
From: Annamarie, Slaby Law <annamarie@slabylaw.com>
Sent: Wednesday, April 1, 2020 2:53 PM
To: Todd Toelle-water (philpswd@pctcnet.net); Prochnow, Shelby L - MUN; Richard, Philip E - DNR; Roberts, William F - DNR
Subject: City of Phillips vs. Kerry J. Collins; Price County Case No.: 20-CV-26; Our File No.: 20-20190
Attachments: ltr collins kerry 04-01-20.pdf; pld Admission of Service.pdf; pld Electronic Filing Notice--filed.pdf; pld Summons and Complaint--filed.pdf

Attached please find a letter from Attorney Marshall to Kerry Collins in the above matter along with its attachments.

Thank you for your attention.



Annamarie Novak, Legal Assistant
Slaby, Deda, Marshall, Reinhard & Writz LLP
P.O. Box 7, 215 N. Lake Ave.
Phillips, WI 54555
(715) 339-2196
(715) 339-4664 (fax)

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JOHN W. SLABY (1934-2017)
SCOTT A. REINHARD (1958-2017)

David Deda
Bruce A. Marshall
Christina M. Writz
Bryce A. Schoenborn



SLABY DEDA
LAW OFFICES

www.NorthlandLegal.com

ATTORNEY BRUCE A. MARSHALL
215 North Lake Avenue
PO Box 7
Phillips, WI 54555-0007
PHONE (715) 339-2196
FAX (715) 339-4664
marshall@slabylaw.com

April 1, 2020

Mr. Kerry J. Collins
2340 N 69th St
Wauwatosa, WI 53213

Re: City of Phillips vs. Kerry J. Collins
Price County Case No.: 20-CV-26
Our File No: 18-20118

Dear Mr. Collins:

As I have explained in the past to you and your mother, the City of Phillips is required to see that the contaminated well on your property is abandoned. It is my understanding that there are still potentially funds available through different DNR programs. I had attempted to coordinate some type of meeting between you and the appropriate DNR personnel. However, that did not work out. Likewise, you have not properly abandoned the well on your property. Therefore, we are left with no alternative but to proceed through court.

Enclosed please find the following:

- Electronic Filing Notice;
- Summons and Complaint; and
- Admission of Service form (w/return envelope).

As I had advised you and your mother in the past, I have enclosed the Admission of Service form in order to give you the courtesy of not having to have a process server or sheriff's deputy come around to serve the papers. At this time of the coronavirus pandemic, that seems all the more appropriate. Therefore, I ask that you sign the enclosed Admission of Service form and return it to me in the enclosed return envelope. This does not compromise any of your rights or eliminate any of your defenses other than it clearly establishes that you received the papers.

I still encourage you to make contact with the DNR in an attempt to fund the installation of a water line with the Phillips municipal water system. The City will not be connecting your property to its water system involuntarily. If the lawsuit proceeds and if the City is successful, you will be facing a fairly significant fine. However, of greater importance, the well will be sealed and your property will not have any water supply. With that in mind, the house will no longer be habitable. We are not attempting to cause these problems for you. We sincerely hope that you will pursue the options which may still be available through the

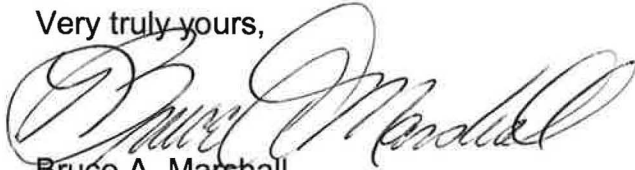
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April 1, 2020

DNR to get hooked up to the municipal water system. But in the end, the City's concern is to close and properly abandon your contaminated well.

I ask that you get the Admission of Service form back to me no later than Wednesday, April 15th. Otherwise, we will need to proceed to have the papers served upon you.

Thank you for your attention. I sincerely hope that we can work out this entire situation so that you will be able to put your efforts into getting connected to the City water system rather than fighting in the legal system.

Very truly yours,



Bruce A. Marshall

BAM/an

enclosures

cc: Todd Toelle, City of Phillips Water Superintendent (via e-mail)
Shelby Prochnow, City of Phillips Clerk (via e-mail)
Philip E. Richard, Wisconsin Department of Natural Resources (via e-mail)
(715) 762-1352
William Roberts, Wisconsin Department of Natural Resources (via e-mail);
(715) 365-8934

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STATE OF WISCONSIN CIRCUIT COURT PRICE COUNTY

CITY OF PHILLIPS
174 S. Eyder Ave
Phillips, WI 54555

Plaintiff,

vs.

KERRY J. COLLINS
2340 N 69th St
Wauwatosa, WI 53213

Defendant.

ADMISSION OF SERVICE

Case No.: 20-CV-26

Case Classification No.: 30301

Defendant KERRY J. COLLINS hereby admits service of an authenticated copy of the Electronic Filing Notice, Summons and Complaint in the above-entitled matter.

Dated this ____ day of April, 2020.

Kerry J. Collins

FILED
03-31-2020
Clerk of Circuit Court
Price County, WI
2020CV000026

STATE OF WISCONSIN**CIRCUIT COURT****PRICE**

City of Phillips vs. Kerry J. Collins

**Electronic Filing
Notice**

Case No. 2020CV000026
Class Code: Money Judgment

KERRY J. COLLINS
2340 N 69TH ST
WAUWATOSA WI 53213

Case number 2020CV000026 was electronically filed with/converted by the Price County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

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.

Pro Se opt-in code: b1c08d

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 715-339-2353.

Price County Circuit Court
Date: April 1, 2020

FILED
03-31-2020
Clerk of Circuit Court
Price County, WI
2020CV000026

STATE OF WISCONSIN CIRCUIT COURT PRICE COUNTY

CITY OF PHILLIPS
174 S. Eyder Ave
Phillips, WI 54555

Plaintiff,

vs.

SUMMONS

KERRY J. COLLINS
2340 N 69th St
Wauwatosa, WI 53213

Case No.: 20-CV-_____

Case Classification No.: 30301

Defendant.

THE STATE OF WISCONSIN

To each person named above as a defendant:

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 twenty (20) days of receiving this Summons [or within forty-five (45) days if you are the State of Wisconsin or within sixty (60) days if you are the United States of America or an officer or agency of the United States of America], 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 **Price County Clerk of Circuit Court, Price County Courthouse, Phillips, Wisconsin 54555, and to plaintiff's attorney, Bruce A. Marshall, Slaby, Deda, Marshall, Reinhard & Writz LLP, whose address is 215 North Lake Avenue, P.O. Box 7, Phillips, Wisconsin 54555. You may have an attorney help or represent you.

If you do not provide a proper answer within 20 days [or within forty-five (45) days if you are the State of Wisconsin or within sixty (60) days if you are the United States of America or an officer or agency of the United States of America], 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: 03-31-2020

SLABY, DEDA, MARSHALL, REINHARD & WRITZ LLP
Attorneys for Plaintiff:

A handwritten signature in black ink, appearing to read "Bruce A. Marshall", is written over a horizontal line.

By: Bruce A. Marshall
State Bar No.: 1003966
215 North Lake Avenue, P.O. Box 7
Phillips, WI 54555
(715) 339-2196

F:\bam\Phillips, City of Collins well abandonment\pld summons.wpd

FILED
03-31-2020
Clerk of Circuit Court
Price County, WI
2020CV000026

STATE OF WISCONSIN CIRCUIT COURT PRICE COUNTY

CITY OF PHILLIPS
174 S. Eyder Ave
Phillips, WI 54555

Plaintiff,

vs.

KERRY J. COLLINS
2340 N 69th St
Wauwatosa, WI 53213

Defendant.

COMPLAINT

Case No.: 20-CV-____

Case Classification No.: 30301

The plaintiff, CITY OF PHILLIPS, by its attorneys, Slaby, Deda, Marshall, Reinhard & Writz LLP, hereby complains and alleges as follows:

1. The plaintiff is a body politic with its primary offices located at 174 S. Eyder Ave, Phillips, Price County, WI 54556.
2. Upon information and belief, the defendant is an adult residing at 2340 N 69th St, Wauwatosa, Milwaukee County, WI 53213.
3. Upon information and belief, the defendant owns the following described real property located in the City of Phillips, Price County, Wisconsin as follows:
Lots Thirteen (13) and Fourteen (14) of Block Twenty-three (23), of the original plat of the Village, now City of Phillips, according to the recorded plat thereof.
4. A house and a private well serving same are located on the above described property.
5. Said well constitutes an "unsafe" well producing water which is contaminated with other substances exceeding the drinking water standards of Chapters NR140 or NR809 of the Wisconsin Administrative Code.
6. Neither the defendant nor the defendant's predecessor in interest have obtained a well operation permit from the plaintiff such that the defendant is in violation of the City of Phillips Ordinance Section 13.03 (Well Abandonment and Well Operation Permit Ordinance).
7. Upon information and belief, the well on the defendant's property does not meet the conditions for issuance of a well operation permit under the Well Abandonment and Well Operation Permit Ordinance.

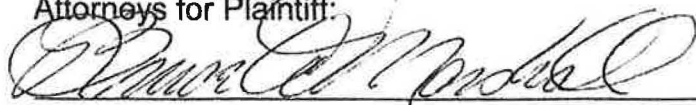
8. The defendant and the defendant's predecessor in interest have been advised of the non-compliance of the well located on the defendant's property and of the need to come into compliance with the Well Abandonment and Well Operation Permit Ordinance and of available options for municipal water system connection and funding sources sufficient to cover most, if not all, of the costs of such connection.
9. The plaintiff has offered water service to the defendant and the defendant's predecessor in interest by virtue of connection to the plaintiff's municipal water system; however, the defendant and the defendant's predecessors in interest have refused such service connection.
10. The defendant and the defendant's predecessor have failed to abandon the well located on the property referenced herein in compliance with the well filling-and-sealing procedures set forth in the Well Abandonment and Well Operation Permit Ordinance.

WHEREFORE, the plaintiff demands judgment against the defendant as follows:

1. For a forfeiture of not less than \$250.00 nor more than \$1,000.00 together with the costs of prosecution herein and recognizing that each day of violation constitutes a separate offense;
2. For an order directing the defendant to immediately abandon the well located on the defendant's property pursuant to Wisconsin Department of Natural Resources procedures set forth in Wisconsin Administrative Code Chapter NR812 or, in the alternative, authorizing the plaintiff to enter the defendant's property and so fill-and-seal the defendant's well and thereby abandon same;
3. To assess the expense of such well abandonment as a special tax against the defendant's property; and
4. For such other and further relief as the court deems to be just and equitable.

Dated: 03-31-2020

SLABY, DEDA, MARSHALL, REINHARD & WRITZ LLP
Attorneys for Plaintiff:



By: Bruce A. Marshall
State Bar No.: 1003966
215 North Lake Avenue, P.O. Box 7
Phillips, WI 54555
(715) 339-2196