

FILED
11-17-2022
George L. Christenson
Clerk of Circuit Court
2022CV007361
Honorable Frederick C
Rosa-35
Branch 35

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

CITY OF MILWAUKEE
200 East Wells Street
Milwaukee, WI 53202,

Plaintiff,

v.

LASHAWN THOMAS
5435 N 39th St
Milwaukee, WI 53209

Defendant.

Case No.
Case Code No. 30704
Other Injunction/Restraining Order

SUMMONS

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 (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 901 North 9th Street, Milwaukee, Wisconsin 53233, and to Tearman Spencer, City Attorney, by Assistant City Attorney, Alex Thomas Mueller, whose address is 200 East Wells Street, Milwaukee, Wisconsin 53202. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (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 and signed at Milwaukee, Wisconsin this 16th day of November 2022.

TEARMAN SPENCER
City Attorney

Electronically Signed by Alex T. Mueller

ALEX THOMAS MUELLER
State Bar No. 1095424
Assistant City Attorney
Attorney for Plaintiff,
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COMPLAINT

The Plaintiff, City of Milwaukee, by its attorneys, Tearman Spencer, City Attorney, by Assistant City Attorney Alex Mueller, as and for a complaint against the above-named Defendant, Lashawn Thomas, alleges and shows to the Court as follows:

THE PARTIES

1. The Plaintiff, City of Milwaukee (the “City”), at all times herein mentioned is a municipal corporation organized and existing under the laws of the State of Wisconsin, with its principal offices located at 200 East Wells Street, Milwaukee, Wisconsin 53202.

2. Upon information and belief, Defendant Lashawn Thomas, is a proper party because he has created or maintained the nuisance described below in the City of Milwaukee and is a resident of the City of Milwaukee residing at 5435 N 39th St, Milwaukee, WI 53209.

VENUE

3. This Court is the proper venue for this action because the Defendant's continued reckless driving, which is the subject of this action, has all occurred in Milwaukee County and Defendant resides therein.

SUBJECT MATTER JURISDICTION

4. The City is a municipal corporation that may apply to the circuit court for relief pursuant to Wis. Stat. §823.

FIRST CAUSE OF ACTION: PUBLIC NUISANCE

5. Paragraphs 1 through 4 are hereby realleged and incorporated by reference as if fully set forth therein.

6. Reckless driving is a chronic, pervasive problem, which impacts the comfortable enjoyment of life, health, and safety of others within the City and is, therefore, a public nuisance.

7. Reckless driving has caused deaths, injuries, and destruction of property in the City.

8. In 2019, the City was home to 51 crash fatalities. The total number of crash fatalities has exceeded that number in each of the following years.

9. In the year 2021, 66 crash fatalities occurred in the City. *See Milwaukee Police Department Traffic Safety Unit Statistics at mpdtsu.org/tsustatistics.*

10. The Milwaukee Police Department ("MPD") Office of Management, Analysis & Planning ("OMAP") conducts statistical analysis of factors involved in fatal crashes investigated by MPD.

11. According to OMAP, 45% of fatal crashes in 2021 involved speeding.
12. According to OMAP 13% of fatal crashes in 2021 involved inattentive driving.
13. According to OMAP, 11% of fatal crashes in 2021 involved disregard of traffic controls.
14. In 2021, 2,442 people suffered non-fatal injuries in traffic accidents in the City. *See Milwaukee Police Department Traffic Safety Unit Statistics at mpdtsu.org/tsustatistics.*
15. In December, 2021, Milwaukee Mayor Cavalier Johnson declared reckless driving in Milwaukee to be a public safety crisis. *See Attachment A: STAND For Safer Streets*, Cavalier Johnson (2021).
16. There have been 62 crash fatalities in the City in 2022 (as of 10/25/2022). *See Milwaukee Police Department Traffic Safety Unit Statistics at mpdtsu.org/tsustatistics.*
17. According to OMAP, 35% of fatal crashes in 2022 have involved speeding.
18. According to OMAP, 9% of fatal crashes in 2022 have involved inattentive driving.
19. According to OMAP, 11% of fatal crashes in 2022 have involved disregard of traffic controls.
20. According to OMAP, 15% of fatal crashes in 2022 have involved failure to yield.
21. 1,739 people have suffered non-fatal injuries in traffic accidents in the

City in 2022 (as of 10/25/22). *Id.*

22. MPD considers the phenomenon of *reckless driving* to be inclusive of violations of the Reckless Driving State Statutes, Wis. Stats. §§ 346.62 (2), 346.62 (3) and 346.62 (4); violations of State Statutes related to speeding offenses as per Wis. Stats. §§ 346.57 (4) (a), 346.57 (4) (e), 346.57 (em), 346.57 (gm) (1) and 346.57 (5), and violations of the following State Statutes:

Wis. Stat. § 346.94(1)	Driving on Sidewalk
Wis. Stat. §346.57(3)	Driving Too Fast for Conditions
Wis. Stat. §346.39 (1)	Failure to Stop at Flashing Red Signal
Wis. Stat. §346.04(2)	Disobey Official Traffic Sign or Signal
Wis. Stat. §346.46 (1)	Failure to Stop at Traffic Signs
Wis. Stat. §346.59 (1)	Impeding Traffic by Slow Speed
Wis. Stat. §346.89(1)	Inattentive Driving
Wis. Stat. §346.89 (3) (a)	Texting or E-mailing while driving
Wis. Stat. §346.89 (4) (a)	Probationary Licensed drivers using cell phones while driving
Wis. Stat. §346.89 (4) (b) (2)	Commercial motor vehicle drivers using cell phones while driving
Wis. Stat. §346.89 (5)	Commercial motor vehicle and tow truck drivers using electronic devices for visual entertainment while driving
Wis. Stat. §346.94 (12)	Operating in a Bike Lane
Wis. Stat. §346.94 (2)	Racing on Highway
Wis. Stat. §346.04(2t)	Resisting traffic officer by failing to stop
Wis. Stat. §346.04 (3)	Fleeing or attempting to elude a traffic officer
Wis. Stat. §346.57(2)	Unreasonable and Imprudent Speed

23. In an attempt to abate reckless driving in the City, MPD initiated the Traffic Safety Unit (“TSU”) February 24, 2021.

24. The TSU consists of 20 dedicated patrol officers.

25. The TSU uses a combined approach of high visibility, traffic law enforcement, education, traffic-engineering changes and community collaboration to abate reckless driving in the City.

26. TSU patrol officers are deployed to patrol areas where there are a high number of complaints related to reckless driving in the City.

27. TSU patrol officers issue municipal citations for driving offenses when they make observations of reckless driving to abate the activity.

28. The Milwaukee Police Department (“MPD”) issued 357 citations for violations of Wis. Stats. §§ 346.62 (2)—Reckless Driving in 2022 (as of 10/25/22).

29. MPD has issued 9,646 speeding citations in 2022 (as of 10/25/22).

30. The citations referenced in Paragraph 29 have been divided among the speed brackets as follows:

0-4 Miles Per Hour (“MPH”) over the speed limit	0 citations
5-9 MPH over the speed limit	1 citations
10-14 MPH over the speed limit	203 citations
15-19 MPH over the speed limit	2,568 citations
20-24MPH over the speed limit	4,403 citations
25-29MPH over the speed limit	1,691 citations
30-34MPH over the speed limit	514 citations
35-39 MPH over the speed limit	177 citations
40-44 MPH over the speed limit	59 citations
45-49 MPH over the speed limit	19 citations
50-54 MPH over the speed limit	7 citations
55-59 MPH over the speed limit	2 citations
60-64 MPH over the speed limit	2 citations
Over 65 MPH over the speed limit	0 citations

31. The City utilizes municipal traffic citations to deter reckless driving behavior.

32. Municipal traffic citations may result in monetary fines as well as driver’s license point reductions. Point reductions may accumulate to result in suspension of driving privileges.

33. Since 2017, in the City of Milwaukee, the Defendant has been issued thirty seven (37) traffic citations, in violation of Milwaukee Code of Ordinances (“MCO”) 101-1-2, 101-4 and Wis. Stats. §§ 341, 343, 344, 346 and 347.

34. Between 11/15/2017 and 10/25/2022 , the Defendant has been issued eight (8) speeding citations in violation of MCO 101-1-2 and Wis. Stat. § 346.57(5), eleven (11) Operate After Suspension citations, in violation of MCO 101-1-2 and Wis. Stat. §343.44(1)(a), three (3) Reckless Driving citations in violation of MCO 101-1-2 and Wis. Stat. §346.62(1), two (2) Non-Registration of Auto citations, in violation of MCO 101-1-2 and Wis. Stat. §341.04(1), three (3) Operate Motor Vehicle Without Insurance citations, in violation of MCO 101-1 and Wis. Stat. §344.62(1), one (1) Fail to Stop at Stop Sign citation, in violation of MCO 101-1-2 and Wis. Stat. §346.46(1), one (1) Passing at Intersection citation, in violation of MCO 101-1-2 and Wis. Stat. §346.10(2), one (1) Unsafe Cutting In When Passing citation, MCO 101-1-2 and Wis. Stat. §346.07(2), one (1) Driving on Bicycle Lane or Way citation, in violation of MCO 101-1-2 and Wis. Stat. §346.94(12), two (2) Child Safety Belt Violation citations, in violation of MCO 101-4 and Wis. Stat. §347.48(4)(AM), one (1) Owner's Liability—Flee/Elude Officer, in violation of MCO 101-1-2 and Wis. Stat. §346.175(1)(A), one (1) Cracked/Damaged/Poor Reflection On Mirror citation, in violation of MCO 101-4.5-1 and Ch. Trans. §305.26(3) Wis. Adm. Code, one (1) Covered/Obscured Tail Lamp Reflectors in violation of MCO 101-4.5-1 and Ch. Trans. §305.16(4) Wis. Adm. Code, and one (1) Operator Fail to Have Passenger Seatbelted in violation of MCO 101-1-2 and Wis. Stat. §347.48(2m)(c). *See Attachment B: Lashawn Thomas Driving Record and Attachment C: Certified Milwaukee Municipal Court Records.*

35. Defendant's ongoing and repeated negligent and reckless driving, as evidenced by the number of citations he has received, is a public nuisance pursuant to Wis. Stats. § 823.02.

36. This year alone, the Defendant has been issued a total of thirteen (13) traffic citations. Those citations include the following:

- (a) Three (3) Operate After Suspension citations, in violation of MCO 101-1-2 and Wis. Stat. §343.44(1)(a);
- (b) One (1) Reckless Driving citation, in violation of MCO 101-1-2 and Wis. Stat. §346.62(1),
- (c) Three (3) Speeding citations (28 MPH Over, 28 MPH Over, and 23 MPH Over, respectively), in violation of MCO 101-1-2 and Wis. Stat. § 346.57(5).
- (d) Two (2) Child Safety Belt Violation citations, in violation of MCO 101-4 and Wis. Stat. §347.48(4)(AM)
- (e) One (1) Driving on Bicycle Lane or Way citation, in violation of MCO 101-1-2 and Wis. Stat. §346.94(12)
- (f) One (1) Operate Motor Vehicle Without Insurance citation, in violation of MCO 101-1 and Wis. Stat. §344.62(1);
- (g) One (1) Passing at Intersection citation, in violation of MCO 101-1-2 and Wis. Stat. §346.10(2); and
- (h) One (1) Covered/Obscured Tail Lamp Reflectors in violation of MCO 101-4.5-1 and Ch. Trans. §305.16(4) Wis. Adm. Code.

37. The factual allegations associated with the Defendant's City of Milwaukee driving citations dating back to 2017 are as follows:

- (a) On November 15, 2017, police observed the Defendant traveling at 60 MPH on the 6600 block of W. Appleton Ave.—a 35 MPH

zone. A Department of Transportation (“DOT”) check revealed that the Defendant’s driver’s license status was suspended. The Defendant received a citation for Speeding (25 MPH Over) (Milwaukee Municipal Court Case 17071691). The Defendant was found guilty after failing to appear for his 12/27/2017 court date. The Defendant has failed to pay the outstanding forfeiture in this case.

(b) On November 16, 2017, police observed the Defendant traveling at 52 MPH on the 6200 block of W. Lisbon Ave.—a 30 MPH zone. A DOT check revealed that the Defendant’s driver’s license was suspended. The Defendant received citations for Speeding (22 MPH Over) and Operating After Suspension (Milwaukee Municipal Court cases 17073189; 17073190). The Defendant was found guilty after failing to appear for his 01/05/2018 court date. The Defendant has failed to pay the outstanding forfeitures in these cases.

(c) On February 16, 2018, police observed the Defendant driving on W. Silver Spring from N. 60th St. The Defendant was stopped for not having any visible registration on the vehicle. Police then discovered that the Defendant had a suspended driver’s license and did not have insurance. The Defendant was cited for Operating After Suspension, Operating Motor Vehicle Without Insurance, and Non-Registration of Vehicle (Milwaukee Municipal Court

cases 18031508, 18031509, and 18031510). The Defendant was found guilty after failing to appear for his 04/03/2018 court date. The Defendant has failed to pay the outstanding forfeitures in these cases.

(d) On March 4, 2018, police observed the Defendant driving on the 4200 block of N. Sherman Blvd., with unregistered license plates. A DOT check revealed that the Defendant had a suspended driver's license. The Defendant was cited for Operating After Suspension and Non-Registration of Vehicle (Milwaukee Municipal Court cases 18035060 and 18035059). The Defendant was found guilty after failing to appear for his 04/17/2018 court date. The Defendant has failed to pay the outstanding forfeitures in these cases.

(e) On April 21, 2020 the Defendant was involved in a two-vehicle accident on the 9000 block of W. Appleton Ave. Responding police interviewed the Defendant. The Defendant admitted to not having insurance. The Defendant was issued a citation for Operating Motor Vehicle Without Insurance (Milwaukee Municipal Court case 20027321). The Defendant was found guilty after failing to appear for his 09/25/2020 court date. The Defendant has failed to pay the outstanding forfeiture in this case.

(f) On December 8, 2020, police observed the Defendant driving on W. Villard Ave., at a high rate of speed, and blaring his horn. The

Defendant then increased his speed. The Defendant then unsafely passed numerous vehicles from the right lane at the intersection of N. Sherman Blvd and W. Villard Ave. The Defendant was stopped and issued a citation for Unsafe Cutting In When Passing (Milwaukee Municipal Court Case 22032387). The Defendant failed to appear to his 10/10/2022 court date. The Court issued a warrant to pay the \$155.50 fine, or appear in court on the case. The Defendant has not paid the fine nor appeared in court on this case.

(g) On January 4, 2021, police observed the Defendant driving on N. 51st Blvd. at W. Custer Ave. This intersection is fully controlled with four stop signs for all directions of travel. The Defendant went into the bicycle lane to pass another motorist who was stopped at the stop sign. The Defendant completely disregarded the stop sign at a high rate of speed. The Defendant was issued a citation for Fail to Stop at Stop Sign (Milwaukee Municipal Court case 21004449). The Defendant was found guilty after failing to appear for his 06/28/2021 court date. The Defendant has failed to pay the outstanding forfeiture in this case.

(h) On January 13, 2021 police observed the Defendant driving at an estimated 60 MPH on the 5200 block of W. Capitol Drive—a 30 MPH zone. Police also observed the Defendant weaving through traffic. When stopped, Defendant told police he did not believe he was driving recklessly. A DOT check revealed the Defendant's

driver's license was suspended. The Defendant was issued a citation for Operating While Suspended (Milwaukee Municipal Court case 21007187). The Defendant was found guilty after failing to appear to his 09/12/2021 court date. The Defendant has failed to pay the outstanding forfeiture in this case.

- (i) On January 29, 2021, police observed the Defendant driving on the 4700 block of W. Silver Spring Dr., with a defective headlamp. A traffic stop was conducted. A DOT check revealed the Defendant's driver's license was suspended. The Defendant was issued a citation for Operating While Suspended (Milwaukee Municipal Court case 21008122). The Defendant was found guilty after failing to appear to his 07/27/2021 court date. The Defendant has failed to pay the outstanding forfeiture in this case.
- (j) On March 11, 2021, police observed the defendant driving at 51 MPH on the 4500 block of W. Fond Du Lac Ave.—a 30 MPH zone. The Defendant was issued a citation for Speeding (21 MPH Over) (Milwaukee Municipal Court case 21016494). The Defendant was found guilty after failing to appear for his 10/22/2021 court date. The Defendant has failed to pay the forfeiture in this case.
- (k) On June 3, 2021, at 11:59 a.m., police observed the Defendant driving on the 6100 block of W. Fond Du Lac Ave. The Defendant was driving in lane 2 at a high rate of speed. The Defendant then

cut off another vehicle in lane one, and passed another vehicle. The Defendant then cut off traffic in lanes two and three as he cut across all lanes. Police estimated the Defendant's speed to be 55 MPH in a 30 MPH zone. A DOT check revealed the Defendant had a suspended driver's license and that the vehicle was not registered. Additionally, the Defendant did not have insurance. The Defendant was issued citations for Reckless Driving and Operate After Suspension (Milwaukee Municipal Court case 21036059, 21036060). The Defendant was found guilty after failing to appear for his 02/25/2022 court date. The Defendant has failed to pay any of the fines associated with these cases.

- (l) On July 4, 2021, police observed the Defendant driving a white 2008 Saab sedan at a high rate of speed on the 8100 block of W. Appleton Ave. The Defendant's speed was measured at 88 MPH in a 35 MPH zone. The Defendant then suddenly applied the brakes, nearly striking the vehicle in the adjacent lane. When stopped, the Defendant claimed he had his cruise control set to 50 MPH. The Defendant was issued citations for Speeding (53 MPH Over), Reckless Driving, and Operate After Suspension (Milwaukee Municipal Court cases 21040039, 21040040, 21040041). The Defendant was found guilty on all cases after failing to appear for his 05/23/2022 court date. The Defendant has failed to pay any of the fines associated with the above cases.

(m) On July 5, 2021, police observed a white 2008 Saab sedan with no license plates traveling eastbound on W. Garfield Ave. at approximately N. 37th St. The Saab was observed driving into oncoming traffic to pass another vehicle. The Saab then continued eastbound, swerving in both lanes of the roadway at a high rate of speed. Police activated their lights and sirens to conduct a traffic stop for Reckless Driving. The driver of the Saab turned southbound onto N. 36th St, then westbound onto W. Lloyd St., accelerating away from pursuing officers. The driver then disregarded stop signs on W. Lloyd St. Officers decided to cease pursuit of the vehicle for officer safety. Another squad car then observed the Saab traveling northbound on N. 41st St., from W. Lloyd St. The Saab swerved directly at a marked MPD squad car. The Saab then fled in a reckless manner, traveling at approximately 60-65 MPH in residential neighborhoods. The Saab was later located parked and unoccupied at 2140 N. 39th St. The Defendant approached officers and stated he is the owner and sole operator of the vehicle. The Defendant denied being involved in the high speed pursuit. The Defendant was unable to provide police with the name of anyone else who may have been driving the vehicle. The Defendant was issued a citation for Owner's Liability—Flee/Elude Officer (Milwaukee Municipal Court case 21041658). The Defendant failed to appear to his 01/12/2022 court

date. The Court issued a warrant to pay the \$439.00 fine, or appear in court on the case. The Defendant has not paid the fine nor appeared in court on this case.

- (n) On August 14, 2021 the Defendant was observed driving his white Saab at a high rate of speed on the 4500 block of N. Sherman Blvd. The Defendant's speed was measured at 71 MPH in a 30 MPH zone. The Defendant's driver's side mirror was not reflective and functional. A DOT Check revealed the Defendant's driver's license was suspended. Additionally, the Defendant was not wearing a seatbelt. The Defendant was issued citations for Speeding (41 MPH Over), Operating After Suspension, Cracked/Damaged/Poor Reflection on Mirror (DOT Administrative Code 305.26(3)), and Operator Fail/Have Passenger/Seatbelted (Milwaukee Municipal Court cases 21046573, 21046574, 21046575, and 21046576). The Defendant was found guilty after failing to appear for his 05/02/2022 court date. The Defendant has failed to pay any of the fines associated with these cases.
- (o) On April 9, 2022, Police observed the Defendant driving northbound on N. Teutonia Ave., at W. Sheridan Ave. at a high rate of speed. The Defendant's speed was measured at 58 MPH in a 35 MPH zone. The Defendant then entered a left-turn-only lane, and proceeded straight. The defendant then changed lanes in the

intersection. A traffic stop was conducted. The Defendant stated he was late to pick up his girlfriend. A DOT check revealed that the Defendant's driver's license was suspended. The Defendant was issued citations for Speeding (23 Over), Operating After Suspension, and Passing at Intersection (Milwaukee Municipal Court cases 22031971, 22031972, and 22031973). The Defendant was found guilty on these matters after failing to appear for his 10/04/2022 court date. The Defendant has not paid any of the fines associated with these cases.

- (p) On May 1, 2022 police observed the Defendant driving at a high rate of speed at approximately 3400 W. Capitol Dr. The Defendant's speed was measured at 58 MPH in a 30 MPH zone. A DOT check revealed that the Defendant's driver's license was suspended. When stopped, the Defendant admitted he did not have insurance. The Defendant was issued citations for Speeding (28 MPH Over), Operating After Suspension, and Operate Motor Vehicle Without Insurance (Milwaukee Municipal Court cases 22033988, 22033989, and 22033990). The Defendant was found guilty after failing to appear for his 10/26/2022 court date. The Defendant has not paid any of the fines associated with these cases.
- (q) On May 24, 2022, police observed the Defendant driving northbound on the 4000 block of N. 27th St. The Defendant proceeded to drive into the bicycle lane to pass traffic that was

traveling in front of him. The Defendant was stopped and issued a citation for Driving on Bicycle Lane (Milwaukee Municipal Court case 22035572). The Defendant's initial court date is scheduled for 11/17/2022.

- (r) On July 29, 2022, police observed the Defendant driving Northbound on the 4600 block of N. 60th St., at a high rate of speed. The Defendant's speed was measured at 58 MPH in a 30 MPH zone. The Defendant was also observed quickly swerving between lanes, nearly striking several other vehicles, and showing no regard for the safety of others. The Defendant's vehicle had tinted tail lamps. When stopped, the Defendant stated he was on his way to drop off his kids. The Defendant had two passengers inside the vehicle—a seven-year-old child in the front seat, and a three-year-old child in the back seat. Neither child was properly secured. The Defendant was issued citations for Speeding (28 MPH Over), Reckless Driving, two counts of Violations of Child Safety Restraint Requirements, Covered/Obscured Tail Lamps/Reflectors (DOT Administrative Code 305.16(4), and Operating After Suspension (Milwaukee Municipal Court cases 22041433, 22041434, 22041435, 22041436, 22041437, and 22041583). The Defendant's initial court date on these cases is scheduled for 01/24/2023.

- (s) Each of the above incidents occurred within the City of Milwaukee, Milwaukee County.

38. As a result of his numerous traffic citations, the Defendant has received Warning Letters from the Wisconsin Department of Transportation. The DOT has sent the following warning letters to the defendant:

- a. 06/30/21—Right of Way Threat Letter. *See Attachment D: Right of Way Threat Letter.*
- b. 08/27/21—Habitual Offender Warning Letter. *See Attachment E: Habitual Offender Warning Letter.*
- c. 11/16/21—Right of Way Reminder Letter. *See Attachment F: Right of Way Reminder Letter.*
- d. 10/06/22—Habitual Offender Warning Letter. *See Attachment G: Habitual Offender Warning Letter.*

39. The Defendant has been issued additional traffic citations outside of the City in the time period discussed above. *See Attachment B: Lashawn Thomas Driving Record.*

40. The Defendant's driver's license is currently suspended. *See Attachment H: Lashawn Thomas Certified Driver Status.*

41. The Defendant does not currently have an occupational driver's license.

42. Upon information and belief, due to the above-listed repeated occurrences and repeated citations, the Defendant knows or should know that driving in excess of the posted speed limit is in violation of Milwaukee Municipal Ordinance and State Law.

43. Upon information and belief, the Defendant knows or should know that

excessive speeds are a significant safety hazard for residents of the City of Milwaukee.

44. Upon information and belief, the Defendant knows or should know that disregard of traffic signals is a significant safety hazard for residents of the City of Milwaukee.

45. Upon information and belief, the Defendant knows or should know that his driver's license is suspended, and that he cannot legally operate a motor vehicle on a highway without a valid license.

46. The Defendant's ongoing and unabated reckless driving interferes substantially with the comfortable enjoyment of life, health, or safety of others, and is a constant drain on police resources. The Defendant's driving behavior, therefore, is a public nuisance per Wis. Stat. § 823.02.

SECOND CAUSE OF ACTION: PUBLIC NUISANCE PER SE

47. Paragraphs 1 through 46 are hereby realleged and incorporated by reference as if fully set forth therein.

48. The Defendant has repeatedly violated Milwaukee Municipal traffic ordinances.

49. Repeated violations of a city ordinance constitutes a public nuisance *per se*. See Wis. Stat. § 823.02; See also *State v. H. Samuels Co.*, 60 Wis. 2d 631, 639 (1973).

50. The Defendant's repeated and ongoing failure to operate a motor vehicle consistent with the Milwaukee Code of Ordinances and State Law constitutes a public nuisance *per se*.

WHEREFORE, the Plaintiff, City of Milwaukee, demands judgment as follows:
The City of Milwaukee respectfully requests the Court to order the following relief:

- I. That the Court declares Defendant's reckless driving a public nuisance pursuant to Wis. Stat. § 823.02 and enjoins Defendant from continuing the nuisance and orders the Defendant to abide by speed limits and the rules of the road;
- II. That the Court declares Defendant's continued violation of traffic ordinance a nuisance *per se*; and enjoins the Defendant from continuing the nuisance, and orders the Defendant to abide by all traffic ordinances and statutes;
- III. That the Court admonishes the Defendant that any violation of a Court Order may result in a finding of contempt;
- IV. That the Court exercises any other nuisance abatement method warranted by the circumstances and deemed appropriate by the Court pursuant to its equitable authority and Wis. Stat §823.02;
- V. That the Court grants such other and further relief that the Court deems appropriate.

Dated and signed at Milwaukee, Wisconsin this 16th day of November, 2022.

TEARMAN SPENCER
City Attorney

Electronically Signed by Alex T. Mueller
ALEX THOMAS MUELLER
State Bar No. 1095424
Assistant City Attorney
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City of Milwaukee

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