STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE

Andrea Wilkins et al vs. Hayden Howard Eggert et al

Electronic Filing Notice

Case No. 2025CV005907

Class Code: Personal Injury/Automobile

FILED 07-10-2025 Anna Maria Hodges Clerk of Circuit Court 2025CV005907 Honorable Jean Marie Kies-45 Branch 45

CITY OF WAUWATOSA 7725 WEST NORTH AVE MILWAUKEE WI 53213

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City Clerk's Office

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If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

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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.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 414-278-4140.

Milwaukee County Circuit Court Date: July 10, 2025

FILED 07-10-2025

Anna Maria Hodges

Clerk of Circuit Court 2025CV005907

Honorable Jean Marie

Kies-45

STATE OF WISCONSIN

CIRCUIT COURT CIVIL DIVISION

:: MILWAUKEE COUNT Pranch 45



Plaintiff,

**CHORUS COMMUNITY** HEALTH PLANS, INC. 9000 West Wisconsin Avenue Milwaukee, WI 53226

**ECONOMY PREFERRED INSURANCE** COMPANY Corporate Lakes 1 2525 Cabot Drive, Suite 201 Lisle, IL 60532

Involuntary Plaintiffs,

~VS=

CITY OF WAUWATOSA 7725 West North Avenue Wauwatosa, WI 53213

CITIES AND VILLAGES MUTUAL INSURANCE COMPANY 9898 W Bluemound Road Wauwatosa WI 53226

Defendants.

#### SUMMONS

Personal Injury Other Case Code No. 30101

Amount Claimed is Greater Than \$10,000.00

To each person named above:

You are hereby notified that the plaintiffs 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 Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin, 53233, and to the plaintiff's attorney, whose address is 933 North Mayfair Road, Suite 307, Milwaukee, Wisconsin, 53226. 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. A judgment may be enforced as provided by law and you may lose your right to object to anything that is or may be incorrect in the complaint. 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 9th day of July 2025.

#### ACTION LAW OFFICES, S.C.

BY: Electronically signed by Steven C. Gabert

STEVEN C. GABERT Attorney for the Plaintiff, ANDREA WILKINS State Bar No. 1010762 933 North Mayfair Road, Ste. 307 Milwaukee, Wisconsin 53226

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FILED 07-10-2025

Anna Maria Hodges

Clerk of Circuit Court 2025CV005907

Honorable Jean Marie Kies-45

Branch 45

STATE OF WISCONSIN :: CIRCUIT COURT

CIRCUIT COURT CIVIL DIVISION

MILWAUKEE COUNTY

Control and the control of the contr

Plaintiff,

CHORUS COMMUNITY HEALTH PLANS, INC. 9000 West Wisconsin Avenue Milwaukee, WI 53226

ECONOMY PREFERRED INSURANCE COMPANY Corporate Lakes I 2525 Cabot Drive, Suite 201 Lisle, IL 60532

Involuntary Plaintiffs,

-VS-

COMPLAINT

Personal Injury Other Case Code No. 30101

Amount Claimed is Greater Than \$10,000.00

CITY OF WAUWATOSA 7725 West North Avenue Wauwatosa, WI 53213

CITIES AND VILLAGES MUTUAL INSURANCE COMPANY 9898 W Bluemound Road Wauwatosa WI 53226

Defendants.

**NOW COMES** the plaintiff, ANDREA WILKINS, by her attorneys, ACTION LAW OFFICES, S.C. by Attorney Steven C. Gabert, and alleges as follows:

- 1. That the plaintiff, ANDREA WILKINS, is an adult individual residing at
- 2. That the involuntary plaintiff, CHORUS COMMUNITY HEALTH PLANS, INC. is a domestic corporation, duly organized and existing under the laws of the State of Wisconsin, whose registered agent is Leslie Tector at Childrens Community Health Plan Inc., 999 N 92<sup>nd</sup> St., Suite C760, Wauwatosa. WI and whose principal offices are located at 9000 West Wisconsin Avenue, Milwaukee, WI 53226, and is jointly interested with the plaintiff, ANDREA WILKINS, by virtue of payments made for medical expenses on behalf of the plaintiff, ANDREA WILKINS, pursuant to its policy of insurance, and is, therefore, pursuant to Section 803.03. Wisconsin Statutes, a proper party plaintiff herein. That the plaintiff, ANDREA WILKINS, makes this allegation without admitting that CHORUS COMMUNITY HEALTH PLANS, INC., has a valid claim for subrogation.
- 3. That the involuntary plaintiff, ECONOMY PREFERRED INSURANCE COMPANY, is a foreign corporation, whose registered agent is Corporation Service Company located at 33 East Main Street, Suite 610, Madison, WI 53703, and whose principal offices are located at Corporate Lakes 1, 2525 Cabot Drive, Suite 201, Lisle, Illinois 60532, and is jointly interested with the plaintiff, ANDREA WILKINS, by virtue of payments made for medical expenses on behalf of the plaintiff, ANDREA WILKINS, pursuant to its policy of insurance, under the medical payments provision of said policy, and is, therefore, pursuant to Section 803.03, Wisconsin Statutes, a proper party involuntary plaintiff herein. That

the plaintiff, ANDREA WILKINS makes this allegation without admitting that ECONOMY PREFERRED INSURANCE COMPANY, has a valid claim for subrogation.

4. That defendant, HAYDEN HOWARD EGGERT, is an adult individual, whose last known
That at all times material

hereto, HAYDEN HOWARD EGGERT, was an employee of the CITY OF WAUWATOSA, acting in the course of his employment with the CITY OF WAUWATOSA.

- That the defendant, CITY OF WAUWATOSA, is a municipality, whose principal offices are located at 7725 West North Avenue, Wauwatosa, WI, 53213.
- 6. That the defendant, CITY OF WAUWATOSA was at all times material herein, involved in an agency, master servant, and employment relationship with the defendant, HAYDEN HOWARD EGGERT, and that by reason of said relationship and the hereinafter alleged negligence of the defendant, HAYDEN HOWARD EGGERT, the defendant, CITY OF WAUWATOSA, is negligent for the acts of its agent, servant and employee, HAYDEN HOWARD EGGERT, and, therefore, is a proper defendant.
- 7. That the plaintiff has fully complied with the pre-litigation procedures designated in §893.80, Wisconsin Statutes, and has fully satisfied all its requirements in this matter.

Document 6

- 8. That the defendant, CITIES AND VILLAGES MUTUAL INSURANCE COMPANY, is a domestic corporation, whose registered agent is Allison DeFranze located at their principal offices at 9898 West Bluemound Road, Milwaukee, Wisconsin 53226. Upon information and belief, CITIES AND VILLAGES MUTUAL INSURANCE COMPANY is the liability carrier for the defendant, HAYDEN HOWARD EGGERT, as an employee of the CITY OF WAUWATOSA and permissive user of the vehicle owned by CITY OF WAUWATOSA and is therefore a proper party defendant.
- That on or about the 4th day of January 2023, the plaintiff, ANDREA WILKINS, was the 9. operator of a vehicle involved in a collision with the City of Wauwatosa garbage truck, operated by the defendant, HAYDEN HOWARD EGGERT, due to the carelessness and negligence of the defendant, HAYDEN HOWARD EGGERT. The plaintiff, ANDREA WILKINS, was northbound on North 90th Street approaching W. Clarke Street in the City of Wauwatosa, Milwaukee, County. A CITY OF WAUWATOSA garbage truck operated by the defendant, HAYDEN HOWARD EGGERT was stopped in the parking lane. That as the plaintiff, ANDREA WILKINS was passing by, the defendant vehicle suddenly pulled away from the curbside, striking the vehicle operated by the plaintiff, ANDREA WILKINS. The defendant, HAYDEN HOWARD EGGERT, was negligent in failing to yield, driving inattentively, failing to see an object in plain sight, failing to check for traffic before leaving the curb and moving into traffic, making an unsafe lane change, and/or was otherwise negligent in causing the collision.

- 10. That the above-mentioned acts of negligence of the defendant, HAYDEN HOWARD EGGERT, were a proximate cause of the collision described above and the resulting injuries to the plaintiff, ANDREA WILKINS. That the plaintiff, ANDREA WILKENS, was not negligent.
- That as a direct and proximate result of the negligence and carelessness of the defendants, named above, and of the collision described above, the plaintiff, ANDREA WILKINS, has suffered serious and permanent injuries, suffered great pain of body and mind and will continue to suffer great pain of body and mind for the remainder of her life, was obliged and will continue to be obliged to expend monies for medical care and attendance, was prevented and will continue to be prevented from engaging in her normal daily activities, and further suffered the loss of wages and damage to her property, all to her damage in an amount to be determined.

WHEREFORE, the plaintiff, ANDREA WILKINS, demands judgment against the defendants. HAYDEN HOWARD EGGERT, the CITY OF WAUWATOSA and CITIES AND VILLAGES MUTUAL INSURANCE COMPANY, jointly and severally on behalf of the plaintiff, ANDREA WILKINS, in an amount to be determined, together with the costs, disbursements. and attorney fees of this action.

Demand is made for trial by a jury of twelve.

Dated this 9th day of July 2025.

ACTION LAW OFFICES, S.C.

BY: Electronically signed by Steven C. Gabert

STEVEN C. GABERT Attorney for the Plaintiff, ANDREA WILKINS State Bar No. 1010762 933 North Mayfair Road, Suite 307 Milwaukee. Wisconsin 53226 Telephone: (414) 456-1111

Fax: (414) 456-1644

scgabert@actionlawoffices.com

STATE OF WISCONSIN

CIRCUIT COURT CIVIL DIVISION MILWAUKEE COUNTY

ANDREA WILKINS

Case No. 25 CV 5907

Plaintiffs,

and

CHORUS COMMUNITY HEALTH PLANS, INC., and ECONOMY PREFERRED INSURANCE COMPANY,

Involuntary Plaintiffs,

-VS-

HAYDEN HOWARD EGGERT, CITY OF WAUWATOSA, and CITIES AND VILLAGES MUTUAL INSURANCE COMPANY,

Defendants.

## FIRST SET OF WRITTEN INTERROGATORIES TO THE DEFENDANTS

To: The Defendants

PLEASE TAKE NOTICE that the defendants, above-named, are required to answer the following written interrogatories, within forty-five (45) days of the time of service, pursuant to Section 804.08 of the Wisconsin Statutes.

You are required to answer each interrogatory separately and fully in writing and under oath, unless it is objected to, in which event the reason for said objection must be stated in lieu of an answer.

You are required to furnish all information that is available to you, including that which can be learned through your reasonable inquiry.

An evasive or incomplete answer is deemed to be a failure to answer under Rule 804.12.

The interrogatories are continuing, and answers, therefore, must be supplemented by you, to the maximum extent required by the Wisconsin Statutes and Rules of Civil Procedure.

**INTERROGATORY 1:** 

State your full name, any other name by which you have been known, and your date of birth. [If you are answering for an insurance company, please state only your name and title with the company.]

**INTERROGATORY 2:** 

Identify your present address and every other address where you have resided in the past five (5) years, stating the dates you resided at each address. [If you are answering for an insurance company, state only your business address and the current address of your insured.]

**INTERROGATORY 3:** 

Identify by name and address your present employer, if any, the dates you have been employed there, your hours of work and a brief description of your job duties. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 4:

Identify by name and address your employer at the time of the accident, which is the subject of this action, the dates you had been employed there your hours of work and a brief description of your job duties. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

**INTERROGATORY 5:** 

State whether or not you were within the course of your employment with the employer identified in Interrogatory 4 at the time of the accident which is the subject of this action. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

**INTERROGATORY 6:** 

State whether or not you were operating a vehicle owned by you at the time of the accident, which is the subject of this action and, if so, please state the year, make, color, identification number and license plate number of said vehicle. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 7:

If your answer to Interrogatory 6 was negative, please state the owner of said vehicle, together with their address and telephone number.

**INTERROGATORY 8:** 

Do you now have, or have you ever had, a license to drive a motor vehicle and, if so, please state whether or not the license had any restrictions on it, what the restrictions were, your license number and what type of license you held. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 9:

Please describe in detail where you had been, what you had been doing and list the names addresses and telephone numbers of everyone you can recall being with you during the two (2) hours preceding the accident which is the subject of this action. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 10:

In the 24-hour period preceding the alleged occurrence, please state if you had anything of an alcoholic nature to drink. If your answer is in the affirmative, please state the name and address of each place where you had each such drink, the name and address of each person who was present at the time you had each such drink, the type, brand and name of each such drink consumed, the number, quantity, and amount of each such type of drink consumed, and the date, hour and minute of the time of each such drink. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 11:

Please describe in detail where you were going and list the names, addresses and telephone numbers of everyone who was with you at the time of the accident which is the subject of this action. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

**INTERROGATORY 12:** 

List the name and last known address of all persons who witnessed or had any knowledge regarding the facts and circumstances surrounding the accident, which is the subject of this action including but not limited to drivers, passengers, pedestrians or law enforcement personnel.

**INTERROGATORY 13:** 

As to each person listed in response to Interrogatory 12, state whether, to your knowledge, such person has ever given a written or recorded statement in regard to the accident, which is the subject of this action and, if so, please state whether such statement was written or recorded; the date such statement was taken; the name and address of the person(s) by whom such statement was taken; the name and address of the custodian of such written or recorded statement; and the exact contents of that statement.

**INTERROGATORY 14:** 

List the name and last known address of all persons who have knowledge of the injuries and damages sustained by the plaintiff following the accident, which is the subject of this lawsuit, including but not limited to drivers, passengers, pedestrians or law enforcement personnel.

**INTERROGATORY 15:** 

As to each person listed in response to Interrogatory 14, state whether, to your knowledge, such person has ever given a written or recorded statement in regard to the accident, which is the subject of this action and, if so, please state whether such statement was written or recorded; the date such statement was taken; the name and address of the person(s) by whom such statement was taken; the name and address of the custodian of such written or recorded statement; and the exact contents of that statement.

**INTERROGATORY 16:** 

Do you have any information concerning the property damage to any of the vehicles involved in the incident which is the subject of this lawsuit? If so, please state the make and model of the damaged vehicles; describe the damage to each vehicle; state the total amount of the estimate for the repair for each vehicle; and if the vehicle was declared a total loss, please state the estimated fair market value of said vehicle.

**INTERROGATORY 17:** 

Have any of the defendants had any contact with the plaintiff(s) at any time after the incident? If so, please state the date of such contact; the nature of said contact (i.e. in person contact, telephone conversation, hospital visit, etc.); and the substance of such contact.

INTERROGATORY 18:

Do you have knowledge of the plaintiff's involvement in any prior or subsequent personal injury accidents of any nature? If so, please state the date of the accident; the place of the accident; describe the type of accident and nature of injuries sustained; and identify any records or reports concerning any of the incidents referred in your answer above.

**INTERROGATORY 19:** 

State whether or not the defendant(s) or any of their representatives have taken any photographs, motion pictures, video tapes and/or diagrams of the location where the accident, which is the subject of this action, took place; and/or the vehicle(s) involved in this accident and, if so, state whether it is a photograph, motion picture, video tape or diagram; the date that such photograph, motion picture, video tape or diagram was taken or made; the name and address of the person(s) by whom said photograph, motion picture, video tape or diagram was taken or made; the name and address of the custodian(s) of said photograph, motion picture, video tape or diagram; and the exact contents of said photograph, motion picture, video tape or diagram.

**INTERROGATORY 20:** 

State whether or not the defendants or any of their representatives have taken any photographs, motion pictures and/or video tapes which depict the plaintiff in any way from the date of the accident through the present date, and, if so, state whether it is a photograph, motion picture, or video tape; the date that such photograph, motion picture or video tape was taken or made; the name and address of the person(s) by whom said photograph, motion picture or video tape was taken or made; the name and address of the custodian(s) of said photograph, motion picture or video tape; and the exact contents of said photograph, motion picture or video tape.

INTERROGATORY 21:

State whether or not the defendant(s) or any of their representatives have taken a statement, from the plaintiff herein, either written, recorded or verbal and, if so, please state whether such statement was written, recorded or verbal; the date such statement was taken; the name and address of the person(s) by whom such written, recorded or verbal statement was taken; the name and address of the custodian of said statement; and the exact contents of that statement.

INTERROGATORY 22:

Describe in your own words how the incident, which is the subject of this lawsuit, took place. If you are answering for an INSURANCE COMPANY defendant, the terms you/your in this interrogatory refers to the insured. Please answer with the requested information for the insured.

INTERROGATORY 23:

Please set forth the subject matter in detail about which all defendants' experts are expected to testify, the substance of the facts and opinions or which the expert is expected to testify at trial, including a summary of the grounds for each such opinion, including but not limited to all facts, expert examinations, reports or other material which will support each such opinion that the expert will testify to at the time of trial.

# **INTERROGATORY 24:**

Is there one (or more) policy of insurance extending coverage to the accident which is the subject of this action? If the answer is affirmative, please state the complete name of the company, society or association which issued such policy of insurance; the complete address of the home offices of such issuing company, society or association; the policy number of such insurance policy; whether the policy contains a "deductible" provision, and if so, the dollar amount of such provision; whether the policy provides primary, excess, personal umbrella or underinsured coverage; the dollar amount of the insurance coverage (limits of liability) available under such policy; and the exact name and address of your insured, and if it is a corporation, the name and address of its registered agent.

### **INTERROGATORY 25:**

Is there one (or more) policy of excess insurance extending coverage to the accident which is the subject of this lawsuit? If the answer is affirmative, please state the complete name of the company, society or association which issued such policy of insurance; the complete address of the home offices of such issuing company, society or association; the policy number of such insurance policy; whether the policy contains a "deductible" provision, and if so, the dollar amount of such provision; whether the policy provides primary, excess, personal umbrella or underinsured coverage; the dollar amount of the insurance coverage (limits of liability) available under such policy; and the exact name and address of your insured, and if it is a corporation, the name and address of its registered agent.

Dated this 17th day of July, 2025.

#### ACTION LAW OFFICES, S.C.

BY: <u>Electronically signed by Steven C. Gabert</u>

STEVEN C. GABERT Attorney for the Plaintiff, ANDREA WILKINS State Bar No. 1010762 933 North Mayfair Road, Ste. 307 Milwaukee, Wisconsin 53226 Telephone: (414) 456-1111

Fax: (414) 456-1644

scgabert@actionlawoffices.com

STATE OF WISCONSIN

CIRCUIT COURT CIVIL DIVISION MILWAUKEE COUNTY

ANDREA WILKINS

Case No. 25 CV 5907

Plaintiffs,

and

CHORUS COMMUNITY HEALTH PLANS, INC., and ECONOMY PREFERRED INSURANCE COMPANY,

Involuntary Plaintiffs,

-VS-

HAYDEN HOWARD EGGERT, CITY OF WAUWATOSA, and CITIES AND VILLAGES MUTUAL INSURANCE COMPANY,

Defendants.

# FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO THE DEFENDANTS

To: The Defendants

PLEASE TAKE NOTICE that the defendants, above-named, are required to produce the following documents, within forty-five (45) days of the time of service, pursuant to Section 804.09 of the Wisconsin Statutes.

Copies of all written or recorded statements or transcripts of all persons who
witnessed or have any knowledge regarding the facts and circumstances
surrounding the accident, or injuries or damages sustained by the plaintiff(s).

- Copies of all photographs, movies, video, diagrams or any other pictorial or visual evidence which depicts the following:
  - a) The location of the accident which is the subject of this lawsuit;
  - b) The vehicle(s) involved in this accident.
  - c) The plaintiff(s) in any form or manner from the date of the accident which is the subject of this lawsuit up to and including the present date.
- Copies of all written, recorded or verbal statements taken from the plaintiff(s)
  herein by the defendant(s) or any of their representatives.
- Copies of all photographs, oral tape recordings, motion pictures or video recordings taken in surveillance of plaintiff(s) herein by the defendant(s) or any of their representatives.
- Copies of any and all records, documents or tangible evidence which pertains to
  any contention or claim of the defendants that the accident in question or any other
  accident or event caused or aggravated a pre-existing or congenital condition.
- 6. Copies of any and all records, documents or tangible evidence pertaining to any contention or claim of the defendants that any pre-existing or subsequent or congenital condition is a cause of the injuries or damages that the plaintiff(s) are claiming in the lawsuit herein.
- 7. Produce copies of any and all notes, records, correspondence, reports or other documents prepared by the defendants' experts in conjunction with his/her evaluation or testimony relating to this lawsuit.

- 8. Copies of all defendants' expert's current curricula vitae or resumes.
- Copies of any and all policies of insurance and reinsurance pertaining to the accident which is the subject of this lawsuit.

Dated this 17th day of July, 2025.

# ACTION LAW OFFICES, S.C.

BY: <u>Electronically signed by Steven C. Gabert</u>
STEVEN C. GABERT
Attorneys for the Plaintiff

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ANDREA WILKINS
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