



## MEMORANDUM

Date: June 13, 2012

To: Common Council  
From: Pamela A. Captain, City Attorney

RE: Notice of Claim against the City of Menasha and its Employees  
Daniel L. Gueths

---

A copy of the Notice of Claim (without attachments) submitted by Mr. Gueths is attached. On October 4, 2010, this claim was previously denied by the common council and Mr. Gueths filed a lawsuit against the City which was dismissed with prejudice. That means that Mr. Gueths is unable to file another lawsuit against the City for the same claim.

A copy of this notice of claim was provided to our insurance carrier. After my discussions with our CVMIC representative, we are recommending that the City take no formal action on this claim.

If there are specific legal questions that anyone would like to ask of me, it is recommended that the council move into closed session to discuss.

RECEIVED

MAY 29 2012

CITY OF MENASHA

5/29/2012

BY dg

NOTICE OF CLAIM AGAINST THE CITY OF MENASHA AND IT'S EMPLOYEES

To: Debroah A. Galeski, City Clerk, 140 Main Street, 3rd floor, Menasha, WI 54952

Pursant to sec. 893.80, Wis. Stats., I Daniel L. Gueths, W7255 Manitowoc Rd. Menasha, WI 54952 Calumet County, hereby submit the following claim against the City Of Menasha Wisconsin for the amount of \$20,000,000. ( Twenty Million Dollars) for (Intentional Tort) by violating my 4th, 5th, and 14th ammendment rights. The 14th ammendment requires the Government to protect it's citizens from tyranny, harrassment, and harm by City Employees, including, but not limited to members of the City of Menasha Police Department (MPD), including former Chief of Police Robert Stanke, Officer Nick Oleszak, Officer Lt. Styka, who is now the sitting Police Chief. Members of the MPD entered my property at the address above in the City Of Menasha, Calumet Co. Wisconsin without a warrant, proable cause, consent or any other legal justification between 10:49 PM. and 11:27 PM. on May 30th, 2010 Incident No. 10-001843 / 10-005614 and committed property damage, personal injury, and violation of my civil rights. I Believe Mayor Donald Merks and City Attorney Palmela Captain were involved in perpetrating a cover a up of criminal activity by the City of Menasha Police Department violating my 14th ammendment rights. Such criminal activity being, tampering with City of Menasha Police Department records, falsifing dispatch audio, and incident recall data log from incident MP10-001843 / Mp10-005614 that ocured on May 30th 2010 at w7255 Manitowoc Rd. Menasha, Wi. 54952 Between the hours of 10:30 PM. and 11:30 PM. The incident log is missing 5 minutes of data. Of wich this time coinsides with approximately 5 minutes of video believed to be missing from Officer Oleszaks squad during this incident due to editing, as well as the 1st minute and 7 seconds of audio on the video that was released from Oleszaks squad of the incident. Filing a false police report for intentional malicious proscution. The City Of Menasha, Wi concealed and refused to turn over video evidence from squad 21/29 and squad 25 responding to the incident mentioned above, while the City of Menasha, WI, was the defendant in a Federal Law suit case No. 11-CV-336 with Mr. Gueths being the plaintiff in such Law suit. The City OF Menasha, Wi. deliberately committed fraud by refusing to turn over all evidence requested during the discovery process of said lawsuit. That evidence being squad car dash cam video from squads 21/29 Officers Shepps' squad, and dash cam video from squad 25, Lt. Stykas' squad. The video was requested to be sent by certified mail directly from the MPD to Mr. Gueths' Forensic Audio Video expert. Mr. Gueths previously had a copy of squad 21/29 video to prove such video existed, and also have evidence that squad 25 had a dash camera in the vehicle that was recording at the time of the incident. We were told by email to Attorney Len Kachinsky that squad 25 did not have a dash camera at the time of the incident by former Chief of Police Robert Stanke. Futher deciet and fraud by the City of Menasha, Wi. and the MPD. To further perpetrate the cover up and fraud by the City Of Menasha, they intentionally failed to turn over the same two videos from squad 21/29 and 25, and dispatch audio of the above mentioned incident to their own expert witness Robert C. Wilis, 1315 North 119th street Wauwatosa, WI. 53226, 3237 during the Federal law suit 11-cv-336 in Judge Griesbachs' court in Green Bay WI. resulting in an unfair and bias report. The City Of Menasha was represented

by Attorney Greg J. Gunta, Suite 9898 West Bluemond Road, Wauwatosa, Wi. 53226-4319. Also in a recent open records request for the aboved mentioned video from squad 21/29 and video from squad 25, and dispatch audio of said incident mentioned above, Gueths was told by Lt. Ron Bouchard of the MPD that Gueths' open records request would be denied by orders of City Attorney Pamela Captain in a further attempt to conceal evidence of the criminal activity of members of the MPD in violation of Wisconsin Open Records Law, Wis.Stats. ss 19:31-19:39

As a result of the above, I claim to be entitle to the following relief:

1. Cost of repair to fence
2. Violation of my civil rights under the United States and Wisconsin Constitutions and statues to be free from unreasonable searches and seizures and that the goverment protect me if such acts occur.

and

3. Intentional infliction of emotional distress, pain and suffering

malice by putting my life in imminent danger with reckless behavior, making false statements on a police report, conspiracy to conceal evidence to conceal criminal activity and to defraud in a federal law suit, and other non economic damages in the amount of \$20,000,000. Million Dollars.

In addition to the above, I am filing a seperate complaint to the Police Commission for the City Of Menasha, Wi to bring administrative action against the officers involved. As well as Charges against Attorney Captain for conspiracy to conceal evidence.

Dated this 29th day of May, 2012.

Daniel A. Gueths

Recieved by Deborah A. Halczko Date 5/29/12

**NOTICE OF CLAIM AGAINST CITY OF MENASHA AND ITS  
EMPLOYEES**

To: Deborah A. Galeazzi, City Clerk, 140 Main Street, 3<sup>rd</sup> floor, Menasha, WI 54952

Pursuant to Sec. 893.80, Wis. Stats., I, Daniel L. Gueths, 7255 Manitowoc Road, Menasha, WI 54952, hereby submit the following claim against the City of Menasha and its employees for property damage, personal injury and violation of civil rights that occurred as a result of the actions of the City of Menasha Police Department (MPD) in entering my property at the address above in the City of Menasha, Calumet County, Wisconsin without a warrant, probable cause, consent or any other legal justification between 10:49 p.m. and 11:27 p.m. on May 30, 2010. Incident No. 10-001843. (10-005614)

In particular, the MPD entered my property without adequate evidence that a crime had been committed or that there was any reasonable suspicion that a crime had been committed at the Winnegamie Dog Club at 7245 Manitowoc Road. Further, members of the MPD refused to leave when I asked them to do so on multiple occasions and after they had reliable information verifying my identification as the owner of the property. MPD officers were armed and drew their weapons. They threatened me with a Taser which based upon my medical history would have likely triggered a heart attack if used. Officers further attempted to break through a locked wooden fence which separated me from them. As a result of the officers' actions, the fence was damaged.

As a result of the above, I claim to be entitled to the following relief:

1. Cost of repair to the fence: \$100.00 (estimate).
2. Violation of my civil rights under the United States and Wisconsin Constitutions and statutes to be free from unreasonable searches and seizures in the amount of \$5,000,000. <sup>00</sup> Five Million Dollars
3. Intentional infliction of emotional distress, pain and suffering and intentional malice by putting my life in imminent danger with reckless behavior and making false statements on a police report and other non-economic damages in the amount of \$5,000,000. <sup>00</sup> Five Million Dollars

In addition to the above, I am filing a separate complaint to the Police Commission for the City of Menasha to consider administrative action against the officers involved.

Dated this 20th day of September, 2010.



Received by: City Clerk Deborah A. Galeazzi  
9/20/10