

SC-11-20

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

David Franke
765 Congress Street
Neenah, WI 54956

Plaintiff,

vs.

County of Kenosha
A governmental entity
1010 56th Street
Kenosha, WI 53140

Defendant,

City of Kenosha
A governmental entity
625 52nd Street, Room 105
Kenosha, Wisconsin 53140

Defendant,

Jeffrey Wamboldt
10314 83rd Pl.
Pleasant Prairie, WI 53158

Defendant.

Case No.:

Case Code: 30106 Intentional Tort



DATE SERVED:	7-8-20
TIME:	12:00
PERSONAL <input checked="" type="checkbox"/>	SUBSTITUTE: <input type="checkbox"/>
BY:	<i>[Signature]</i> 234
Deputy Sheriff - Kenosha County	

SUMMONS

THE STATE OF WISCONSIN, to each person named above as 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 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: **Clerk of Circuit Court, Kenosha**

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County Courthouse, 912 56th Street, Kenosha, Wisconsin 53140, and to Sczygelski Law Firm, LLC., Attorney for the Plaintiff, whose address is 713 Washington Street, Manitowoc, Wisconsin 54220. 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, 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 this 29th day of June, 2020.

/s/ Ralph J. Sczygelski

Ralph J. Sczygelski
State Bar No. 1001417
713 Washington Street
Manitowoc, WI 54220
Telephone No. (920) 682-9990

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

David Franke
765 Congress Street
Neenah, WI 54956

Plaintiff,

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Case No.:

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1010 56th Street
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Pleasant Prairie, WI 53158

Defendant.

COMPLAINT

NOW COMES the above named Plaintiff, by his attorney, Ralph J. Sczygelski, Sczygelski Law Firm, LLC, as and for a cause of action against the above Defendants, allege and show to the Court as follows:

THE PARTIES

1. The Plaintiff, David Franke, ("Franke") is an adult resident of Winnebago County, Wisconsin, and lives at 765 Congress Street, Neenah, Wisconsin 54956. Franke resided in the Maple Ridge Subdivision in Kenosha, Wisconsin, from June 2003 to September 2017.

2. The Defendant, County of Kenosha, is a municipality organized under the laws of the State of Wisconsin. The Clerk for the County of Kenosha is, upon information and belief, Regi Bachochin, whose address of employment is 1010 56th Street, Kenosha, Wisconsin 53140.
3. The Defendant, City of Kenosha, is a municipality organized under the laws of the State of Wisconsin. The Clerk for the City of Kenosha is, upon information and belief, Deb Salas, whose address of employment is 625 52nd Street, Room 105, Kenosha, Wisconsin 53140.
4. At all material time herein, the Defendant, Jeffrey Wamboldt, ("Wamboldt"), is a City of Kenosha Police Officer and Kenosha County Board Supervisor; an employee of the City of Kenosha with the authority to preserve the public peace and enforce all laws and ordinances of the City of Kenosha delegated by the Chief of Police of the City of Kenosha, and an elected official of the County of Kenosha with the powers and duties defined in Wisconsin Statutes §§ 59.10 and 59.51.

FACTS

5. Franke lived with his family in the Maple Ridge Subdivision in Kenosha County and regularly attended the Lord of Life Lutheran Church (the "Church") in the City of Kenosha.
6. At all material times hereto, Defendant, Wamboldt, was a member of said Church. At all material times hereto, several of Franke's Maple Ridge neighbors, were also members of said church, including, Elizabeth Young and Lorraine Vogel. Lorraine Vogel's friend and neighbor was Kerri Newman. At all material times hereto, Stacey Seger was the Pastor of said Church.

7. On one occasion in September 2014, Ms. Young, called the Kenosha County Sheriff's office because, upon information and belief, Franke helped her to mow a small section of her lawn. Franke mowed her lawn because Ms. Young was mowing that section of her lawn in an unsafe manner, and Franke left a note in her mailbox that he could mow the lawn for her, and Franke subsequently did.
8. During a discussion with the Sheriff's deputies about the incident, the deputies confirmed that Franke had done nothing wrong. However, the deputies and Franke agreed that it would be best to cease communication with Ms. Young and her family.
9. Since September of 2014, Franke has avoided any contact with Ms. Young and her family as much as possible.
10. In November of 2015, Kerri Newman filed a Petition for a Temporary Restraining Order against Franke because she believed Franke was walking around the outside of her house at night and tapping on the side of her house. During these alleged times of "stalking," Franke has business mileage logs and credit card statements, showing he was 120 miles away at the time. A Commissioner denied Newman's Restraining Order petition.
11. On July 24, 2017, upon information and belief, the Kenosha County Sheriff's Department responded to a 9-1-1 call to the residence of Ms. Newman because Ms. Newman was apparently having an episode manifested from her PTSD. According to the resultant Police Report, Newman's PTSD manifested itself approximately every three weeks and that she had an "irrational fear" of a neighbor named "David."

12. At a May 7, 2018, deposition, Ms. Newman admitted that she was unaware of Franke making any sexual advances toward any female in the neighborhood and she was unaware of Franke coming in physical contact with any female in the neighborhood.
13. From June 2003 until June or July of 2017, there were no neighborhood complaints or criticisms of how Franke walked his dog, walked around the neighborhood, or rode his bike. Franke worked from home, and frequently walked his dog and rode his bike around his neighborhood.
14. On or about May or June, 2017, upon information and belief, neighborhood members of the Maple Ridge Subdivision, including Ms. Young, Ms. Vogel, and Ms. Newman, had a meeting with the Defendant, Wamboldt, and Pastor Seger at the Church. At said meeting, Wamboldt apparently advised them to videotape Franke and repeatedly call the Sheriff's office whenever Franke was walking his dog or riding his bike in the neighborhood.
15. On or about May 7, 2018, Wamboldt testified at a deposition that he went to the Maple Ridge Subdivision and met with Ms. Young to investigate Franke walking his dog in the neighborhood on or about May, 2017.
16. On or about June, 2017, the aforementioned Maple Ridge Subdivision neighbors began calling the Sheriff to report Franke for riding his bike and walking his dog, based on the apparent advice of Wamboldt. Franke also began observing Ms. Newman, Ms. Young, and other Maple Ridge neighbors videotaping or suspiciously watching him as he took his daily trips around the block. After talking with a legal advocate, Franke began carrying a video camera to record the

neighbors videotaping him.

17. On or about July 2, 2017, Ms. Young called the Kenosha County Sheriff, based on the advice of Wamboldt, to report Franke for riding his bike around the neighborhood. On or about July 11, 2017, Ms. Young called the Kenosha County Sheriff to show deputies videos of Franke riding his bike
18. On or about July 8, 2017, Newman called the Kenosha County Sheriff, based on the advice of Wamboldt, to report that Franke harassed her by walking his dog. Two deputies then went to Franke's house and questioned Franke and his wife about Franke's walks around the neighborhood. The two deputies then suggested Franke contact a Restraining Order Advocate and consider filing a restraining order against Ms. Newman. Ms. Newman called the Kenosha County Sheriff a second and third time on or about July 24, 2017, and January 26, 2018, for substantially similar reasons.
19. On or about February 3, 2018, the Defendant, Wamboldt, approached Franke after a Saturday Service at the Lord of Life Church. Wamboldt conveyed to Franke that he had had multiple meetings with Ms. Young, Ms. Vogel, Ms. Newman, and Stacy Seger over the prior two years both at the Church and at the Maple Ridge Subdivision. Wamboldt further conveyed that he thought Franke was a stalker and indicated that he advised Ms. Young, Ms. Vogel, and Ms. Newman to videotape Franke and repeatedly call the sheriff's office whenever Franke was walking his dog or riding his bike in the neighborhood. During this conversation, Wamboldt made clear to Franke that Wamboldt was acting in his capacity as a Kenosha City Police Officer, not just as a church member or friend of a fellow parishioner.

Wamboldt further impressed upon Franke that a police file had been started, and that possible criminal action would be pursued if Franke did not do as Wamboldt asked.

20. At a May 7, 2018, deposition, Wamboldt testified that he and Pastor Stacy had a plan for Wamboldt to approach Franke and talk with him about Franke's alleged stalking, based on his experience as a police officer.
21. On or about February 7, 2018, Franke received an email from Pastor Seger, asking him to attend another church. Upon information and belief, Pastor Seger's reasons for this request were in large part the result of untruthful and defamatory comments relayed by Ms. Young and/or Ms. Newman, and because he (Franke) was allegedly making other female members of the congregation feel uncomfortable.
22. On or about March 15, 2018, Pastor Seger filed a complaint of harassment against Franke with the City of Kenosha Police, based in part, upon information and belief, the advice of the Defendant, Wamboldt, who is also a member of the Church.
23. On or about April 2, 2018, upon information and belief, Ms. Young called the Kenosha County Sheriff stating Franke was walking in the Maple Ridge subdivision. Upon information and belief, Ms. Young told the dispatcher a police officer advised the Church Pastor to tell Ms. Young to call the police if Franke was seen in the neighborhood.
24. On or about May 2018, Wamboldt inappropriately conspired and caused a neighbor of Franke, Ms. Young, to file an Injunction Petition against Franke. Said advice to Ms. Young, who lived outside of the City of Kenosha, was allegedly due in large part on a personal relationship between Wamboldt and Ms. Young. Said

influencing of Ms. Young focused on accusations and activities which allegedly took place in the Maple Ridge Subdivision in Kenosha County, but which were outside Wamboldt's police jurisdiction of the City of Kenosha.

25. On August 26, 2019, in a hearing in the Circuit Court of Kenosha County, Wamboldt admitted that he previously confronted Franke in early 2018 in his capacity as a member of Lord of Life Church, and thereby asked Franke to leave the church and never come back again. Wamboldt also testified that he was doing this at the behest of a friend, and not in his official capacity as a police officer with the City of Kenosha.
26. The Defendant, Wamboldt, further conspired with leaders of Lord of Life Church, including Pastor Stacy Seger, and Franke's Maple Ridge neighbors to damage Franke's reputation and thereby cause emotional distress, alienation from the Church and its members, and financial damage described herein, as follows:
 - A. Wamboldt testified in an August 26, 2019, Injunction hearing that he usually attended Saturday evening church services.
 - B. Franke was a regular attendee at Saturday evening services, and did not recall seeing Wamboldt in attendance on Saturday on any prior occasion.
 - C. Franke observed Wamboldt visiting Ms. Young in Ms. Young's home (which is outside of the City of Kenosha) in the summer of 2017 on five to six different occasions, typically from the hours of 12:00 PM to 2:30 PM, during weekdays. Franke has therefore concluded that Wamboldt unduly and inappropriately was conspiring with Ms. Young and/or was allowing a personal relationship to interfere with his duties as a City of Kenosha police officer and

County Board Supervisor in order to harm Franke.

D. Wamboldt's advice and attendance at the Injunction proceedings against Franke were actions furthering his misuse of an Officer's and County Board Supervisor's positions of power and influence that is both inconsistent with his duties as a Kenosha City Police Officer and County Board Supervisor, and done with the intention to harm Franke.

E. Franke asserts that a conspiracy to violate the rights of Franke, via stalking, harassing, intimidating, and damaging the reputation and livelihood of Franke, was initiated in 2017 by Wamboldt, Ms. Young and Lord of Life Church leadership, and in large part, planned and carried out by Wamboldt.

F. Wamboldt assisted and directed Pastor Seger and the Maple Ridge neighbors of Franke and Ms. Young to implement and take action in the furtherance of the conspiracy.

27. Wamboldt's direct and indirect actions forced Franke to divert financial and time resources from his business to defend his reputation, thus causing severe emotional distress, stunting his business development, and inhibiting Franke's career.
28. The resulting injunction proceedings were undertaken maliciously and/or recklessly by and at the behest and cooperation of Wamboldt, and were outside his legitimate duties and authority as a Kenosha Police Officer and Kenosha County Board Supervisor.
29. The City of Kenosha and the County of Kenosha are potentially liable for the actions of Wamboldt in that Wamboldt was not properly trained and/or supervised.
30. On or about December 19, 2019, Franke caused the County of Kenosha and the

City of Kenosha to receive a Notice of Claim detailing Franke's damages and injuries. A copy of said Notices are attached hereto as **Exhibit A**, and incorporated herein by reference. Said Notices were served according to all applicable requirements. Said Notices state in part that Wamboldt used his positions as a Kenosha City Police Officer and Kenosha County Board Supervisor to inappropriately intimidate, harass, and cause unwarranted damage to Franke and his reputation by instigating and furthering Injunction Proceedings against him, furthering a conspiracy to have him removed from a Church, harassing him with calls to law enforcement, having neighbors "spy" on him and video record him, alienating various individuals from him, and thereby preventing potential investors and business associates from doing business with him.

31. On or about January 2, 2020, the City of Kenosha sent to Franke a Notice of Disallowance of Claim, a copy of which is attached hereto as **Exhibit B**, and incorporated herein by reference.
32. On or about January 9, 2020, the County of Kenosha sent to Franke a Notice of Disallowance of Claim, a copy of which is attached hereto as **Exhibit C**, and incorporated herein by reference.

FIRST CAUSE OF ACTION:

CONSPIRACY OF INTENTIONAL INFLICTION OF SEVERE EMOTIONAL DISTRESS

33. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
34. Defendant, Wamboldt, combined with Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors, acted together for the purposes of intentionally causing Franke emotional distress by ruining Franke's ability to worship at the

church of his choosing; damaging his reputation among church leadership and parishioners; ruining Franke's social connections in the Maple Ridge neighborhood; and creating a public record which damaged Franke's reputation and business.

35. Wamboldt's conduct was extreme and outrageous because he took steps to influence Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors to have Ms. Young and Ms. Newman, video-record Franke while out in the neighborhood, repeatedly request law enforcement intervention for Franke's simple everyday activities, have Franke removed from his place of worship, and have Ms. Young file broad Injunction proceedings against Franke.
36. The conduct of Wamboldt, Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors have caused Franke to divert financial and time resources from his business to defend his reputation, thus causing Franke severe emotional distress, stunting his business development, stunting investment and inhibiting Franke's career.
37. The resulting emotional distress was extreme and disabling to Franke.
38. The deliberate actions of Wamboldt, in combination with Ms. Young, Ms. Newman, Pastor Seger and other Maple Ridge neighbors, caused damage to Franke in an amount to be determined by the Court.

SECOND CAUSE OF ACTION:

NEGLIGENT INFLECTION OF SEVERE EMOTIONAL DISTRESS

39. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
40. Wamboldt's actions in advising Ms. Young, Ms. Newman, Pastor Seger, and other

Maple Ridge neighbors based on his expertise as a Veteran City of Kenosha Police Officer, while outside the City of Kenosha, to file complaints with the Kenosha County Sheriff's office and Harassment Injunctions, fell below the standard of care of an off-duty officer, outlined in Kenosha Police Department Policy Number 1.13.

41. Wamboldt's actions have caused Franke to divert financial and time resources from his business to defend his reputation, thus causing severe emotional distress, stunting Franke's business development, stunting investment, and inhibiting Franke's career.
42. The negligent actions by Wamboldt caused damage to Franke in an amount to be determined by the Court.

THIRD CAUSE OF ACTION:

CONSPIRACY TO DEFAME

43. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
44. Defendant, Wamboldt, combined with Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors, acted together for the purpose of falsely accusing Franke of harassment and stalking, and creating an irrational fear of Franke throughout the community and his Church congregation.
45. The false statements harmed the reputation of Franke throughout the community and deterred potential business partners from associating and dealing with Franke.
46. The actions by Wamboldt, in combination with Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors, caused damage to Franke in an amount to be determined by the Court.

FOURTH CAUSE OF ACTION:

INJURY OF BUSINESS

47. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
48. Defendant, Wamboldt, combined with Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors, acted together for the purpose of maliciously and willfully causing injury to Franke's reputation as an entrepreneur.
49. Defendant, Wamboldt, combined with Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors, maliciously and willfully caused injury to Franke's reputation by pursuing unlawful Injunction proceedings against Franke and unduly, needlessly and habitually reporting Franke for everyday common activities.
50. The acts of Wamboldt, Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors harmed Franke's ability to attract investors due to the CCAP entries against him, and caused damage to Franke's fledgling, wholly-owned business, Four Points Products, LLC.

FIFTH CAUSE OF ACTION:

ABUSE OF PROCESS

51. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
52. Defendant, Wamboldt, advised Ms. Young, Ms. Newman, Pastor Seger, and other Maple Ridge neighbors to initiate harassment injunction proceedings against Franke.
53. The primary purpose of said harassment injunction proceedings were to defame, harass, and intimidate Franke, and to prevent him from worshiping in his congregation of choice.

54. Franke is a law-abiding citizen with no prior court involvement other than minor traffic offenses and a prior divorce.
55. The primary purposes of initiating harassment injunction proceedings are not to defame, harass, and intimidate.
56. The actions by Wamboldt and others caused damage to Franke in an amount to be determined by the Court.

SIXTH CAUSE OF ACTION:

EMPLOYER NEGLIGENCE IN SUPERVISION

57. Plaintiff incorporates by reference the allegations above as if fully set forth herein.
58. Defendant, Wamboldt, as a City of Kenosha Police Officer, met with residents of the Maple Ridge neighborhood and advised them relating to Franke. Wamboldt also met with Church leaders and advised them to have Franke leave the congregation based on his experience as a Police Officer. Further, Wamboldt met with Franke, and threatened Franke with further law enforcement and criminal actions if Franke did not stay away from the Church or Ms. Young.
59. The Maple Ridge Subdivision is outside the City of Kenosha.
60. Wamboldt's actions were outside his authority as both a City of Kenosha Police officer and Kenosha County Board Supervisor.
61. Defendants, the City of Kenosha and County of Kenosha, did not use ordinary care in their supervision of Wamboldt's conduct.
62. The Defendants' negligence in supervision of Wamboldt was a substantial factor in causing the damages to Franke's character in the Maple Ridge and Church community, and creating a public record damaging Franke's reputation and early

stage business.

WHEREFORE Plaintiff demands judgment as follows:

- a. From the City of Kenosha, \$50,000.00 in damages, reflecting defamation, emotional distress, costs, delay of business opportunity, delay of investment opportunity, loss of income, delay of future business opportunity, delay of future investment opportunity, risk of business loss, and the loss of future income.
- b. From the County of Kenosha, \$50,000.00 in damages reflecting defamation, emotional distress, costs, delay of business opportunity, delay of investment opportunity, loss of income, delay of future business opportunity, delay of future investment opportunity, risk of business loss, and the loss of future income.
- c. From Wamboldt, \$1,000,000.00 in compensatory damages reflecting defamation, emotional distress, costs, delay of business opportunity, delay of investment opportunity, loss of income, delay of future business opportunity, delay of future investment opportunity, risk of business loss, and the loss of future income.
- d. Reimbursement to any subrogated party, consistent with the law.
- e. Costs, disbursements and attorney's fees for the bringing of this action.
- f. Any other relief the Court may deem just and equitable.

Dated this 29th day of June, 2020.

/s/ Ralph J. Sczygelski

Ralph J. Sczygelski

State Bar No. 1001417

713 Washington Street
Manitowoc, WI 54220
Telephone No. (920) 682-9990

SCZYGELSKI LAW FIRM, LLC.,
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MANITOWOC, WI 54220-5309
FACSIMILE (920) 682-6371
TELEPHONE (920) 682-9990

NOTICE OF CLAIM FOR DAMAGES UNDER SECTION 893.80 OF THE WISCONSIN STATUTES

TO: COUNTY OF KENOSHA

ATTN: County Clerk, Mary T. Kubicki

1010 56TH Street

KENOSHA, WI 53140

CITY OF KENOSHA

ATTN: CITY CLERK, Deb Salas

625 52ND Street, Room 105

KENOSHA, WI 53140

David Franke hereby provides Notice of Claim to the City of Kenosha and the County of Kenosha against Jeffery Wamboldt. Jeffery Wamboldt used his positions as a Kenosha City Police Officer and Kenosha County Board Supervisor to inappropriately intimidate, harass, and cause unwarranted damage to David Franke and his reputation by instigating and furthering Injunction Proceedings against him, furthering a conspiracy to him removed from a Church, alienating various individuals from him, and preventing potential investors and business associates from doing business with him. Specifically:

1. Mr. Wamboldt inappropriately caused a neighbor of Mr. Franke, Elizabeth Young, to file Injunctions against Mr. Franke based at least in part, upon information and belief, on a personal relationship between Mr. Wamboldt and Ms. Young. Said influencing of Ms. Young focused on a broad Injunction request and activities which allegedly took place in the Maple Ridge Subdivision in Kenosha County, but which is outside the City of Kenosha. Using his police influence outside of the borders of the City of Kenosha is inappropriate. Using his County Board influence was a misuse of his office.
2. Mr. Wamboldt further used his influence as a police officer and county board supervisor to intimidate Mr. Franke into absenting himself from the Lord of Life Lutheran Church, which is located within the City of Kenosha at 5601 Washington Road. In a hearing in circuit court on August 26, 2019, Mr. Wamboldt admitted that he previously confronted Mr. Franke in his capacity as a member of the Church, and thereby asked Mr. Franke to leave the church and never come back again. In the church, Mr. Wamboldt admitted that Mr. Franke could not even step outside of his house without Ms. Young somehow being offended. Mr. Wamboldt also testified that he was doing this at the behest of a "friend", and not in his official capacity as a police officer with the City of Kenosha. However, Mr. Wamboldt neglected to mention at said hearing that he made it very clear to Mr. Franke during that church conversation that he (Mr. Wamboldt) was a Kenosha Police Officer, and that further actions would be taken if Mr. Franke did not stay away from said church and Ms. Young. Mr. Franke understood this to mean that Mr. Wamboldt was acting in his capacity as a Kenosha City Police Officer, not just as a church member or friend of a fellow parishioner. He was further under the false

impression that a police file had been started, and that possible criminal action would be pursued if he (Franke) did not do as Mr. Wamboldt requested. It was not until this August 26, 2019 hearing that Mr. Franke discovered that he had this cause of action.

3. Mr. Wamboldt further conspired with members and employees of said church to damage Mr. Franke's reputation and thereby cause emotional distress, alienation from the church and its members, and financial damage as described herein.
4. Due to the above actions, along with other actions in furtherance of a concerted effort to harm Mr. Franke, David Franke seeks against the City of Kenosha and/or County of Kenosha \$7,500,000.00 in damages. This amount reflects defamation, emotional distress, costs, loss of income and the loss of future income.

Additional Background and Circumstances

At his deposition on May 7, 2018, Jeffrey Wamboldt stated, under oath:

- That he denied any relationship with Elizabeth Young, other than that they attended the same church and had both attended two church meetings – one being at the church and the other at her house.
- That his attendance at the church service on February 3, 2018 was random and that he would typically float from the three various services the church offered. Specifically, his attendance at that service was not because of David Franke.
- "No, not that I can recall" when asked if he had ever "hugged" Ms. Young. However, Officer Wamboldt's body language and visceral response suggested a far closer relationship as his face turned red and he began to visibly perspire as questioning proceeded.

It should be noted that both an assistant and head pastor's employments with the church were terminated in June of 2018 and May of 2019, respectively. These terminations were likely a direct result of these individual's participation in Officer Wamboldt's conspiratorial actions.

At the aforementioned August 26, 2019, Injunction Hearing, Officer Wamboldt provided testimony inconsistent with his prior deposition testimony from May 7, 2018. At said hearing, Officer Wamboldt gave testimony inconsistent with his deposition on May 7, 2018, on multiple occasions.

- Additionally, Officer Wamboldt stated in the Court Hearing that he usually attended Saturday evening church services when he had previously stated at the deposition that he attended one of the three services offered on Sunday mornings.

- Mr. Franke was a regular attendee at Saturday evening services, and did not recall seeing Officer Wamboldt in attendance on Saturday on any prior occasion.
- Mr. Franke observed Officer Wamboldt, and identified his characteristics consistent with the man Mr. Franke had observed periodically visiting Ms. Young in the summer of 2017. Over this time period, Mr. Franke observed what he presumed to be Officer Wamboldt's car at Ms. Young's residence multiple times typically from the hours of 12-2:30 PM.
- It would appear that Officer Wamboldt's attendance at the trial and testifying against Mr. Franke were actions belonging his continued misuse of an Officer's positions of power and influence that is both inconsistent with his duties as a Kenosha city Police Officer, and done with the intention to harm Mr. Franke as detailed herein.
- Based on the overall circumstances in this situation, Mr. Franke asserts that a conspiracy ultimately designed to violate the rights of Mr. Franke, as well as stalk, harass, intimidate and damage the reputation and livelihood of Mr. Franke, was initiated in May of 2017 by Ms. Young and/or Mr. Wamboldt, and ultimately in large part planned and carried out by Mr. Wamboldt.
- This ongoing conspiracy was created by Officer Jeffery Wamboldt and was furthered by various actions at the above named church.
- Mr. Franke further asserts that the overall evidence implicates the church and neighbor agents as the ongoing coordinators and implementers of the conspiracy, all with the assistance and direction of Mr. Wamboldt.
- One of these neighbors has a history of mental health issues, and has a historic bias against Mr. Franke that a reasonable person would not use and/or trust in these situations wherein damage can result to a law-abiding citizen like Mr. Franke.
- A second neighbor agent has brain damage from a concussion and has a historic bias against Mr. Franke for other reasons. Mr. Franke believes she was targeted by Officer Wamboldt and the neighbor mentioned above because she can also be easily manipulated to act against Mr. Franke.
- On June 10, 2017, Mr. Franke attended a Saturday night church service where Ms. Young sang with the worship music group. During the performance, Mr. Franke observed Ms. Young tell a fellow band member, "I am going to teach him a lesson."

David Franke is a respected law-abiding citizen with nor prior court involvement other than minor traffic offenses and a prior divorce. Mr. Franke is also a self-employed entrepreneur who requires investors to further his business ventures. By undertaking the above actions, Officer Wamboldt irreparably harmed Mr. Franke's ability to attract investors due to the CCAP entries against him. By contrast, Mr. Wamboldt's direct and indirect actions (both on his own and in concert with others) forced Mr. Franke to divert financial and time resources from his business

to defend his reputation, thus causing severe emotional distress, stunting his business development, and inhibiting Mr. Franke's career. The resulting injunction proceedings were undertaken maliciously and/or recklessly by and at the behest and cooperation of Mr. Wamboldt, and were outside his legitimate duties and authority as a Kenosha Police Officer and Kenosha County Board Supervisor. Additionally, Mr. Wamboldt instructed the senior church pastor (who is a former stock broker) to write malicious and untrue police reports against Mr. Franke with the goal, in part, of inhibiting investments in Mr. Franke's business ventures. By undertaking the above-described actions in the guise of a police officer and/or County Board Supervisor, Mr. Wamboldt used his position to further a personal agenda, and was thereby not acting in his legitimate capacity as a police officer and/or county Board Supervisor. Specifically, it can be concluded based upon the overall circumstances that Mr. Wamboldt was currying favor with Ms. Young and/or others, and using inappropriate harmful actions against Mr. Franke to do so.

By contrast, Mr. Wamboldt is a veteran law enforcement officer who has spent a great deal of time and expense seeking rewards and positions outside of his legitimate law enforcement duties. These include several overtures and efforts to win federal public office. He presumably used both his law enforcement position and county board position to further such ambitions. Currying favor in Mr. Franke's district among seemingly sympathetic female "victims" would bolster his electable stance accordingly. Both the city and the county failed to monitor and rein in these extra-curricular efforts.

The City of Kenosha and Kenosha County are potentially liable for the actions of Mr. Wamboldt in that Mr. Wamboldt was not properly trained and/or supervised. As the governing bodies that granted police and supervisor authority (respectively) to Mr. Wamboldt, the city of Kenosha and the County of Kenosha are potentially liable for the damages to Mr. Franke as well as his business, Four Points Products, LLC, (for which David Franke is the president, majority shareholder and member) as described herein.

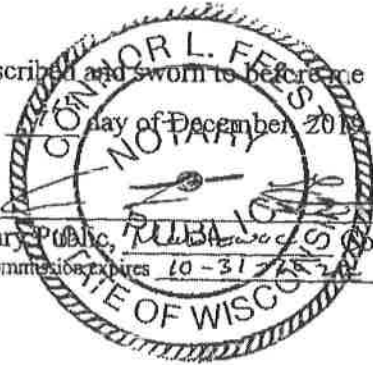
Dated this 19 day of December, 2019.

David Franke
David Franke and Four Points Products, LLC
765 Congress Street
Neenah, WI 54956
414-881-4348
DFranke@ventureaccelerators.com

Subscribed and sworn to before me

This 19 day of December, 2019.

Notary Public, Neenah County, WI
My commission expires 10-31-2022





COUNTY OF KENOSHA

COUNTY CLERK

Regi Bachochin

1010 - 56th Street
Kenosha WI 53140
(262) 653-2552
Fax: (262) 653-2564

January 9, 2020

David Franke
Four Points Products, LLC
765 Congress Street
Neenah, WI 54956

RE: Denial of Claim filed against Kenosha County
Name(s) of Claimant: David Franke & Four Points Products, LLC
County Clerk Claim No: GL-30-19

Dear Mr. Franke:

Please be advised that the County of Kenosha, after careful consideration, has denied the claim you recently filed against the County. The County's position is that it is not legally liable for the damages or injuries you have claimed.

Please be further advised that pursuant to section 893.80(b) of the Wisconsin Statutes, no action on a claim may be brought after six months from the date of service of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Regi Bachochin", is written over a horizontal line.

Regi Bachochin
Kenosha County Clerk

cc: Jennifer Kopp, Corporation Counsel
Jackie Kaul, WMMIC Senior Liability Claim Representative
Clara-Lin Tappa, Kenosha County Director, Division of Human Resources

RB/de



William K. Richardson
Assistant City Attorney

January 2, 2020

David Franke
765 Congress Street
Neenah, WI 54956

RE: Claim

Date of Incident: August 26, 2019

Dear Mr. Franke:

We are in receipt of your claim requesting reimbursement in the amount of \$7.5 million dollars.

The City Attorney's Office has reviewed the circumstances of your claim and deny it in full. Please be advised that pursuant to Wis. Stat. 893.80 (1g), no action on your claim may be brought against the City of Kenosha or any subdivision or agency of the City of Kenosha after six (6) months from the date of service of this notice of disallowance. If you have any questions or require additional information, please contact me at 262-653-4170.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William K. Richardson'.

William K. Richardson
Assistant City Attorney