

GENDLIN, LIVERMAN & RYMER, S.C.

10335 W. OKLAHOMA AVE., STE. 300
MILWAUKEE, WI 53227
PHONE: (414) 272-3399
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PERSONAL INJURY
ATTORNEYS

*MICHAEL J. GENDLIN
*ANDREW R. LIVERMAN
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* Licensed in Wisconsin
** Licensed in Illinois
Licensed in Ohio
† Certified Civil Trial Specialist by
The National Board of Trial Advocacy

July 14, 2015

West Allis City Hall
7525 W. Greenfield Avenue
West Allis, WI 53215

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

RECEIVED

JUL 14 2015

**CITY OF WEST ALLIS
CITY CLERK**

Re: Our Client: Jerome Lochowicz
Date of Incident: June 17, 2014
Collision Report #: 15-026009

HAND DELIVERED

Dear Sir or Madam:

Please be advised that this office has been retained to represent the legal interest of the above named client relative to the personal injuries and damages that he sustained as a result of the above-mentioned collision.

This letter of retainer will also serve as a formal notification of our attorney lien rights in accordance with the statutes of the State of Wisconsin.

At this time our office is hereby revoking any authorizations signed by our client.

It is my understanding that the City of West Allis and/or its representatives has possession and/or control of the City of West Allis police squad VIN#2G1WD5E37C1219411 involved in this collision. I kindly request that the City of West Allis and/or its representatives not spoil the condition of the squad and that you preserve this essential evidence. See Sentry Ins.

*C: Attorney
Police Dept.*

V Royal Ins., 196 Wis.2d 907 (ct app. 1995). I would like to inspect the squad as soon as possible. Please contact me to arrange a time for this to be accomplished.

Additionally, I kindly request duplicates of the following involving the 6/17/15 collision, ANY:

1. Photographs;
2. video surveillance, including but not limited to street cams, dash cams and/or body cams that were taken involving this collision;
3. Dispatch recordings;
4. 911 recordings;
5. Witness statements;
6. Accident reconstruction investigation documents.

Reimbursement will be made for the duplication costs. Of note, such original items should also not be spoiled.

These requests should also be considered as being made under the state's Open Records Law (19.31-39, Wisconsin Statutes). Please be aware that Open Records law defines "record: to include information that is maintained on paper as well as electronically, such as data files and unprinted e-mails. Wis. Stat §19.32 (2). Additionally the Open Records law "shall be construed in every instance with the presumption of complete public access consisted with the conduct of governmental business. The denial of access generally is contrary to the public interest and only in exceptional cases can access be denied." If you deny my request, the law requires you to do so in writing and state what part of the law you believe entitles you to deny my request. Wis. Stat. §19.35(4)(a).

Thank you in advance for your anticipated cooperation. I look forward to hearing from you.

Very truly yours,
GENDLIN, LIVERMAN & RYMER, S.C.

By:


Timothy J. Rymer

TJR/mw

NOTICE OF INJURY

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

7.5.15
3:40 p
✓

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

RECEIVED

JUL 15 2015

**CITY OF WEST ALLIS
CITY CLERK**

Pursuant to the provisions of Sec. 893.80(1)(a) the claimant Jerome Lochowicz, an adult, residing at 3264 S. 76th Street, Apartment 3, in the City and County of Milwaukee, State of Wisconsin 53219, herewith gives Notice of Injury giving rise to a future claim for relief in the form of monetary damages as set forth below:

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

2. That Jerome Lochowicz, sustained serious personal injuries at approximately 3:42 p.m. on June 17, 2015 at West National Avenue and South 72nd Street, in the City of West Allis, County of Milwaukee, State of Wisconsin, when the vehicle he was operating Westbound on West National Avenue, had a collision with a City of West Allis police vehicle, driven by Brandon Matthew Rapp, whom was traveling northbound on South 72nd Street, when Brandon Matthew Rapp pulled from a posted stop sign and proceeded to cross West National Avenue, in West Allis, Wisconsin, into the path of Mr. Lochowicz.

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

4. That as a result of the afore stated incident, Jerome Lochowicz, sustained serious personal injuries, pain, suffering and disability, incurred medical expenses and loss of earnings.

5. That the undersigned is one of the attorneys for Jerome Lochowicz, and is, therefore, authorized to give this Notice of Injury.

Dated at Milwaukee, Wisconsin, this 14th day of July, 2015.

GENDLIN, LIVERMAN & RYMER, S.C.

By: Timothy J. Rymer
Timothy J. Rymer

P.O. ADDRESS

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

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

This 14 day of July, 2015.

Michal Wagner

Notary Public

My commission expires:
(Seal if any below)