

FILED
01-24-2024
Anna Maria Hodges
Clerk of Circuit Court
Eau Claire County
Honorable David
Borowski-12
Branch 12

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

AMIR AL-MAJID,
3401 W. Kilbourn Avenue, Apt. #25
Milwaukee, Wisconsin 53208

Plaintiff,

HUMANA HEALTH PLAN, INC., AS PLAN MANAGER FOR
MGSMFG GROUP HEALTH BENEFIT PLAN,
c/o Registered Agent: CT Corporation System
301 S. Bedford Street, Suite #1
Madison, Wisconsin 53703

UNITEDHEALTHCARE INSURANCE COMPANY,
c/o Registered Agent: CT Corporation System
301 S. Bedford Street, Suite #1
Madison, Wisconsin 53703

Involuntary Plaintiffs,

v.

LANE DAVID OLSON,
N9346 Beulah Park Road
East Troy, Wisconsin 53210, and

CITY OF WEST ALLIS
c/o City Clerk
City Hall, Room 108-110
7525 W. Greenfield Avenue
West Allis, Wisconsin 53214

Defendant.

SUMMONS

THE STATE OF WISCONSIN

To Each Person Named Above as an Involuntary Plaintiff or Defendant,

YOU ARE HERBY 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 after 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 to or delivered to the Circuit Court for Milwaukee County, whose address is 901 N. Ninth Street, Room 104, Milwaukee, Wisconsin 53233, and to the Plaintiff's attorneys, Pitman, Kalkhoff, Sicula & Dentice, S.C., whose address is 1110 North Dr. Martin Luther King Jr. Drive, Suite #320, Milwaukee, Wisconsin, 53203. 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 at Milwaukee, Wisconsin, this 24th day of January, 2024

PITMAN, KALKHOFF, SICULA & DENTICE, S.C.
Attorneys for Plaintiff, Amir Al-Majid

By: e/Samuel Killian
Samuel M. Killian
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Defendant.

COMPLAINT

NOW COMES the Plaintiff, AMIR AL-MAJID, by and through his attorneys, Pitman, Kalkhoff, Sicula & Dentice, S.C., by Attorney Samuel Killian, as and for a complaint against the above-named Defendant, alleges and shows to the Court as follows:

1. That at all times material herein, the Plaintiff, AMIR AL-MAJID (hereinafter “AMIR”), is an adult citizen of the State of Wisconsin, who resides 3401 W. Kilbourn Ave., Apt. #25, Milwaukee, WI 53208.

2. The Involuntary Plaintiff, HUMANA HEALTH PLAN, INC., AS PLAN MANAGER FOR MGSMFG GROUP HEALTH BENEFIT PLAN, (hereinafter “HUMANA”), is a corporation authorized to and doing substantial 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. Upon information and belief, the Involuntary Plaintiff, HUMANA, may have paid medical bills on behalf of the Plaintiff, AMIR, for injuries he sustained in the accident that is subject of this lawsuit and may be so obligated in the future; therefore, the Involuntary Plaintiff, HUMANA, may have a subrogated interest to the extent of its payments subject to applicable federal and/or state laws. By reason of such payments, said Involuntary Plaintiff is a proper party under Wis. Stats. § 803.03. If Involuntary Plaintiff, HUMANA, fails to answer, the Plaintiff, AMIR, asks that an Order for Default Judgment and Dismissal with Prejudice be entered against this Involuntary Plaintiff without any further notice.

3. The Involuntary Plaintiff, UNITEDHEALTHCARE INSURANCE COMPANY (hereinafter “UNITEDHEALTHCARE”), is a corporation authorized to and doing substantial 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. Upon information and belief, Involuntary Plaintiff, UNITEDHEALTHCARE, may have paid medical bills on behalf of the Plaintiff, AMIR, for injuries he sustained in the accident that is subject of this lawsuit and may be so obligated in the future; therefore, the Involuntary Plaintiff, UNITEDHEALTHCARE, may have a subrogated interest to the extent of its payments subject to applicable federal and/or state laws. By reason of such payments, said Involuntary Plaintiff is a proper party under Wis. Stats. § 803.03. If Involuntary

Plaintiff, UNITEDHEALTHCARE, fails to answer, the Plaintiff, AMIR, asks that an Order for Default Judgment and Dismissal with Prejudice be entered against this Involuntary Plaintiff without any further notice.

4. That upon information and belief, the Defendant, LANE DAVID OLSON, (hereinafter "LANE"), is an adult citizen of the State of Wisconsin who resides at N9346 Beulah Park Rd., East Troy, WI 53210. At the time of the crash that is the subject of this action and at all times material herein, LANE was an employee of the Defendant, CITY OF WEST ALLIS, and was acting within the course and scope of his employment.

5. That upon information and belief, at all times material, the Defendant, CITY OF WEST ALLIS (hereinafter "WEST ALLIS"), is a municipal entity organized and existing pursuant to the laws of the State of Wisconsin with offices of the City Clerk located at City Hall, Room #108-110, 7525 Greenfield Ave., West Allis, WI 53214.

FIRST CAUSE OF ACTION – NEGLIGENCE

6. The Plaintiff, AMIR, realleges and incorporates herein by reference Paragraphs 1-5 above.

7. On April 7, 2023, in the city of Milwaukee, Milwaukee County, Wisconsin, the Plaintiff, AMIR, was stopped at the stop light at the intersection of N. 35th St. and W. Highland Blvd. facing Southbound when he was unexpectedly rear-ended by an undercover police vehicle driven by LANE during the course of his employment for WEST ALLIS.

8. The collision was caused by the negligence of LANE, an employee of the Defendant, WEST ALLIS, in ways including, but not limited to, driving inattentively, failing to maintain a proper lookout, failing to maintain safe speed, failing to maintain control of his vehicle, failing to yield the right of way and failing to exercise ordinary care thereby causing the crash and the injuries to AMIR.

9. The foregoing act of negligence on the part of LANE, as an employee of the Defendant, WEST ALLIS, were the direct and proximate cause of the accident of April 7, 2023, and the injuries and damages sustained by the Plaintiff, AMIR.

10. That the aforementioned negligence by the employee of the Defendant, WEST ALLIS, was a direct and proximate cause that is a substantial factor, in bringing about the Plaintiff's, AMIR, past injuries, past pain and suffering, past wage loss, past medical and hospital expenses, future pain and suffering, disability and loss of enjoyment of life, future loss of earning capacity, future medical and hospital expenses, property damage, deductible payment, and other comprehensible injuries, all to his damage in an amount to be determined at a trial of this matter.

11. On May 23, 2023, pursuant to Wis. Stat. 893.80(1d)(a), the Plaintiff, AMIR, served a Notice of Injury on the Defendant, WEST ALLIS.

12. On or prior to September 7, 2023, pursuant to Wis. Stat. 893.80(1d)(b), the Plaintiff, AMIR, mailed a Notice of Claim and Claim for Damages to the Defendant, WEST ALLIS, and the Defendant failed to serve the Notice of Disallowance of the claim within 120 days of service of the Notice of Claim; therefore, the claim has been deemed disallowed and this action has been properly commenced against the Defendant, WEST ALLIS.

WHEREFORE, the Plaintiff, AMIR AL-MAJID, demands Judgement against the Defendant, WEST ALLIS, as follows:

- a. For compensatory damages in a monetary amount that is fair and reasonable;
- b. For a hearing on the subrogation compensation due to the Involuntary Plaintiffs, if any;
- c. For costs disbursements, attorney's fees, and all interest due and owing pursuant to Wis. Stat. § 628.46; and
- d. For whatever other relief the court may deem just and equitable.

**THE PLAINTIFF HEREBY DEMANDS TRIAL BY A TWELVE (12) PERSON JURY
IN THE ABOVE MATTER.**

Dated at Milwaukee, Wisconsin, this 24th day of January, 2024

PITMAN, KALKHOFF, SICULA & DENTICE, S.C.
Attorneys for Plaintiff, Amir Al-Majid

By: *e/Samuel Killian*
Samuel M. Killian
SBN: 1122161

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West Allis, WI 53214

Defendants.

**PLAINTIFF'S FIRST SET OF WRITTEN INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS TO THE DEFENDANT, CITY OF WEST ALLIS**

NOW COMES, the Plaintiff, AMIR AL-MAJID, by and through his attorneys, Pitman, Kalkhoff, Sicula & Dentice, S.C., by Attorney Samuel M. Killian, requests that the Defendant, CITY OF WEST ALLIS, respond to the following Written Interrogatories and Requests for Production of

Case No.:
Case Code: 30101
Personal Injury – Auto

Documents to be answered by the Defendant within forty-five (45) days, under oath and in writing pursuant to Wis. Stat. § 804.08 and 804.09.

In answering these Interrogatories, Defendant must furnish all requested information, not subject to a valid objection, that is known by, possessed by, or available to the Defendant, its agents, officers, employees, insurer, consultants, representatives, or investigators.

If Defendant is unable to fully answer fully any of these interrogatories, it must answer them to the fullest extent possible, specifying the reason for its inability to answer the remainder and stating whatever information, knowledge, or belief it has concerning the answerable portion. An evasive or incomplete answer is deemed to be a failure to answer under Wis. Stat. § 804.12, and may render the Defendant, its attorneys, or both, liable for the expenses of a motion pursuant to the statute.

Each lettered subpart of a numbered Interrogatory is to be considered a separate Interrogatory for the purpose of objection. Defendant must object separately to each subpart and, if it objects to less than all of the subparts of a numbered Interrogatory, then it must answer the remaining subparts. In addition, if Defendant objects to an Interrogatory or a subpart thereof as calling for information which is beyond the scope of discovery, Defendant must nevertheless answer the Interrogatory or subpart thereof to the extent that it is not objectionable.

Defendant must supplement its responses to these Interrogatories if new information arises prior to trial. In addition, without being requested to do so by Plaintiffs, Defendant must reasonably supplement its answers to all Interrogatories requesting the identification of persons expecting to be called as an expert witness at trial. Without being requested to do so by Plaintiff, Defendant must also amend any answer when it is discovered to have been incorrect when made or discovered to be no longer true and circumstances are such that failure to supplement it is in substance a knowing concealment.

Please repeat each interrogatory immediately preceding your answer.

DEFINITIONS

The terms “incident,” “occurrence,” “event,” and/or “accident” when used herein, refers to the series of events which occurred on April 7, 2023, wherein the Plaintiff, AMIR AL-MAJID, was involved in a motor vehicle collision involving a vehicle being driven by the Defendant, LANE DAVID OLSON, while in the course and scope of his employment for the Defendant, CITY OF WEST ALLIS.

The term “document” is used in a comprehensive sense and includes, without limitation, letters, intrafirm or company communications, reports, memoranda, minutes, diaries, agreements, instructions, work assignments, notes, sketches, drawings, laser copies of photographs, work sheets, expense vouchers, contracts, records, tape recordings, studies, summaries, agenda, bulletins, notices, invoices, receipts, financial statements or reports, accounts, books, brochures, schedules, price lists, telegrams, teletype communications, or other similar materials which contain any verbal, graphic or pictorial information. In all cases where originals or non-identical copies are not available, “documents” also means identical copies of original documents and copies of non-identical copies.

The term “identify” when used herein in connection with natural persons means to state their full names, position or relationship to the Defendant, if any, and their last known business and home addresses and telephone numbers.

The term “identify” when used herein in connection with any document means to describe the document, setting forth its date, title, author or authors, their addresses and telephone numbers, the parties thereto, the present location of the document, the name and address of the custodian thereof, and the substance of the document. THOSE INTERROGATORIES PERTAINING TO

DOCUMENTS ARE TO BE DEEMED A REQUEST TO PRODUCE PURSUANT TO WIS. STAT. § 804.09. Please attach copies of such documents to the answers to these interrogatories, or, if you are unwilling to do that, please respond within thirty (30) days from service of this request upon you to schedule a mutually convenient time and place for you to make documents available to Plaintiff's attorneys for inspection and copying. Documents to be identified shall include both documents in the possession, custody, and control of the Defendant, and all other documents of which Defendant has knowledge or is in the custody and/control of its attorneys.

INTERROGATORIES

INTERROGATORY NO. 1: Please state the name, current address, and job position of the individual answering these Interrogatories.

INTERROGATORY NO. 2: Please state the name, current address, and current telephone number of each person known to you to be a witness to the accident or any events which happened immediately before or after the accident in question.

INTERROGATORY NO. 3: Please state whether you have taken any written or oral statements from any person regarding the accident and/or the injuries sustained by the Plaintiff. If you have taken any such statement, then state:

- a. The name, current address and current telephone number of each person providing such statement;
- b. The date the state was taken;
- c. The place the statement was taken;
- d. The name, current address, and current telephone number of the person who took each statement; and

- e. The name, current address, and current telephone number of the person who presently has custody of the statement.

INTERROGATORY NO. 4: Please state whether any photographs and/or video have been taken of the vehicles involved in the collision or of the scene of the collision. If photographs/video have been taken, then state:

- a. The date each photograph/video was taken;
- b. Where each photograph/video was taken;
- c. What the photographs/video depict;
- d. The name, current address and current telephone number of the person who took each photograph/video; and
- e. The name, current address and current telephone number of the person having custody of each photograph/video.

INTERROGATORY NO. 5: Please state whether any photographs or video has been taken of the Plaintiff at any time following the collision. If so, please state:

- a. The date each photograph/video was taken;
- b. Where each photograph/video was taken;
- c. What the photographs/video depict;
- d. The name, current address and current telephone number of the person who took each photograph/video;
- e. The name, current address and current telephone number of the person having custody of each photograph/video; and
- f. Whether each such photograph/video was taken with the knowledge and/or consent of the person being visually recorded.

INTERROGATORY NO. 6: Please indicate whether a report or written document was made by any owner, agent, employee and/or representative of any Defendant with respect to the accident alleged in the complaint and identify the name and address of the person who made the report, the date thereof, and the name and address of the person now having position and/or custody of the report or document.

INTERROGATORY NO. 7: Please indicate whether the Defendant, Lane David Olson, was ever disciplined and/or reprimanded as an employee of the Defendants. If so, please indicate:

- a. Date(s) of such discipline and/or reprimand;
- b. The circumstances surrounding the discipline and/or reprimand; and
- c. The result of such discipline and/or reprimand.

INTERROGATORY NO. 8: Was the Defendant, Lane David Olson, acting within the scope of his employment with the Defendant, City of West Allis at the time of the accident alleged in the complaint? If no, please indicate all factual basis for such opinion.

INTERROGATORY NO. 9: Please state whether the Defendant, City of West Allis, prior to and including the date of the accident at issue maintained any written policies and/or procedures related to safe driving. If so, please state:

- a. When such policy and/or procedure was implemented;
- b. The details of such policy and/or procedure;
- c. If each Defendant was aware of and had been notified of such policy and/or procedure;
- d. If each defendant was notified of the policy and/or procedure orally or by a written communication. (i.e. memo, handbook, pamphlet, etc.)

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1: Provide copies of any estimates, repair bills, and/or appraisals regarding any damage to any of the vehicles involved in the collision.

REQUEST NO. 2: Provide copies of any statements disclosed in the answer to INTERROGATORY NO. 3.

REQUEST NO. 3: Provide color copies of any photographs and any video disclosed in the answer to INTERROGATORY NO. 4.

REQUEST NO. 4: Provide color copies of any photographs and any video disclosed in the answer to INTERROGATORY NO. 5.

REQUEST NO. 5: Provide a certified copy of any policy providing automobile liability coverage to Lane David Olson at the time of the collision.

REQUEST NO. 6: Provide a copy of any statements disclosed in the answer to INTERROGATORY NO. 6.

REQUEST NO. 7: Provide a copy of any policies and procedures disclosed in the answer to INTERROGATORY NO. 7.

REQUEST NO. 8: Provide a complete copy of the Defendant's, Lane David Olson, personnel file.

Dated at Milwaukee, Wisconsin, this 23rd day of January, 2024

PITMAN, KALKHOFF, SICULA & DENTICE, S.C.
Attorneys for Plaintiff, Amir Al-Majid

By: *e/Samuel Killian*
Samuel M. Killian
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