

FILED

03-18-2019

John Barrett

Clerk of Circuit Court

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

Beloit Road Senior Apts, LLC,  
2505 S. 72<sup>nd</sup> Street  
Milwaukee, WI 53219

Plaintiff,

-vs-

Judy Mayer,  
7205 W. Beloit Rd., #1  
Milwaukee, WI 53219,

Defendant and Third-party Plaintiff,

-vs-

City of West Allis,  
7525 W. Greenfield Ave.  
West Allis, WI 53214,

Third-party Defendant.

**THIRD-PARTY SUMMONS**Case No. 19SC006827

Code No. 31004

RECEIVED

MAR 20 2019

CITY OF WEST ALLIS  
CITY CLERK

THE STATE OF WISCONSIN, to the Third-party Defendant:

You are hereby summoned to appear and plead to the Third-party Plaintiff's Complaint in the above-captioned action, in Room 400 of the Milwaukee County Courthouse, 901 N. 9<sup>th</sup> Street, Milwaukee, Wisconsin, on the 2<sup>nd</sup> day of April, 2019, at 1:30 o'clock in the P.m. A copy of the Third Party Complaint is hereto attached. In case of your failure to appear, a judgment may be rendered against you in accordance with the demands made by the Third-party Plaintiff. The nature of the demand being made upon you is a civil action where the amount claimed is \$10,000.00 or less. The amount of damages demanded is \$ 1,004.00.

Dated this 18 day of March, 2019.

Legal Action of Wisconsin, Inc.,

By: 

Mark A. Silverman

Attorney for Defendant, Third-party Plaintiff

Bar Assoc. No. 1004229

P.O. ADDRESS:

230 W. Wells Street, Room 800

Milwaukee, WI 53203

Tel: 414-278-7722

Fax: 278-7126

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

---

Beloit Road Senior Apts., LLC,  
2505 S. 72<sup>nd</sup> Street  
Milwaukee, WI 53219,

Plaintiff,

-vs-

Judy Mayer,  
7205 W. Beloit Rd., #1  
Milwaukee, WI 53219,

**ANSWER AND  
THIRD-PARTY COMPLAINT**

Defendant and Third-party Plaintiff,

Case No. 19SC006827  
Code No. 31004

-vs-

City of West Allis,  
7525 W. Greenfield Ave.  
West Allis, WI 53214,

Third-party Defendant.

---

**ANSWER**

The above-named Defendant and Third-party Plaintiff, Judy Mayer, by her attorney, Mark A. Silverman, of Legal Action of Wisconsin, Inc., in Answer to the complaint filed in the above-captioned action, denies, admits and alleges as follows:

1. The Defendant is without sufficient knowledge or information to formulate a response as to the truth of the allegation asserted in Paragraph One of the Plaintiff's complaint.

2. Denies the allegations contained in Paragraph Two of the Plaintiff's complaint, and states, affirmatively, that she timely paid her portion of the rent, \$158 per month, at all times material, and that the remainder of her rent, \$462 per month, was subsidized through the federal, Section Eight Project Based Voucher Program, administered, locally, by the Third-party

Defendant, City of West Allis.

3. Admits the allegation contained in Paragraph Three of the Plaintiff's complaint.

4. Denies the allegations contained in Paragraph Four of the Plaintiff's complaint and states, affirmatively, that the defendant is in possession of the subject premises pursuant to a tenancy agreement between the parties which tenancy has not been terminated.

5. Denies the allegations contained in Paragraphs One, Two, Three, and Four of the Second Cause of Action in the Plaintiff's complaint.

WHEREFORE, the Defendant respectfully requests that this Court grant judgment in her favor, dismissing the Plaintiff's complaint in its entirety, with prejudice, award the Defendant costs, disbursements and, attorneys fees, and whatever further relief the Court finds just and proper.

### **THIRD-PARTY COMPLAINT**

The above-named Third-Party Plaintiff, Judy Mayer, by her attorney, Mark A. Silverman, of Legal Action of Wisconsin, Inc., complains against the above-named Third-party Defendant, pursuant to Wis. Stat. § 803.05, as follows:

1. The Third-party Plaintiff, Judy Mayer, is an adult resident of the City of Milwaukee, in the State of Wisconsin.

2. The Third-party Defendant, City of West Allis, is a body corporate and politic, organized under Wis. Stat. Ch. 62 and the laws of the State of Wisconsin, as a Second Class City.

### **The Housing Program**

3. At all times relevant, the Third-party Defendant, City of West Allis, administered, a low-income housing program, with federal funding, under the federal, Section Eight Project

Based Voucher Program (PBV). The PBV provides rental assistance for low-income households. On the federal level the PBV is administered by the U.S. Department of Housing and Urban Development and is authorized by 24 CFR Part 983; and 42 U.S.C. §§ 1437f, 3535(d).

4. Pursuant to the PBV the City of West Allis was responsible to pay the plaintiff landlord the Housing Assistance Payment, in the amount of \$462.00, each month.

#### **Discontinuation of Housing Assistance Payments**

5. Effective November 30, 2018, the Third-party Defendants cancelled and discontinued the Housing Assistance Payments to the Plaintiff. (See, Exhibit "A", attached hereto).

6. The Housing Assistance Payments were a benefit to the Third-party Plaintiff because they reduced the amount of her rent liability to the Plaintiff and made the subject housing affordable.

7. Said cancellation and discontinuation of payments occurred without a prior notice to the Third-party Plaintiff and without a prior hearing.

8. Without the Housing Assistance Payments, the Third-party Plaintiff can not afford to rent the subject housing.

9. Said cancellation and discontinuation of the rent payments lease deprived the Third-party Plaintiff of a property right, without due process of law, in violation of the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the United States Constitution.

10. The Third-party Defendant is liable to the Third-party Plaintiff for all or part of the Plaintiff's claim against her, \$1,004.00, and is a necessary party to the above-captioned action.

WHEREFORE, the Defendant and Third-party Plaintiff, Judy Mayer, respectfully requests that this Court grant judgment in her favor on her Third-party Complaint, in the amount

of \$1,004.00, against the Third-party Defendant, City of West Allis, because of the Third-party Defendant's failure to provide a notice and hearing prior to the Third-party Defendant's discontinuation of the Third-Party Plaintiff's federal housing benefits, in violation of the Third-party Plaintiff's right to due process under the 1<sup>st</sup> and 14<sup>th</sup> Amendments to the United States Constitution; that the Court award the Third-party Plaintiff costs, disbursements, attorney's fees and whatever further relief the Court finds just and proper.

Dated this 18<sup>th</sup> day of March, 2019, at Milwaukee, Wisconsin.

Legal Action of Wisconsin, Inc.,

By: 

Mark A. Silverman

Attorney for Defendant, Third-party Plaintiff

Bar Assoc. No. 1004229

P.O. ADDRESS:

230 W. Wells Street, Room 800  
Milwaukee, WI 53203  
Tel: 414-278-7722  
Fax: 278-7126



Department of Development  
Housing Division  
414.302.8430

October 26, 2018

Beloit Road Senior Apartments LLC  
7525 W. Greenfield Ave.  
West Allis, WI 53214

Beloit Road Senior Apartments LLC:

This is to inform you that the Community Development Authority of the City of West Allis will no longer be assisting JUDY A. MAYER at 7205 W. Beloit Rd. #1, effective November 30, 2018

If you have any questions or comments concerning this action, please call me at 414-302-8427.

Truly Yours,

Mellena Ho

Exhibit A