Cleveland sustained **\$16,301.04** in past economic losses associated with his personal injury claims. As you are aware, under Wisconsin Law, Mr. Cleveland is also entitled to be compensated for his pain and suffering.

In light of your employee's conduct and Mr. Cleveland's economic and non-economic losses, he will accept **\$51,301.04** in full settlement of his personal injury claim.

With respect to his claim for property damage, Mr. Cleveland will accept **\$10,524.44** in full settlement of his property damage claims.

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<sup>1</sup> Last accessed 2/18/2019

<sup>2</sup> Last accessed 2/18/2019

<sup>3</sup> Controlling for 2005 Ford Focus listings with mileage under 100,000, the average price is \$4,996.

**CONCLUSION**

I look forward to hearing from you after you have had a chance to review this matter. Supporting documentation is concurrently being sent to the City Attorney's Office along with a copy of this Notice of Claim for review.

Dated: 9/25/19

Sincerely,

**MARTIN LAW OFFICE, S.C.**

*Electronically Signed by Drew J. DeVinney*

Drew J. DeVinney  
(414) 856-2670 (direct)  
(414) 856-2677 (direct fax)  
drew@martin-law-office.com

DJD/kd

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<https://www.travelocity.com/carsearch?date1=02%2F18%2F2019&date2=5%2F20%2F2019&dpln=602647&loc2=&locn=Milwaukee%2C%20Wisconsin&time1=1000PM&time2=1000PM>