

**NOTICE OF CIRCUMSTANCES AND NOTICE OF CLAIM
PURSUANT TO SECTION 893.80, WISCONSIN STATUTES**

To: The City of Menasha
Deborah A. Galeazzi, City Clerk
City Hall, 140 Main Street
Menasha, WI 54952

JUL 24 2011

Donald Merkes, Mayor
Pamela Captain, City Attorney
Robert Stanke, Police Chief

NOTICE OF CIRCUMSTANCES

Gerald T. Fink, by his attorneys, The Kratz Law Firm, LLC, hereby serve this Notice of Circumstances upon the above-named parties pursuant to Section 893.80, Wisconsin Statutes. On March 19, 2011, Mr. Fink was attacked and beaten by a group of men on Appleton Street, between 4th and 5th Streets in the City of Menasha, County of Winnebago, Wisconsin at approximately 1:30AM.

Mr. Fink required hospitalization for his injuries, and was taken by ambulance to Theda Clark Medical Center, where he was treated by medical professionals. At the medical facility, Mr. Fink was approached by a City of Menasha Police Officer who informed the victim that he had watched the attack, but did nothing to interrupt or intervene as he was "without backup" at the time, and was afraid of the perpetrators, referring to them as an "Asian Gang," fearing they may be armed at the time. The officer "apologized" to Mr. Fink for failing to act.

The attorneys for Gerald T. Fink have attempted to obtain specific relevant information to include in this notice to the City of Menasha, but attempts to obtain the official police reports or other records from the City of Menasha Records Department have been denied to this date. Given the 120 day statutory

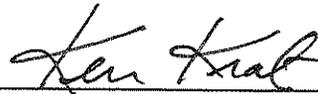
notice requirement, no further specificity is available at this time. Mr. Fink suffered bodily injury, has sustained financial expense and loss of income, and may be entitled to other recovery as provided by law.

NOTICE OF CLAIM

The City of Menasha, through the Police Department, and its employees and agents, failed to act to protect a citizen during an obvious physical attack, when in a position and having a duty to do so. While Section 893.80, Wisconsin Statutes does not require notice of Federal Claims, we are providing notice of potential Federal Civil Rights Liability because total liability of the City of Menasha, and its agents, is expected to greatly exceed any limits on recovery from a municipality for a state claim. Gerald T. Fink asserts his claim against the above-named parties in the amount of \$1,000,000 for injuries including, but not limited to: pain and suffering; emotional distress; past and future lost wages; out-of-pocket expenses; and other pecuniary loss. Mr. Fink further asserts a claim for punitive damages.

Dated this 13th day of July, 2011.

KRATZ LAW FIRM, LLC
Attorneys for Gerald T. Fink



Kenneth R. Kratz, Attorney
Bar # 1013996

KRATZ LAW FIRM
702 Eisenhower Drive, Suite A
Kimberly, WI 54136
(920) 882-1900