

**SERVICE AND PROCESSING OF CLAIMS**

Plaintiff or Claimant: Renee Kretlow Case# 2020 CV003972

Date: 8/6/20

**In-person**

Process Server

Claimant

Other \_\_\_\_\_

**By mail**

**By email**

**By fax**

Received by: R. Gull

- 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

RECEIVED  
AUG 06 2020  
CITY OF WEST ALLIS  
CITY CLERK



FILED  
07-06-2020  
John Barrett  
Clerk of Circuit Court  
2020CV003972  
Honorable Marshall B.  
Murray-43  
Branch 43

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

**RENEE KRETLOW**

108 South 63<sup>rd</sup> Street  
Milwaukee, Wisconsin 53214,

Plaintiff,

vs.

**CIVIL SUMMONS**

Case No.

Case Code: 30107 – Other

**MARK KLIPSTEIN**

1190 State Road 83  
Hartford, Wisconsin 53027,

**SEAN RACE**

S78W14567 Belle Chasse Parkway  
Muskego, Wisconsin 53150,

**JASON ROSELLE**

W188N4975 Red Crown Trail  
Menomonee Falls, Wisconsin 53051,

**STATE OF WISCONSIN, WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
c/o ATTORNEY GENERAL, JOSH KAUL**  
17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857,

**CITY OF WEST ALLIS**

**c/o CITY CLERK, MONICA SCHULTZ**  
7525 W. Greenfield Avenue, Room 108-110  
West Allis, WI 53214,

**AIG PROPERTY CASUALTY COMPANY**

c/o Corporation Service Company, Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**ILLINOIS NATIONAL INSURANCE COMPANY**

c/o The Prentice Hall Corporation System, Inc., Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**ABC 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**DEF 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**AAA 1-5 CORPORATION**

(An Unknown Business Entity),

**GHI 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**COMPCARE HEALTH SERVICES INSURANCE CORPORATION****d/b/a ANTHEM BLUE CROSS BLUE SHIELD**

c/o Registered Agent, CT Corporation System

301 South Bedford Street, Suite 1

Madison, Wisconsin 53703,

**STATE OF WISCONSIN DEPARTMENT****OF HEALTH SERVICES**

c/o Shelley Malofsky

Office of Legal Counsel

One West Wilson Street, Room 651

Madison, Wisconsin 53703,

Defendants.

---

**SUMMONS**

---

THE STATE OF WISCONSIN

TO EACH NAMED PERSON ABOVE AS A DEFENDANT:

You are hereby notified that the Plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is served upon you, 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 Wis. Stat. Ch. 802, 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:

Milwaukee County Circuit Court  
Clerk of Courts  
901 North 9<sup>th</sup> Street, Room 104  
Milwaukee, Wisconsin 53233

and to the Plaintiff's attorneys:

Ryan J. Truesdale  
Groth Law Firm, S.C.  
11063 West Bluemound Road  
Wauwatosa, Wisconsin 53226

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. 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 at Wauwatosa, Wisconsin this 4<sup>th</sup> day of July, 2020.

GROTH LAW FIRM, S.C.  
Attorneys for Plaintiff,

By: 

Ryan J. Truesdale  
State Bar No.: 1092417  
Thomas W. Kyle  
State Bar No.: 1027909

**P.O. Address:**

11063 W. Bluemound Road  
Wauwatosa, WI 53226  
(414) 375-2030

FILED  
07-06-2020  
John Barrett  
Clerk of Circuit Court  
2020CV003972  
Honorable Marshall B.  
Murray-43  
Branch 43

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

**RENEE KRETLOW**

108 South 63<sup>rd</sup> Street  
Milwaukee, Wisconsin 53214,

Plaintiff,

vs.

**MARK KLIPSTEIN**

1190 State Road 83  
Hartford, Wisconsin 53027,

**SEAN RACE**

S78W14567 Belle Chasse Parkway  
Muskego, Wisconsin 53150,

**JASON ROSELLE**

W188N4975 Red Crown Trail  
Menomonee Falls, Wisconsin 53051,

**STATE OF WISCONSIN, WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
c/o ATTORNEY GENERAL, JOSH KAUL**  
17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857,

**CITY OF WEST ALLIS**

**c/o CITY CLERK, MONICA SCHULTZ**  
7525 W. Greenfield Avenue, Room 108-110  
West Allis, WI 53214,

**AIG PROPERTY CASUALTY COMPANY**

c/o Corporation Service Company, Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**ILLINOIS NATIONAL INSURANCE COMPANY**

c/o The Prentice Hall Corporation System, Inc., Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**CIVIL COMPLAINT**

Case No.

Case Code: 30107 – Other

**ABC 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**DEF 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**AAA 1-5 CORPORATION**

(An Unknown Business Entity),

**GHI 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**COMPCARE HEALTH SERVICES INSURANCE CORPORATION**

**d/b/a ANTHEM BLUE CROSS BLUE SHIELD**

c/o Registered Agent, CT Corporation System

301 South Bedford Street, Suite 1

Madison, Wisconsin 53703,

**STATE OF WISCONSIN DEPARTMENT**

**OF HEALTH SERVICES**

c/o Shelley Malofsky

Office of Legal Counsel

One West Wilson Street, Room 651

Madison, Wisconsin 53703,

Defendants.

---

**COMPLAINT**

---

NOW COME the plaintiff, Renee Kretlow, by and through their attorneys, Groth Law

Firm, SC, allege and show to the Court as follows:

**PARTIES**

1. That at all times material, plaintiff, RENEE KRETLOW (hereinafter "RENEE"), was an adult citizen of the State of Wisconsin, currently residing at 108 South 63<sup>rd</sup> Street, Milwaukee, Wisconsin 53214.

2. Upon information and belief, at all times material hereto, defendant, MARK KLIPSTEIN (hereinafter "MARK"), was an adult resident of the State of Wisconsin whose last known address is 1190 State Road 83, Hartford, Wisconsin 53027.
3. Upon information and belief, at all times material hereto, defendant, SEAN RACE (hereinafter "SEAN"), was an adult resident of the State of Wisconsin whose last known address is S78W14567 Belle Chasse Parkway, Muskego, Wisconsin 53150.
4. Upon information and belief, at all time material hereto, defendant, JASON ROSELLE (hereinafter "JASON"), was an adult resident of the State of Wisconsin whose last known address is W188N4975 Red Crown Trail, Menomonee Falls, Wisconsin 53051.
5. Upon information and belief, defendant, STATE OF WISCONSIN, WISCONSIN DEPARTMENT OF TRANSPORTATION, (hereinafter "WI DOT") is a State of Wisconsin governmental agency created pursuant to the laws of the State of Wisconsin with its registered agent for service of process being Attorney General, Josh Kaul, 17 West Main Street, Post Office Box 7857, Madison, Wisconsin 53707. Upon further information and belief, WI DOT was the employer of MARK, SEAN, and JASON, and that MARK, SEAN, and JASON were in the scope of their employment at the time of the incident described herein.
6. Pursuant to Wis. Stat. § 893.80(1)(a) and (b), Defendant, WI DOT, received the requisite notice of circumstances of the claim and a claim containing an itemized statement of the relief sought by RENEE. The claim was thereafter disallowed, and this action was properly brought within six months from the date of service of the notice of disallowance pursuant to Wis. Stat. § 893.80(1g).



7. Upon information and belief, defendant, CITY OF WEST ALLIS, is a Milwaukee County, Wisconsin governmental agency created pursuant to the laws of the State of Wisconsin with its registered agent for service of process being the City Clerk, Monica Schultz, 7525 West Greenfield Avenue, Room 108-110, West Allis, Wisconsin, 53214. Upon further information and belief, CITY OF WEST ALLIS was the employer of MARK, SEAN, and JASON, and that MARK, SEAN, and JASON were in the scope of their employment at the time of the incident described herein.
8. That upon information and belief, at all times material hereto, defendant AIG PROPERTY CASUALTY COMPANY (hereinafter "AIG") is an insurance corporation, authorized to do and doing substantial business in the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717; AIG is engaged in the business of, including but not limited to, selling and writing liability insurance in the State of Wisconsin.
9. Upon information and belief, on and prior to May 8, 2017, there was in full force and effect a policy of liability insurance issued by AIG to WI DOT and/or CITY OF WEST ALLIS; upon further information and belief, said policy was issued and/or delivered in Wisconsin to WI DOT and/or CITY OF WEST ALLIS, indemnifying it against all liability incurred by reason of the negligent operation of a motor vehicle, including a bus; pursuant to said policy of insurance, AIG, is directly liable to RENEE and has an interest in the outcome of this action that is adverse to RENEE and is therefore a proper party pursuant to the provisions of §803.04 (2), Wis. Stats.
10. That upon information and belief, at all times material hereto, defendant ILLINOIS NATIONAL INSURANCE COMPANY (hereinafter "ILLINOIS NATIONAL") is an insurance corporation,

authorized to do and doing substantial business in the State of Wisconsin, with offices of its registered agent, The Prentice Hall Corporation System Inc., located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin 53717; ILLINOIS NATIONAL is engaged in the business of, including but not limited to, selling and writing liability insurance in the State of Wisconsin.

11. Upon information and belief, on and prior to May 8, 2017, there was in full force and effect a policy of liability insurance issued by ILLINOIS NATIONAL to WI DOT and/or CITY OF WEST ALLIS; upon further information and belief, said policy was issued and/or delivered in Wisconsin to WI DOT and/or CITY OF WEST ALLIS, indemnifying it against all liability incurred by reason of the negligent operation of a motor vehicle, including a bus; pursuant to said policy of insurance, ILLINOIS NATIONAL, is directly liable to RENEE and has an interest in the outcome of this action that is adverse to RENEE and is therefore a proper party pursuant to the provisions of §803.04 (2), Wis. Stats.

12. Upon information and belief, the defendant, ABC 1-5 INSURANCE COMPANIES (hereinafter "ABC 1-5"), are/were corporations doing substantial and not isolated business in Wisconsin; that ABC 1-5 delivered policies of insurance in the State of Wisconsin to WI DOT and at all material times were the liability insurers of WI DOT against liability claims. By virtue of the terms and conditions of all policies and insurance and the statutes of the State of Wisconsin, the defendants, ABC 1-5, is directly liable to the PLAINTIFF; that the identity of said insurance companies is unknown and, therefore, the PLAINTIFF is identifying said defendants by fictitious name pursuant to the provisions of Sec. 807.12 Wis. Stats.

13. Upon information and belief, the defendant, DEF 1-5 INSURANCE COMPANIES (hereinafter "DEF 1-5"), are/were corporations doing substantial and not isolated business in Wisconsin;

that DEF 1-5 delivered policies of insurance in the State of Wisconsin to CITY OF WEST ALLIS and at all material times were the liability insurers of CITY OF WEST ALLIS against liability claims. By virtue of the terms and conditions of all policies and insurance and the statutes of the State of Wisconsin, the defendants, DEF 1-5, is directly liable to the PLAINTIFF; that the identity of said insurance companies is unknown and, therefore, the PLAINTIFF is identifying said defendants by fictitious name pursuant to the provisions of Sec. 807.12 Wis. Stats.

14. Upon information and belief, AAA 1-5 CORPORATION, are unidentified corporate entities and/or individuals that, upon information and belief, at all times material, were engaged in substantial and not isolated activities in the State of Wisconsin, and was owned, operated, supervised, funded, managed, administered, and/or was the licensee of WI DOT and/or CITY OF WEST ALLIS; that at all times, WI DOT and/or CITY OF WEST ALLIS were acting within the scope of their business relationship with AAA 1-5 CORPORATION; and that the identity of said companies and/or individuals is unknown and, therefore, PLAINTIFF is identifying said defendants by fictitious names pursuant to the provisions of Sec. 807.12, Wis. Stats.

15. Upon information and belief, the defendant, GHI 1-5 INSURANCE COMPANIES (hereinafter "GHI 1-5"), are/were corporations doing substantial and not isolated business in Wisconsin; that GHI 1-5 delivered policies of insurance in the State of Wisconsin to AAA 1-5 CORPORATION and at all material times were the liability insurers of AAA 1-5 CORPORATION against liability claims. By virtue of the terms and conditions of all policies and insurance and the statutes of the State of Wisconsin, the defendants, GHI 1-5, is directly liable to the PLAINTIFF; that the identity of said insurance companies is unknown and, therefore, the

PLAINTIFF is identifying said defendants by fictitious name pursuant to the provisions of Sec. 807.12 Wis. Stats.

16. Upon information and belief, defendant COMPCARE HEALTH SERVICES INSURANCE CORPORATION d/b/a ANTHEM BLUE CROSS BLUE SHIELD (hereinafter "BCBS") is an insurance corporation, authorized to do and doing substantial business in the State of Wisconsin, with offices of its registered agent, CT Corporation System, located 301 South Bedford Street, Suite 1, Madison, Wisconsin 53703; BCBS is engaged in the business of, including but not limited to, selling and writing health insurance in the State of Wisconsin.
17. Upon information and belief, BCBS may have made certain payments on behalf of RENEE for medical, hospital, and/or disability expenses she incurred as a result of the injuries sustained in the accident that is the subject of this lawsuit and/or may be obliged in the future to pay medical bills; accordingly, BCBS may have a subrogated interest to the extent of its payments subject to applicable federal and/or state law, including the made-whole doctrine; that by reason of its payments, BCBS may have a claim arising by subrogation, derivation, or assignment and is appropriately named a defendant herein, pursuant to §803.03, Wis. Stats.; RENEE requests extinguishment of any claim of BCBS; in the event BCBS fails to answer, RENEE asks that an order for default judgment and dismissal with prejudice be entered against BCBS without any further notice.
18. That the defendant, State of Wisconsin Department of Health Services, is a governmental agency responsible for administering the State of Wisconsin Medical Assistance Program; that process for the defendant, State of Wisconsin Department of Health Services, shall be served upon Shelley Malofsky, located at the Office of Legal Counsel, One West Wilson Street,

Room 651, Madison, Wisconsin, Zip Code 53703; and that the defendant, State of Wisconsin Department of Health Services, alleges to have paid out money on behalf of the Plaintiff, RENEE, and is therefore named as a subrogated party in this action pursuant to Wis. Stat. § 803.03.

19. That JOHN DOE, WI DOT, CITY OF WEST ALLIS, and AAA 1-5 CORPORATION are collectively referred to herein as DEFENDANTS.

**FIRST CAUSE OF ACTION-NEGLIGENCE**

20. That realleged and incorporated herein are paragraphs 1-19, above.

21. That on or about May 8, 2017, JASON and MARK were project supervisors in charge of WI DOT project number 10603381.

22. That on or about May 8, 2017, JASON and SEAN were the project supervisors in charge of WI DOT project number 10603483.

23. WI DOT project number 10603381 and WI DOT project number 10603483 resulted in detour signs being posted for northbound traffic on South 70<sup>th</sup> Street in the City of West Allis, County of Milwaukee, State of Wisconsin.

24. That DEFENDANTS removed a signpost located in front of an apartment building located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217.

25. That DEFENDANTS failed to timely fill in the hole it created in front of the apartment building located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217.

26. That DEFENDANTS failed to repair/maintain the hole it created in front of the apartment building located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217.

27. That DEFENDANTS failed to take adequate measures to warn and/or protect the public from the hole it created in front of the apartment building located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217.
28. That on or about May 8, 2017, RENEE was carrying boxes to her car parked on the street in front of 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217, when she tripped and fell in the unfilled hole as she walked across the grass area near the curb, causing her injuries.
29. The DEFENDANTS and their agents, employees and representatives negligently failed to maintain, inspect, and make the premises safe for guests.
30. That JASON, SEAN, and MARK were working within their scope of employment with WI DOT, CITY OF WEST ALLIS, and AAA 1-5 CORPORATION.
31. That DEFENDANTS created a hazard and failed to properly remedy/maintain the area where RENEE fell, and as a result of the DEFENDANTS' negligence, RENEE sustained personal injuries, which necessitated medical care and treatment.
32. As a direct and proximate result of the negligence of the DEFENDANTS and their agents, employees and representatives, RENEE sustained severe personal injuries, which may be permanent in nature, necessitating past and future medical care and attention, past and future pain, suffering, disability, and other damages.

**SECOND CAUSE OF ACTION-SAFE PLACE VIOLATION**

33. That realleged and incorporated herein are paragraphs 1-32, above.
34. That all times relevant to the incident herein alleged, the DEFENDANTS were negligent in ways which include but are not limited to improperly maintaining, safeguarding, warning,

creating and/or keeping safe conditions, and/or otherwise maintaining the property at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217.

35. That the DEFENDANTS' negligence was a cause of the injuries and damages sustained by RENEE, which damages include past and future pain, suffering, disability and loss of enjoyment of life; past and future medical expenses; and other compensable injuries, all to RENEE's damage in an amount to be determined by a jury.
36. Upon information and belief and at all times material, DEFENDANTS were the operator(s) and/or employer(s) of a public building and/or place of employment as defined by Chapter 101 of the Wisconsin Statutes and, as such, it was the duty of the DEFENDANTS to keep the public building and/or property safe for guests, patrons and or/frequenters, one of whom was RENEE, and to adopt and use such methods and procedures to render the public building and/or property safe, and to do everything reasonably necessary to protect the life, health, safety and welfare of guests, patrons and/or frequenters of the public building and/or property, pursuant to the provisions of Chapter 101 of the Wisconsin Statutes.
37. On January 16, 2017, RENEE was lawfully on the premises of the business as a guest, patron and/or frequenter and while on the premises, sustained severe personal injuries because of the negligence of the DEFENDANTS and their servants, agents and/or employees in failing to properly inspect, and maintain the premises of the business, and use such methods and procedures to render the public building and/or property safe, and to do everything reasonably necessary to protect the life, health, safety and welfare of guests, patrons and/or frequenters.

38. The injuries to RENEE were caused by the failure of the DEFENDANTS, and their servants, agents and/or employees to properly inspect, safeguard, maintain, warn, care for and keep the area a safe place for tenants, guests, patrons and/or frequenters, as required by Chapter 101 of Wisconsin Statutes.

**THIRD CAUSE OF ACTION–VICARIOUS LIABILITY AND NEGLIGENT HIRING AND SUPERVISION**

39. That realleged and incorporated herein by reference are paragraphs 1-38, above.

40. On or about May 8, 2017, and at all times relevant, JASON, SEAN, and MARK was acting in the scope of her employment and driving a bus with permission, consent and under the direction of WI DOT, CITY OF WEST ALLIS, and/or AAA 1-5.

41. WI DOT, CITY OF WEST ALLIS, and/or AAA 1-5 were negligent in the hiring, training and supervision of JASON, SEAN, and MARK and this negligence was a cause of the injuries and damages alleged by RENEE.

42. That the aforementioned negligence by DEFENDANTS was a direct and proximate cause, that is a substantial factor, in bringing about RENEE's past injuries, past pain and suffering, and medical and hospital expenses; that RENEE's injuries may be permanent in nature, therefore causing RENEE to suffer pain and disability in the future, and to incur medical and hospital expenses in the future, in an unspecified amount pursuant to Wisconsin Statutes and Wisconsin law.

WHEREFORE, the Plaintiff, RENEE KRETLOW, by her attorneys, Groth Law Firm, SC, demand judgment against the defendants jointly and severally as follows:

- a. For compensatory damages in a monetary amount to be determined by a jury;



- b. For a hearing on compensation, if any, due to any subrogated party;
- c. For all costs, disbursements, and attorney fees and all interest due and owing pursuant to §628.46, Wis. Stats.; and,
- d. For all other relief that the Court may deem just and equitable.

**PLAINTIFF DEMANDS TRIAL BY A JURY OF TWELVE (12) PERSONS**

Dated at Wauwatosa, Wisconsin this 6<sup>th</sup> day of July, 2020.

GROTH LAW FIRM, S.C.  
Attorneys for Plaintiff,

By: 

Ryan J. Truesdale  
State Bar No.: 1092417  
Thomas W. Kyle  
State Bar No.: 1027909

P.O. ADDRESS

11063 W. Bluemound Rd.  
Wauwatosa, WI 53226  
(414) 375-2030

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

---

**RENEE KRETLOW**

108 South 63<sup>rd</sup> Street  
Milwaukee, Wisconsin 53214,

Plaintiff,

vs.

Case No. 20-CV-00397

Case Code: 30107 – Other

**MARK KLIPSTEIN**

1190 State Road 83  
Hartford, Wisconsin 53027,

**SEAN RACE**

S78W14567 Belle Chasse Parkway  
Muskego, Wisconsin 53150,

**JASON ROSELLE**

W188N4975 Red Crown Trail  
Menomonee Falls, Wisconsin 53051,

**STATE OF WISCONSIN, WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
c/o ATTORNEY GENERAL, JOSH KAUL**

17 W. Main Street  
P.O. Box 7857  
Madison, WI 53707-7857,

**CITY OF WEST ALLIS**

**c/o CITY CLERK, MONICA SCHULTZ**  
7525 W. Greenfield Avenue, Room 108-110  
West Allis, WI 53214,

**AIG PROPERTY CASUALTY COMPANY**

c/o Corporation Service Company, Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**ILLINOIS NATIONAL INSURANCE COMPANY**

c/o The Prentice Hall Corporation System, Inc., Registered Agent  
8040 Excelsior Drive, Suite 400  
Madison, Wisconsin 53717,

**ABC 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**DEF 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**AAA 1-5 CORPORATION**

(An Unknown Business Entity),

**GHI 1-5 INSURANCE COMPANIES**

As-of-yet unidentified insurance corporations,

**COMPCARE HEALTH SERVICES INSURANCE CORPORATION**

**d/b/a ANTHEM BLUE CROSS BLUE SHIELD**

c/o Registered Agent, CT Corporation System

301 South Bedford Street, Suite 1

Madison, Wisconsin 53703,

**STATE OF WISCONSIN DEPARTMENT**

**OF HEALTH SERVICES**

c/o Shelley Malofsky

Office of Legal Counsel

One West Wilson Street, Room 651

Madison, Wisconsin 53703,

Defendants.

---

**PLAINTIFF'S FIRST SET OF WRITTEN INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS, STATE OF WISCONSIN, WISCONSIN DEPARTMENT OF TRANSPORTATION, CITY OF WEST ALLIS, and AIG PROPERTY CASUALTY COMPANY**

---

To: **State of Wisconsin, Wisconsin Department of Transportation,  
City of West Allis,  
AIG Property Casualty Company, and  
Illinois National Insurance Company**

You are required to answer the interrogatories and requests for production of documents set forth below within 30 days from the date of service of this document in accordance with Wis. Stat. §§804.08 and 804.09.

## INSTRUCTIONS

You must answer each interrogatory and request for production of documents separately, in writing under oath, unless it is objected to, in which event the reason for the objection must be stated in lieu of the answer.

An evasive or incomplete answer is deemed to be failure to answer under Wis. Stat. §804.12.

You are under a continuing duty to reasonably supplement your answers to these interrogatories and requests for production of documents. Further, you are under a continuing duty to correct any incorrect response when you later learn that it is incorrect. Without being requested to do so by the Plaintiff, the Defendant must also amend any answer when it is discoverable to have been incorrect when made or when it is discovered to be no longer true and circumstances are such that a failure to supplement is in substance concealment.

In answering these interrogatories, and requests to produce documents, the Defendant must furnish all requested information, not subject to a valid objection that is known by, possessed by, or available to Defendant or any of the Defendant's attorneys, consultants, investigators, insurers, representatives or any agents or employees and that information that is obtainable through reasonable inquiry.

Unless otherwise indicated, these interrogatories and requests for production of documents refer to the time, place and circumstances of the occurrence complained of in the complaint.

## DEFINITIONS

The word "person" means any natural person, firm or corporation, partnership, joint venture or any other form of business entity, and includes any employee or agent thereof.

"Document" means all original written, printed, typed recorded or graphic matter whatsoever, however produced or reproduced, of every kind, nature and description, including, without limitation: papers, books, records, notes, letters, correspondence, memoranda, writings, invoices, purchase orders, contracts, ledgers, journals or books of account, recordings (analog and digitized), videotapes, films, computer disks, computer data, photographs (film and digitized) and all other tangible items. "Document" shall also include originals and copies, microfilms and transcripts made, recorded, produced or reproduced by any and every means. "Document" also includes any duplicate or reproduction of an original document that contains any notes, comments, additions, deletions, insertions, annotations, or otherwise comprises a non-identical copy of the original document (hereafter "non-identical duplicate"). Any such non-identical duplicate shall be considered a separate document subject to production. In all cases where the original or non-identical duplicate is not available, "document" shall mean any identical copy of the original non-identical duplicate. In any instance where a document is in a language other than English, "document" includes all translations and materials pertaining to such translations. The responding party is expected to investigate whether a requested document exists in an

electronic or digital form, within computer software, within a database, on a hard drive or on a server, and produce such data in the form it currently exists.

“Oral communication” refers to any oral expression, exchange, or transmission of thoughts, messages, information, or the like, at any time or place, and under any circumstances.

“Identify” in reference to a document, means to provide the date, title, subject matter, author and addressee of the document and the name, address, position or title of the person with present custody of the document. Whenever identification is requested, the responding party may respond by attaching a copy of the responsive document to its answers to interrogatories.

“Identify” in reference to a person, means to provide the individual’s name, date of birth, social security number, last known home address, and the name and address of the individual’s employer and his or her title or position with that employer. If the individual was employed by the responding party, but is no longer employed, “identify” also means to provide the individual’s dates of employment and the title(s) or position(s) held by the individual. If the individual is employed currently by the responding party, “identify” also means to provide the individual’s starting date of employment and the title(s) or position(s) held by the individual.

“Identify” in reference to an entity, means to provide the full name of the entity, the nature of the entity (corporation, limited liability company, limited liability partnership, limited liability corporation, limited partnership, partnership, incorporated or unincorporated by association, body politic, governmental agency or body), to the extent applicable, place of

incorporation, charter or authorization to operate, address of principal place of business, and describe the nature of the entity's business.

"Custodian" means the person who has possession or control of documents and request for the identity of a custodian constitutes a request for his name, job title, and address.

Whenever any term is expressed in the singular, such term shall also be construed as being expressed in the plural, if applicable.

Whenever the words "he", "him", "it" or "his" are used, such words shall also be construed to mean "she", "her", "it" or "hers" if applicable.

### **INTERROGATORIES**

**Interrogatory Number 1:** Please state the full name, address, telephone number, employer, job title, job description, and position within the company of the person responding to these Interrogatories.

**Interrogatory Number 2:** Identify the person or persons within State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis, employ or former employ who have the most knowledge with respect to hiring, training, and supervision of Mark Klipstein, Sean Race, and/or Jason Roselle.

**Interrogatory Number 3:** Identify The person or persons within State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis, employ or former employ who trained Mark Klipstein, Sean Race, and/or Jason Roselle, while employed at State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis, regarding safety, removal of signs/signage, removal of poles or pole-like objects of any kind, digging, covering holes and/or

openings, and/or safety precautions when dealing with and/or leaving holes and/or openings of any kind.

**Interrogatory Number 4:** When was the signpost removed from the property in front of the apartment building located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217, which is the subject of the above-captioned lawsuit? In your answer, please include the time and date of the removal.

**Interrogatory Number 5:** How long was the hole and/or land opening that resulted from the removal of the signpost that is the subject of the above-captioned lawsuit exposed prior to any safety devices being put in place, warning devices and/or signs being put in place, before it being filled in and/or being covered?

**Interrogatory Number 6:** Why was the hole and/or land opening that resulted from the removal of the signpost that is the subject of the above-captioned lawsuit left without being filled and/or with no warning, covering, and/or safety devices of any kind on May 8, 2017?

**Interrogatory Number 7:** Please identify each person who claims to have been a witness or has knowledge of the accident alleged in the Plaintiff's Complaint.

**Interrogatory Number 8:** If you contend that the Plaintiff, Renee Kretlow, injuries and/or damages may have been caused or contributed to by her own negligent and careless conduct, then state in detail the factual basis for each such contention, including stating specifically each and every act or omission performed by the plaintiff which constitutes her alleged negligence; identify each person who can and will support such contention; state whether you or any person acting on your behalf has any knowledge of any documents in support of such



contention, including a description of the document; and state whether you have any other evidence that supports such contention in any way, describing and identifying said evidence.

**Interrogatory Number 9:** If you believe that anyone else may have been responsible for the event, then state in detail the factual basis for each such contention, including stating specifically each and every act or omission performed by the plaintiff which constitutes her alleged negligence; identify each person who can and will support such contention; state whether you or any person acting on your behalf has any knowledge of any documents in support of such contention, including a description of the document; and state whether you have any other evidence that supports such contention in any way, describing and identifying said evidence.

**Interrogatory Number 10:** Please list all factors or events that you believe caused or contributed to the occurrence.

**Interrogatory Number 11:** Please state who was responsible for the care, maintenance and/or safety of land and/or property that had undergone signage removal and/or any other kind of object removal Wisconsin Department of Transportation project numbers 10603381 and/or 10603483, as stated in plaintiff's complaint.

**Interrogatory Number 12:** Please list all of your insurance policies in effect on the date of the accident, May 8, 2017, including each policy limits, each policy number, and each policy title that could provide coverage for the injuries alleged in the complaint. This interrogatory is intended to include, but is not limited to, insurance coverage available through partnership agreements, corporations, extended coverage, reinsurance coverage and so-called "umbrella" coverage.

**Interrogatory Number 13:** If you have taken any statement, either oral or in writing, from any person regarding the incident in question, please state the person making the statements; the basis of the person's knowledge; the form of the statement; and please attach copies of any statements taken.

**Interrogatory Number 14:** Please give a complete and full description of all steps that you took regarding inspection and maintenance of the premises, which is the subject of this lawsuit and referred to in plaintiff's complaint, located at 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217, where the accident occurred, including, but, not limited to your pattern of inspection and repairs; what you found at the inspection immediately preceding the accident; and any repair or maintenance steps that you took following the inspection of the premises prior to the accident.

**Interrogatory Number 15:** Please provide the names, addresses, dates of service, and nature and extent of responsibility of any company retained by State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis, for the care, maintenance, and/or safety of property that underwent construction and/or sign/signage removal regarding Wisconsin Department of Transportation project numbers 10603381 and/or 10603483 on or before the date of the incident, May 8, 2017.

**Interrogatory Number 16:** Please describe in detail the practices and policies of the Defendants, State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis, for property and/or land under construction, particularly the removal of signs/signage/posts and/or any other related objects, such as found in Wisconsin Department of Transportation project numbers 10603381 and/or 10603483, regarding safety precautions, such as covering

holes, filling in holes, placing safety devices near and/or around holes, and/or placing warning devices near and/or around holes, including a description in detail regarding whether those policies changed following the incident on May 8, 2017.

**Interrogatory Number 17:** Please provide a complete list of all employees, and their job description, that were working on Wisconsin Department of Transportation project numbers 10603381 and/or 10603483 on the block where the subject property was located, 1444 South 70<sup>th</sup> Street, West Allis, Wisconsin 53217, on the date of the incident, May 8, 2017.

**Interrogatory Number 18:** If Mark Klipstein, Sean Race, and/or Jason Roselle were acting within the scope of their employment with State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis at the time of the incident as alleged in plaintiff's complaint, then state each person's job duties, job descriptions, and job responsibilities.

**Interrogatory Number 19:** If you claim in your answer that Mark Klipstein, Sean Race, and/or Jason Roselle were not acting within the scope of their employment with State of Wisconsin, Wisconsin Department of Transportation and/or City of West Allis at the time of the incident as alleged in plaintiff's complaint, then please state every fact and/or detail to support your claim(s).

#### **REQUEST FOR PRODUCTION OF DOCUMENTS**

**Request Number 1:** Please attach copies of all documents used or relied upon in responding to these Interrogatories.

**Request Number 2:** Please attach copies of all letters, incident reports, or other documents that may have been filed concerning prior complaints or defects of this nature.

**Request Number 3:** Copies of all statements taken from any individuals regarding the incident alleged in Plaintiff's complaint, including but not limited to any and all statements made by Mark Klipstein, Sean Race, Jason Roselle, and/or any other individuals, witnesses, and/or persons regarding the incident.

**Request Number 4:** Please attach copies of any photographs or other visual recording media taken or created as a result of this incident.

**Request Number 5:** Please attach copies of any photographs or other visual recording media taken or created of the scene where the incident occurred, on the date of the incident, as well as the week before and after the incident.

**Request Number 6:** Please attach any official report or notice filed by the Defendants, or any of its employees or agents as a result of the incident.

**Request Number 7:** Please attach any incident report, accident report, or investigative report of any kind created by Defendants as a result of the incident.

**Request Number 8:** Copies of any and all policies of insurance and reinsurance pertaining to the incident referred to in the plaintiff's complaint. This request is intended to include, but not limited to, insurance coverage available through partnership agreements, corporations, successorships, mergers, acquisitions, extended and/or excess coverage, reinsurance coverage and so-called "umbrella" coverage.

**Request Number 9:** Please attach copies of any contracts entered into between any and all persons responsible for the care, maintenance, and/or safety of property that underwent construction and/or sign/signage removal regarding Wisconsin Department of Transportation project numbers 10603381 and/or 10603483 on or before the date of the incident, May 8, 2017.

**Request Number 10:** Please provide copies of any surveillance, videos, films, or pictures taken of the plaintiff following the accident giving rise to this action.

**Request Number 11:** Any and all documents pertaining to Mark Klipstein's, Sean Race's, and Jason Roselle's job responsibilities on the day of the incident referred to in the plaintiff's complaint.

**Request Number 12:** Any and all documents pertaining to the Mark Klipstein's, Sean Race's, and Jason Roselle's time schedule on the day of the incident referred to in the plaintiff's complaint.

**Request Number 13:** Any and all documents that you contend support each of the defendants' affirmative defenses.

**Request Number 14:** The complete employment files of Mark Klipstein, Sean Race, and Jason Roselle, including any documentation of any discipline of any kind, including but not limited to discipline that resulted due to the allegations found in the Plaintiff's complaint.

**Request Number 15:** Any and all documents regarding Mark Klipstein's, Sean Race's, and Jason Roselle's job title, duty(ies), and/or responsibilities.

**DATED** at Wauwatosa, Wisconsin this 31<sup>st</sup> day of July, 2020.

GROTH LAW FIRM, S.C.  
Attorneys for Plaintiff,

*Electronically signed by Ryan J. Truesdale*

---

Ryan J. Truesdale  
State Bar No.: 1092417  
Thomas W. Kyle  
State Bar No.: 1027909

P.O. ADDRESS:

11063 W. Bluemound Road  
Wauwatosa, WI 53226  
(414) 375-2030