

**SERVICE AND PROCESSING OF CLAIMS**

Plaintiff or Claimant: Kaitlyn Huber 2020-CV004479

Date: 8/3/2020

☒ In-person

☒ Process Server

☐ Claimant

☐ Other \_\_\_\_\_

☐ By mail

☐ By email

☐ By fax

Received by: K. Palmer

➤ 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 ☐

## STATE OF WISCONSIN

## CIRCUIT COURT

## MILWAUKEE

Kaitlyn Huber et al vs. City of West Allis, A municipality et al

Electronic Filing  
Notice

Case No. 2020CV004479

Class Code: Personal Injury/Automobile

FILED

07-29-2020

John Barrett

Clerk of Circuit Court

2020CV004479

Honorable Branch 1

Vacancy

8/10  
14  
CITY OF WEST ALLIS, A MUNICIPALITY  
7525 W. GREENFIELD AVE.  
WEST ALLIS WI 53214

SUBMIT FOR STATE PROCESS SERVICE, INC.

Time of Service 8:30 a.m. 11:30

Date of Service 8/3

Served upon: 2/31

at

[ ] Personal Service [ ] Substitute personal service

Case number 2020CV004479 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.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. The \$20.00 fee to register as an electronic party.

If you are not represented by an attorney and would need to enter the following code on the eFiling party.

**Pro Se opt-in code: e2c799**

Unless you register as an electronic party, you will be served by other parties and by the court. You must file and serve.

Registration is available to attorneys, self-represented parties, and authorized under Wis. Stat. 799.06(2). A user must be an individual, agency, corporation, or other group. Non-attorney individuals, such as garnishees, must file by traditional agent. More information about who may participate in electronic filing is on the website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4120.

Milwaukee County Circuit Court  
Date: July 29, 2020

8/3  
Janel,  
I had to sign  
for service  
on this  
lawsuit / claim.  
Kris P.

FILED  
07-29-2020  
John Barrett  
Clerk of Circuit Court  
2020CV004479  
Honorable Branch 1  
Vacancy

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

KAITLYN HUBER  
1954 S. 76<sup>th</sup> Street  
West Allis, WI 53219,

**SUMMONS**

Plaintiff,

HUMANA INSURANCE COMPANY  
Registered Agent: Corporation Service Co.  
8040 Excelsior Dr. Suite 400  
Madison, WI 53717,

Case No.:  
Case Code: 30101-Auto

Subrogated Plaintiff,

v.

CITY OF WEST ALLIS  
a municipality  
City Hall  
7525 W. Greenfield Ave.  
West Allis, WI 53214,

KYLE MICHAEL BADZINSKI,  
28618 Tamarack Trl.  
Waterford, WI 53185,

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 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 or delivered to the Circuit Court for Milwaukee County whose address is 901 North Ninth Street, Milwaukee, Wisconsin, 53233, and to the plaintiff's attorneys, Michael S. Sperling and Bradley E. Grell of Sperling Law Offices LLC, whose address is 100 East

Wisconsin Avenue, Suite 1020, Milwaukee, Wisconsin, 53202. 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 29<sup>th</sup> day of July, 2020.

SPERLING LAW OFFICES LLC  
Attorneys for plaintiff

Electronically signed by Kathryn P. Heyer  
Kathryn P. Heyer  
State Bar No. 1030903

P.O. ADDRESS:  
100 East Wisconsin Avenue  
Suite 1020  
Milwaukee, Wisconsin 53202  
(414) 273-7100 Telephone  
(414) 276-9022 Facsimile  
[kheyer@milwaukeeelawfirm.com](mailto:kheyer@milwaukeeelawfirm.com)

FILED  
07-29-2020  
John Barrett  
Clerk of Circuit Court  
2020CV004479  
Honorable Branch 1  
Vacancy

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

KAITLYN HUBER  
1954 S. 76<sup>th</sup> Street  
West Allis, WI 53219,

**COMPLAINT**

Plaintiff,

HUMANA INSURANCE COMPANY  
Registered Agent: Corporation Service Co.  
8040 Excelsior Dr. Suite 400  
Madison, WI 53717,

Case No.:  
Case Code: 30101-Auto

Subrogated Plaintiff,

v.

CITY OF WEST ALLIS  
a municipality  
City Hall  
7525 W. Greenfield Ave.  
West Allis, WI 53214,

KYLE MICHAEL BADZINSKI,  
28618 Tamarack Trl.  
Waterford, WI 53185,

Defendants.

NOW COMES the plaintiff, Kaitlyn Huber, by her attorneys, Sperling Law Offices LLC and as and for her complaint against the above named defendants hereby alleges and shows to the Court as follows:

1. That the plaintiff is an adult individual residing at 1954 S. 76<sup>th</sup> Street, in the City of West Allis, County of Milwaukee, State of Wisconsin.
2. That the subrogated plaintiff, Humana Insurance Company, is a domestic corporation with its principal offices located at 1100 Employers Blvd., DePere, Wisconsin, and may have provided certain medical benefits to the plaintiff, Kaitlyn Huber, as a result of the

injuries described below. That the plaintiff alleges doubt as to whether or not said subrogated party is truly subrogated or interested in this action, but that said party is a subrogated plaintiff for the purpose of complying with the provisions of Sec. 803.03 Wis. Stats.

3. That the defendant, City of West Allis, is a governmental body with its principal offices located at 7525 W. Greenfield Avenue, City of West Allis, County of Milwaukee, State of Wisconsin, 53214. That upon information and belief, the defendant City of West Allis was an employer of defendant Kyle Michael Badzinski at the time of the accident, was an owner of the vehicle that Kyle Michael Badzinski was driving at the time of the accident, and is named a defendant herein, pursuant to the theory of *Respondeat Superior*, in that it is liable for the acts and/or omissions of its employees, agents and/or representatives while in the course and scope of their employment. That upon information and belief, the defendant City of West Allis at all times pertinent hereto was self-insured and/or had in full force and effect a policy of insurance which provides coverage for the plaintiff's damages.

4. That upon information and belief, the defendant Kyle Michael Badzinski is an adult individual residing at 28618 Tamarack Trail, City of Waterford, County of Racine, State of Wisconsin, and at that immediately prior to the accident at issue, at the time of the accident at issue, and at all times material hereto, was working in the course and scope of his employment for defendant City of West Allis.

5. That on or about October 13, 2017, at or near the 1700 block of South 76<sup>th</sup> Street, in the City of West Allis, County of Milwaukee, the State of Wisconsin, the plaintiff, Kaitlyn Huber, was involved in a motor vehicle accident caused by the negligent acts and/or omissions of defendant Kyle Michael Badzinski.

6. That the defendant, Kyle Michael Badzinski, was careless and negligent in the following respects:

- a. Failing to properly manage and control his vehicle; and
- b. Inattentive driving; and
- c. Failing to maintain a proper lookout, among other negligent acts and omissions.

7. That the carelessness and negligence of defendant Kyle Michael Badzinski is and was the proximate cause of the injuries and damages sustained by plaintiff, Kaitlyn Huber, in the accident at issue.

8. That as a direct and proximate result of the accident and the defendant Kyle Michael Badzinski's negligence, the plaintiff, Kaitlyn Huber, sustained multiple injuries, suffered great pain of body and mind, incurred medical and hospital expenses and lost wages; that the plaintiff's injuries may be permanent in nature, thereby causing the plaintiff to suffer pain and disability in the future, incur medical and hospital expenses in the future, sustain loss of earning capacity, all to her damage in an undisclosed amount pursuant to Wisconsin Statutes.

9. That plaintiff has provided proper notice to the defendant, City of West Allis and Kyle Michael Badzinski pursuant to Wis. Stat. §893.80.

WHEREFORE, the plaintiff, Kaitlyn Huber, hereby demands judgment against the defendants as follows:

- A. Compensatory and other damages in an amount to be determined by the trier of fact, along with post-judgment interest;
- B. All of the costs, disbursements, and attorney's fees of this action;
- C. Any other relief the Court deems just and equitable.

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

Dated at Milwaukee, Wisconsin this 29<sup>th</sup> day of July, 2020.

SPERLING LAW OFFICES LLC  
Attorneys for plaintiff

Electronically signed by Kathryn P. Heyer  
Kathryn P. Heyer  
State Bar No. 1030903

P.O. ADDRESS:

100 East Wisconsin Avenue  
Suite 1020  
Milwaukee, Wisconsin 53202  
(414) 273-7100 Telephone  
(414) 276-9022 Facsimile  
[kheyer@milwaukeeelawfirm.com](mailto:kheyer@milwaukeeelawfirm.com)