

NOTICE OF CLAIM
NOTICE OF CIRCUMSTANCES

CITY ATTORNEY

TO: Ronald D. Leonhardt, City Clerk
City Hall – Room 205
200 East Wells Street
Milwaukee, WI 53202

Leonard Sobczek, Chairman
Board of Fire & Police Commissioners
City Hall – Room 706-A
200 East Wells Street
Milwaukee, WI 53202

Mayor Tom Barrett
City Hall – Room 201
200 East Wells Street
Milwaukee, WI 53202

07 OCT - 9 PM 12:10
MILWAUKEE

PLEASE TAKE NOTICE that the claimants, Kurt Liebold (“Liebold”) together with the Milwaukee Police Supervisor’s Organization claim against the City of Milwaukee (“City”) that the City through a decision made by its Fire and Police Commission on or about September 18, 2007 to remove from its September 19, 2007 agenda Chief Nannette Hegerty’s nomination of Lieutenant of Police Kurt Liebold for promotion to the position of Police Captain was contrary to the statutory requirements of Section 62.50 (7)(b) & (9) Wis. Stats. More specifically, the statute was violated because once the Chief nominated Lieutenant of Police Liebold for promotion to Captain of Police, the Fire and Police Commission was to either accept or reject the Chief’s nomination. However, the Fire and Police Commission tabled the nomination indefinitely despite the fact that the position Lieutenant of Police Liebold was nominated to fill was a vacant existing and funded position of Police Captain and should have been filled from within by persons that had proved their fitness for the promotion. By past practice, this has been a standard set by the Chief and the Fire and Police Commission.

The Claimants are located at: 2900 West Forest Home Avenue, Milwaukee, WI 53215.

Claimants are represented by Attorney William R. Rettko, and it is requested that all notices of any scheduling or action on this claim be served upon the claimants in the care of their legal counsel at 15430 W. Capitol Drive, Suite 200, Brookfield, WI 53005.

The Notice of Claim is provided under Chapter 893 of the Wisconsin Statutes to the extent applicable to state tort claims, contract claims, declaratory judgment actions and/or injunction actions. Circumstances of the claims, and the interrelationship between the claimant’s state tort claim renders joinder with claimant’s contract claims, declaratory judgment actions and/or injunction actions against the City who has decided to breach the breach their statutory responsibilities and requirements under Section 62.50 (7)(b) 7 (9) Wis. Stats., by failing to act upon Chief Hegerty’s nomination of Lieutenant of Police Kurt Liebold for promotion to Police Captain and effectively table such nomination and the nomination of any other candidate to fill the two vacant Captain of Police positions currently pending.

10-2-07 10:29pm
Ahh

Claimants reserve all rights to independently pursue this declaratory judgment action and/or injunction action against the City, the circumstances of which are set forth herein. Nothing in this Notice is intended or should be construed as a waiver of the right to independently pursue such claims without regard to the procedural and substantive limitations imposed by the laws of the state of Wisconsin.


ITEMIZED DAMAGES

Any loss of wages, benefits and seniority for Kurt Liebold for failing to act on his nomination together with the loss of wages, benefits and seniority for those persons who are effected by the City's failure to promote Kurt Liebold to fill the vacant Captain of Police position and to fill the other vacant Captain of Police positions.

The hourly wage difference between Liebold's wages as a Lieutenant and Captain from September 19, 2007 forward together with benefits and loss of seniority as determined at time of trial.

Dated: 10-1-07

RETTKO LAW OFFICES, S.C.
Attorneys for Claimant



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State Bar No. 01002608

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