

Brenda Marie Hawpetoss vs. City of Manitowoc et al

Electronic Filing Notice

Case No. 2017CV000252
Class Code: Money Judgment

FILED
06-09-2017
Clerk of Circuit Court
Manitowoc County, WI
2017CV000252

CITY OF MANITOWOC
900 QUAY STREET
MANITOWOC WI 54220

Case number 2017CV000252 was electronically filed with/converted by the Manitowoc County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

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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.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-683-4030.

BY THE COURT:

Electronically signed by
Lynn Zigmunt, Clerk of Circuit Court
Clerk of Circuit Court

06-09-2017
Date

RECEIVED
JUN 19 2017
CITY CLERKS OFFICE

Served On: City of Manitowoc
900 Quay St.
Manitowoc, WI
Date: 6/19/17
Time: 11:10 am
Served By: Sean L. Hyatt
BY: Dawson mit Newson

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

**BRENDA MARIE HAWPETOSS,
1032 South 10th Street, Apartment B,
Manitowoc, WI 54220,**

Plaintiff,

**Case No. 17CV
Case Code: 30301**

v.

**CITY OF MANITOWOC,
900 Quay Street,
Manitowoc, WI 54220,**

**MARITIME METRO TRANSIT,
915 South 11th Street,
Manitowoc, WI 54220,**

**RONALD SHANNON,
915 South 11th Street,
Manitowoc, WI 54220,**

**TRANSIT MUTUAL INSURANCE CORPORATION OF WISCONSIN,
400 North Richmond Suite J,
Appleton, WI 54912-1135,**

Defendants.

SUMMONS

THE STATE OF WISCONSIN, to the above named defendants:

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 Manitowoc County Courthouse, 1010

South 8th Street, Manitowoc, WI 54220 AND to NASH, SPINDLER, GRIMSTAD & McCRACKEN, LLP, plaintiff's attorneys, whose address is 1425 Memorial Drive, Manitowoc, Wisconsin 54220. 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 this 6th day of June, 2017.

NASH, SPINDLER, GRIMSTAD & McCRACKEN, LLP

By: _____

Ryan R. Graff
State Bar No.: 1051307
Sean A. Bukowski
State Bar No.: 1096228
Attorneys for plaintiff Brenda Marie Hawpetoss

MAILING ADDRESS

1425 Memorial Drive
Manitowoc, WI 54220
Telephone: (920) 684-3321
Facsimile: (920) 684-0544
rgraff@nashlaw.com
sbukowski@nashlaw.com

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

2017CV000252

BRENDA MARIE HAWPETOSS,
1032 South 10th Street, Apartment B,
Manitowoc, WI 54220,

Plaintiff,

Case No. 17CV
Case Code: 30301

v.

CITY OF MANITOWOC,
900 Quay Street,
Manitowoc, WI 54220,

MARITIME METRO TRANSIT,
915 South 11th Street,
Manitowoc, WI 54220,

RONALD SHANNON,
915 South 11th Street,
Manitowoc, WI 54220,

TRANSIT MUTUAL INSURANCE CORPORATION OF WISCONSIN,
400 North Richmond Suite J,
Appleton, WI 54912-1135,

Defendants.

COMPLAINT

NOW COMES plaintiff, Brenda Marie Hawpetoss, by her attorneys, Nash, Spindler, Grimstad & McCracken LLP, and hereby allege the following facts and claims:

GENERAL ALLEGATIONS

1. That plaintiff Brenda Marie Hawpetoss is an adult resident of the State of Wisconsin residing at 1032 South 10th Street, Apartment B, Manitowoc, WI 54220.
2. That defendant, City of Manitowoc, is a domestic corporation, whose primary business address is 900 Quay Street, Manitowoc, WI 54220, whose registered agent is the City

Clerk, Jennifer Hudon, 900 Quay Street, Manitowoc, WI 54220, and operates the City's transit services.

3. That defendant, Maritime Metro Transit, is a domestic corporation, whose primary address is 915 South 11th Street, Manitowoc, WI 54420, whose registered agent is Transit/Buildings & Grounds Division Manager, Jim Meunzenmeyer, 915 South 11th Street, Manitowoc, WI 54220, and operates the City of Manitowoc's transit services.

4. That defendant, Ronald Shannon, is upon information and belief, an adult resident of the state of Wisconsin, whose last known business address is 915 South 11th Street, Manitowoc, WI 54220, whose present home address is presently unknown, and who was, at all times material hereto, an employee of defendant Maritime Metro Transit as a permissive user of the bus on the day of the accident.

5. That defendant, Transit Mutual Insurance Corporation of Wisconsin, is a domestic insurance corporation, licensed to do business in the state of Wisconsin, whose primary address is 400 North Richmond Suite J, Appleton, WI 54912, whose registered agent is Amy Eckes, 400 North Richmond Street Suite J, Appleton, WI 54912, and which had, at all times material hereto, issued one or more policies of insurance to defendants, City of Manitowoc and/or Maritime Metro Transit.

6. On or around November 18, 2016, at approximately 2:40 p.m., a bus operated by the City of Manitowoc and/or Maritime Metro Transit through its employee Ronald Shannon, in the City of Manitowoc, Manitowoc County, at 3415 Calumet Avenue, negligently ran over a curb in the parking lot of Planet Fitness.

7. As a result of said negligence, plaintiff fell out of her seat, and was a substantial factor and proximate cause of the accident and injuries and damages which have resulted from it.

8. As a direct result of the accident described above, the plaintiff, Brenda Marie Hawpetoss, suffered severe and permanent injuries to her mind and body. These injuries have in turn caused her to experience pain and suffering, interference with her normal activities, interference with her ability to enjoy life, interference with her ability to earn income, and have caused her to incur medical expenses, lost wages and other expenses, all of which will continue on a permanent basis in the future.

9. That defendant, City of Manitowoc, is liable for the negligence of its driver, Ronald Shannon, under the doctrine of respondeat superior.

10. That defendant, Maritime Metro Transit, is liable for the negligence of its driver, Ronald Shannon, under the doctrine of respondeat superior.

11. That defendant, Ronald Shannon, was negligent with respect to the operation of the bus and his negligence and carelessness was a substantial factor in causing the accident referred to above.

12. That defendant, Transit Mutual Insurance Corporation of Wisconsin, is liable to plaintiff by virtue of the policy of insurance as herein alleged.

13. Plaintiff, Brenda Marie Hawpetoss, complied with Wis. Stat. § 893.80(1d)(a), by filing a Notice of Circumstances of Claim and Claim on February 1, 2017, which is attached hereto as Exhibit A.

14. Plaintiff, Brenda Marie Hawpetoss, received a Notice of Disallowance of Claim from the City of Manitowoc on March 6, 2017, which is attached hereto as Exhibit B.

15. Plaintiff, Brenda Marie Hawpetoss, did not receive a Notice of Disallowance of Claim from Maritime Metro Transit.

WHEREFORE, plaintiff demands a trial by jury and judgment against the defendants as follows:

1. Against the defendants for the amount of compensatory damages found to be appropriate, together with the costs and disbursements of this action; and
2. For such other further relief as the Court deems just and proper.

Dated this 17 day of June, 2017.

NASH, SPINDLER, GRIMSTAD & McCracken, LLP

By: _____

Ryan R. Graff
State Bar No.: 1051307
Sean A. Bukowski
State Bar No.: 1096228
Attorneys for plaintiff Brenda Marie Hawpetoss

MAILING ADDRESS

1425 Memorial Drive
Manitowoc, WI 54220
Telephone: (920) 684-3321
Facsimile: (920) 684-0544
rgraff@nashlaw.com
sbukowski@nashlaw.com

PLEASE TAKE NOTICE THAT THE PLAINTIFF DEMANDS THE ABOVE-ENTITLED ACTION BE TRIED BY A JURY

AFFIDAVIT OF SERVICE

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
AND CLAIM PURSUANT TO WIS. STAT. § 893.80**

**CLAIMANT:
BRENDA MARIE HAWPETOSS**

PARTY SERVED: MARITIME METRO TRANSIT

Manner of Service: *Corporate – By personally serving the summons upon an officer, director or managing agent of the corporation or limited liability company either within or without this state. In lieu of delivering the copy of the summons to the officer specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office pursuant to Wis. Stats. § Sec. 801.11(5)(a).*

By: Marlo Kohlmann **Title:** Operations Supervisor

Location of Service: 915 South 11th Street
Manitowoc, WI 54220

Date/Time of Service: February 3, 2017 at 10:25 a.m.

Documents Served: Notice of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stat. §893.80

Scott L. Hungerford, undersigned, being duly sworn, deposes and says at the time of service he/she was an adult resident of the State of Wisconsin and is not a party to this action. At the time of service, the undersigned did place upon it the date, time, manner and name, leaving a true and correct copy thereof, and that the server knew the person so served to be the party mentioned and named therein.



By: Scott L. Hungerford
Scott L. Hungerford, Service Agent

Subscribed and sworn to before me
this 3rd day of February, 2017.

Lexie Peterman
Notary Public
Manitowoc County, Wisconsin
My Commission Expires: 2/18/20

Service Fee: \$40.00

HUNGERFORD INVESTIGATIVE SERVICES
PO BOX 982, MANITOWOC, WI 54221-0982
920-682-5699

AFFIDAVIT OF SERVICE

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
AND CLAIM PURSUANT TO WIS. STAT. § 893.80**

**CLAIMANT:
BRENDA MARIE HAWPETOSS**

PARTY SERVED: CITY OF MANITOWOC

Manner of Service: *Corporate – By personally serving the summons upon an officer, director or managing agent of the corporation or limited liability company either within or without this state. In lieu of delivering the copy of the summons to the officer specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office pursuant to Wis. Stats. § Sec. 801.11(6)(a).*

By: Jennifer Hudon Title: City Clerk

Location of Service: 900 Quay Street
Manitowoc, WI 54220

Date/Time of Service: February 3, 2017 at 10:15 a.m.

Documents Served: Notice of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stat. §893.80

Scott L. Hungerford, undersigned, being duly sworn, deposes and says at the time of service he/she was an adult resident of the State of Wisconsin and is not a party to this action. At the time of service, the undersigned did place upon it the date, time, manner and name, leaving a true and correct copy thereof, and that the server knew the person so served to be the party mentioned and named therein.

By: Scott L. Hungerford
Scott L. Hungerford, Service Agent



Subscribed and sworn to before me
this 3rd day of February, 2017.
Lexie Peterman
Notary Public
Manitowoc County, Wisconsin
My Commission Expires: 7/18/20

Service Fee: \$40.50

HUNGERFORD INVESTIGATIVE SERVICES
PO BOX 982, MANITOWOC, WI 54221-0982
920-682-5699

AFFIDAVIT OF SERVICE

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
AND CLAIM PURSUANT TO WIS. STAT. § 893.80**

**CLAIMANT:
BRENDA MARIE HAWPETOSS**

PARTY SERVED: CITY OF MANITOWOC – Greg Minikel

Manner of Service: *Corporate – By personally serving the summons upon an officer, director or managing agent of the corporation or limited liability company either within or without this state. In lieu of delivering the copy of the summons to the officer specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office pursuant to Wis. Stats. § Sec. 801.11(5)(e).*

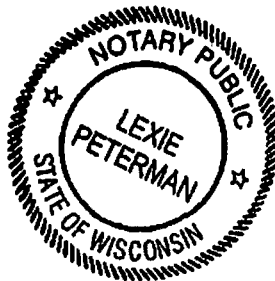
By: Sonja Blir Title: Administrative Assistant - Engineering

Location of Service: 900 Quay Street
Manitowoc, WI 54220

Date/Time of Service: February 3, 2017 at 10:20 a.m.

Documents Served: Notice of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stat. §893.80

Scott L. Hungerford, undersigned, being duly sworn, deposes and says at the time of service he/she was an adult resident of the State of Wisconsin and is not a party to this action. At the time of service, the undersigned did place upon it the date, time, manner and name, leaving a true and correct copy thereof, and that the server knew the person so served to be the party mentioned and named therein.



By: Scott L. Hungerford
Scott L. Hungerford, Service Agent

Subscribed and sworn to before me
this 3rd day of February, 2017.
Lexie Peterman
Notary Public
Manitowoc County, Wisconsin
My Commission Expires: 2/18/20

Service Fee: \$20.00

HUNGERFORD INVESTIGATIVE SERVICES
PO BOX 982, MANITOWOC, WI 54221-0982
920-682-5699

AFFIDAVIT OF SERVICE

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
AND CLAIM PURSUANT TO WIS. STAT. § 893.80**

**CLAIMANT:
BRENDA MARIE HAWPETOSS**

PARTY SERVED: CITY OF MANITOWOC – Dan Koski

Manner of Service: *Corporate – By personally serving the summons upon an officer, director or managing agent of the corporation or limited liability company either within or without this state. In lieu of delivering the copy of the summons to the officer specified, the copy may be left in the office of such officer, director or managing agent with the person who is apparently in charge of the office pursuant to Wis. Stats. § Sec. 801.11(5)(a).*

By: Sonja Blrr Title: Administrative Assistant - Engineering

Location of Service: 900 Quay Street
Manitowoc, WI 54220

Date/Time of Service: February 3, 2017 at 10:20 a.m.

Documents Served: Notice of Circumstances Giving Rise to Claim and Claim Pursuant to Wis. Stat. §893.80

Scott L. Hungerford, undersigned, being duly sworn, deposes and says at the time of service he/she was an adult resident of the State of Wisconsin and is not a party to this action. At the time of service, the undersigned did place upon it the date, time, manner and name, leaving a true and correct copy thereof, and that the server knew the person so served to be the party mentioned and named therein.



By: Scott L. Hungerford
Scott L. Hungerford, Service Agent

Subscribed and sworn to before me
this 3rd day of February, 2017.

Lexie Peterman
Notary Public
Manitowoc County, Wisconsin
My Commission Expires: 2/18/20

Service Fee: \$20.00

HUNGERFORD INVESTIGATIVE SERVICES
PO BOX 982, MANITOWOC, WI 54221-0982
920-682-5699



MANITOWOC COUNTY
CORPORATION COUNSEL
1010 SOUTH EIGHTH STREET
MANITOWOC, WISCONSIN 54220

Peter J. Conrad
Corporation Counsel
Stephani Strickland
Assistant Corporation Counsel

Laura A. Konop
Paralegal
Shannon Bolick
Paralegal

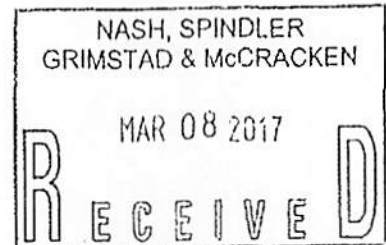
TELEPHONE: 920-683-4062 FAX: 920-683-5182

March 6, 2017

Via: **CERTIFIED MAIL**
Return Receipt Requested

Brenda Marie Hawpetoss
1032 South 10th Street, Apt. B
Manitowoc, WI 54220

Re: Notice of Disallowance of Claim



Dear Ms. Hawpetoss:

Pursuant to Wis. Stat. § 893.80 and Manitowoc County Code § 2.02(8), Manitowoc County denies the claim you filed on February 1, 2017 seeking recovery for medical bills, missed time from work, and pain and suffering from injuries allegedly suffered as a result of an accident while a passenger on a Maritime Metro bus on November 28, 2016.

Please be advised that Wis. Stat. § 893.80(1g) provides, in part, that “[n]o action on a claim under this section against any defendant fire company, corporation, subdivision or agency nor against any defendant officer, official, agent, or employee, may be brought after 6 months from the date of service of the notice of disallowance.”

Sincerely,

Peter J. Conrad
Corporation Counsel

cc: Ryan Graff ✓
Wisconsin Municipal Mutual Insurance Company
Finance Committee
Personnel Committee
Bob Ziegelbauer, County Executive
Lois Kiel, County Clerk
Todd Reckelberg, Comptroller

