

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.

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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
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STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY

CHARLES CLEVELAND
2231 S. 67th Place, Upper
West Allis, WI 53219

SUMMONS

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.

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. 13th 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. 67th 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
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Involuntary Plaintiffs,

vs.

CITY OF WEST ALLIS
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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. 67th 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
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