

NOTICE OF INJURY AND CLAIM FOR DAMAGES

Pursuant to Wis. Stats 893.80 et seq. and 893.80(1d)(a)

Notice of Claim Served Upon To each municipal entity and their agents as follows:

Mary T Kubicki
Kenosha County - County Clerk
1010 56th Street
Kenosha WI 53140

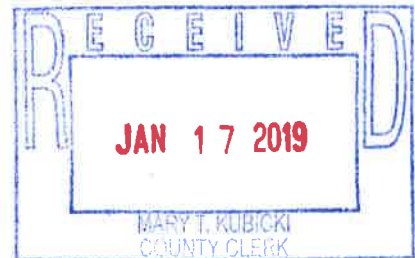
Jim Kreuser – Kenosha County Executive
1010 56th Street
Kenosha WI 53140

David Smetana- Chief of Police
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie Wisconsin 53158

Police Officer N. Brickert aka Officer Nicholas Brickert
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie Wisconsin 53158

Unknown Police Officer and Partner of Officer N. Brickert on 12/10/2018 at 11:47 a.m.
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie Wisconsin 53158

Unknown Police Officers 1-10
Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie Wisconsin 53158



Date of Incident: December 10th, 2018
Discovery of Injury and Damages: December 10th, 2018 and regarding the injury discovery and damages are accruing.
Claimants demand under 42 U.S.C. 1983 is for \$2,750,000.00

Location of Incident:

On 77th Street at 99th Avenue within Pleasant Prairie, Kenosha County and at other locations including:

The Pleasant Prairie Police Department
8600 Green Bay Road
Pleasant Prairie WI 53158

St. Catherine's Medical Center
9555 76th St.
Pleasant Prairie WI 53158

All other locations while Claimant was under the control of Officer Brickert and the Pleasant Prairie Police Department

(see also attached Pleasant Prairie police report)

No.: 7LL19PBQB1

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Pleasant Prairie Police Department
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Pleasant Prairie Wisconsin 53158

Claimant: Idala Strouse Gasser
5869 N. Kenneth Ave.
Chicago IL 60646

Attorneys for Claimant: Paul Strouse, Strouse Law Offices
Thomas Napierala, Napierala Law Offices
413 North 2nd Street, Suite 150
Milwaukee WI 53203

Please Take Notice of the Details and Circumstances of the Claim: that pursuant to Wis. Stat. 893.80 et seq. particularly upon Wis. Stats. 893.80(1d)(a), that on or about 12/10/2018 that Idala Strouse Gasser (“Gasser”), an individual domiciled in Illinois was taken into custody by Officer Brickert (“Brickert”). Attached hereto is a true and accurate copy of Pleasant Prairie Police Report No.: 7LL19PBQB1 issued to Gasser by Brickert, or another Pleasant Prairie Police Officer. Gasser is a small framed female weighing approximately 115 pounds. Gasser was detained during a traffic stop (see Exhibit 1). While in custody, on 12/10/2018 Brickert became physically abusive on multiple instances towards Gasser notably:

1. Brickert slammed Gasser onto a concrete bench causing Gasser, *inter alia*, back and right leg pain which required emergency medical treatment. Gasser sustained grievous injuries of a permanent and debilitating nature, for which she continues to receive medical treatment.
2. Brickert also handcuffed Gasser, affixing the handcuffs beyond a necessary level of tightness, causing Gasser injury, pain and discomfort.
3. In addition Brickert menaced Gasser and displayed a hostile and humiliating demeanor towards Gasser causing her apprehension, fear and emotional distress.

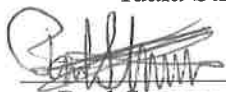
Please Take Notice that the basis for Claimant's anticipated 42 U.S.C. 1983 action is that:

1. Gasser's liberty was restrained by Brickert, who at all times material to the claim was serving in his official capacity as a police officer for the Pleasant Prairie Police Department.
2. That the restraint of Gasser's liberty was done in such a way where a reasonable person would have believed that they were not free to leave and in fact that Gasser submitted to the authority of Police Officer Brickert.
3. That Gasser was subjected to a governmental termination of freedom of movement through means intentionally applied by Brickert in his official capacity as a police officer for the Pleasant Prairie Police Department.
4. That the use of force used by Brickert and such force as may have been used, encouraged or condoned by other officers of the Pleasant Prairie Police Department, who cooperated with Brikert, was unreasonable and was the cause in fact of the physical and emotional injuries of Gasser.

Claim For Damages: Since an action arising under 42 U.S.C. 1983 is not subject to the \$50,000.00 cap on municipal liability (See Thompson v. Village of Hales Corners, 115 Wis. 2d 289, 340 N.W.2d 704 (1983), Miss Gasser claims \$2,750,000.00 in damages for permanent bodily injury, bodily injury, emotional damages and for punitive damages

Dated this 10th of January 2019

Attorneys for Claimant,
Idala Strouse Gasser



Paul Strouse- *Attorney At Law*

SBN: 1017891

Thomas Napierala-*Attorney at Law*

SBN: 1011811

Prepared By:

The Law Offices of Paul Strouse
413 North 2nd Street Suite #150
Milwaukee WI 53203

The Law Offices of Thomas Napierala
413 North 2nd Street Suite #150
Milwaukee WI 53203

January 10, 2019

Requesting Party:

Attorney Paul Strouse
Strouse Law Offices
413 North 2nd Street Suite #150
Milwaukee WI 53203

Name of Custodian(s) of Records:

Mary T Kubicki
Kenosha County - County Clerk
1010 56th Street
Kenosha WI 53140

Jim Kreuser – Kenosha County Executive
1010 56th Street
Kenosha WI 53140

David Smetana- Chief of Police
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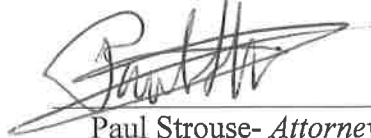
Dear Custodian of Records,

Under the Wisconsin Open Records Law, Wis. Stats. 19.31 et seq., I am requesting full and complete copies of all recorded video, photographic, audio and written data (“data”) gathered by any officer of the Pleasant Prairie Police Department pursuant to the initial traffic stop, detention, arrest, booking and any subsequent law enforcement and/or medical investigation and/or action taken of Idala Strouse Gasser on 12/10/2018. Please find Pleasant Prairie Police report 7LL19PBQB1 in order to help you with your search.

If there are any fees for searching or copying these records, please send me a bill for prompt payment. I also request a response in writing, within the 5 days described by law, if you intend to deny this request. Also, if you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies of the data and/or the ability to inspect the requested records.

If you deny any or all of this request for data, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Dated this 6th of January 2019

A handwritten signature in dark ink, appearing to read 'Paul Strouse', is written over a horizontal line.

Paul Strouse- *Attorney At Law*

SBN: 1017891

Thomas Napierala-*Attorney at Law*

SBN: 1011811

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