

Finance

STATE OF WISCONSIN

CIRCUIT COURT

RECEIVED
FEB 3 - 2016
MANITOWOC COUNTY
CITY CLERKS OFFICE

KARL K. KOCH
408B N. 6th Street
Manitowoc, WI 54220,

Plaintiff,

and

CITY OF MANITOWOC
900 Quay Street
Manitowoc, WI 54220,

Defendant.

FILED

DEC 16 2015

SUMMONS

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

Case Code: 30107

Case No.: 15 CV 524

Served On: City of Manitowoc
900 Quay St.
Manitowoc, WI
Date: 2/3/16
Time: 2:55 PM
Served By: Sum L. Haupt
By: Timothy Hudson

THE STATE OF WISCONSIN

To each party named above as a Defendant:

You are hereby notified that the Plaintiff named above have 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 Manitowoc County Courthouse, Clerk of Municipal Court, 1010 S. 8th Street, Manitowoc, WI 54220 and to plaintiffs' attorney at P.O. Box 609, Manitowoc, WI 54221-0609. 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 seizures of property.

Dated this 16 day of December, 2015.

KAMINSKI & POZORSKI
Attorneys for Plaintiff

By 

Andrew J. Krajniek
State Bar No. 1037958

846 North 8th Street
P.O. Box 609
Manitowoc, WI 54221-0609
Telephone: (920) 684-6694
Fax: (920) 684-6598

KARL K. KOCH
408B N. 6th Street
Manitowoc, WI 54220,

Plaintiff,

and

CITY OF MANITOWOC
900 Quay Street
Manitowoc, WI 54220,

Defendant.

FILED

DEC 16 2015

COMPLAINT

CLERK OF CIRCUIT COURT
MANITOWOC COUNTY, WI

Case Code: 30107

Case No.: 15CV 524

Plaintiff, Karl K. Koch, by his attorneys, KAMINSKI & POZORSKI, by Andrew J. Krajnek, alleges as follows:

GENERAL ALLEGATIONS

1. The Plaintiff, Karl K. Koch, is an adult resident of the State of Wisconsin, Manitowoc County, residing at 408B N. 6th Street, Manitowoc, Wisconsin 54220.
2. The Defendant, City of Manitowoc, upon information and belief, is a municipal corporation located in Manitowoc County, Wisconsin, with a mailing address of 900 Quay Street, Manitowoc, Wisconsin 54220.
3. The Defendant owns, maintains, and operates real estate located at 915 S. 11th Street in the City of Manitowoc, Manitowoc County, Wisconsin (hereinafter "Defendant's Property").

4. On or about June 2, 2015 the Plaintiff was walking on the Defendant's Property.

5. At the above referenced time and place, the Plaintiff stepped into a deep hole located next to a walkway on the Defendant's Property.

6. As a result of stepping in the hole on the Defendant's Property the Plaintiff fell to the ground and sustained significant and substantial injuries.

CLAIM ONE: VIOLATION OF WISCONSIN STATUTE §101.11

7. The Plaintiff realleges the previous allegations of this Complaint as if fully set forth herein.

8. The Defendant failed to construct, repair, and maintain the Defendant's Property so that the Defendant's Property was safe.

9. The Defendant failed to furnish and use safety devices and safeguards such that the Defendant's Property was safe.

10. The Defendant failed to adopt and use methods and processes reasonably adequate to render Defendant's Property safe.

11. The Defendant failed to undertake measures reasonably necessary to protect the life, health, safety, and welfare of the Plaintiff and other frequenters of the Defendant's Property.

12. As a result of the above, the Defendant violated Wisconsin Statute §101.11.

13. The Defendant's failure to comply with Wisconsin Statute §101.11 was a substantial factor in producing the Plaintiff's injuries.

14. As a result of the Defendant's violation of Wisconsin Statute §101.11, the Plaintiff sustained, and will continue in the future to sustain the expense of medical treatment, pain, suffering, disability, and disfigurement.

CLAIM TWO: NEGLIGENCE

15. The Plaintiff realleges the previous allegations of this Complaint as if fully set forth herein.

16. The Defendant owed a duty to the Plaintiff to construct, repair, and maintain the Defendant's Property in a safe manner.

17. The Defendant was negligent in constructing, repairing, and/or maintaining the Defendant's Property.

18. The Defendant's negligence was a substantial factor in producing the Plaintiff's injuries.

19. As a result of the Defendant's negligence, the Plaintiff sustained, and will continue in the future to sustain the expense of medical treatment, pain, suffering, disability, and disfigurement.

WHEREFORE, Plaintiff demands judgment against the Defendant for Plaintiff's damages, together with statutory costs and such further relief as may be appropriate.

JURY DEMAND

Plaintiff demands a trial by jury of twelve.

Dated this 16 day of December, 2015.

KAMINSKI & POZORSKI
Attorneys for Plaintiff

By 

Andrew J. Krajnek
State Bar No. 1037958

846 North 8th Street
P.O. Box 609
Manitowoc, WI 54221-0609
Telephone: (920) 684-6694
Fax: (920) 684-6598