

# THE BADGER LAW GUIDE



## BEFORE THE LAWSUIT BEGINS

- Volume 1—

The most important part of any lawsuit is the preparation of facts and evidence long before anything is filed with the Court. This self-help guide (broken down into 3 easy-to-follow steps) is designed to help you optimize your efforts in properly preserving any potential claims you may have and to help you prepare a solid and successful case for a winning lawsuit.

### - STEP #1—

#### FILE YOUR INSTITUTION COMPLAINTS PROPERLY

After the incident or a violation of your rights occur, you must file your institution complaint within 14 *calendar days*.<sup>[1]</sup> "*Calendar days*" means **all days**,<sup>2</sup> including weekdays, Saturdays, Sundays, and state legal holidays. Do not put off filing the complaint until the last minute because you could risk filing it too late. If a complaint is filed late then it could lead to it being *rejected* for "untimeliness", which could prevent the issue (being raised in the complaint) from being filed in Court. Let me make this clear: If you fail to file your complaint within *14 calendar days*, your legal claims will float like shark bait, bloody in the waters, and the Court will **easily** dismiss and kill your lawsuit.

[1] - DOC 310.09(6), Wis. Admin. Code

[2] - DOC 310.03(3), Wis. Admin. Code

## IF YOU CAN'T FILE THE COMPLAINT IN TIME

If there are circumstances beyond your control that cause you to submit the complaint after the 14-day deadline, then you must still submit your complaint as soon as possible, even if it's a few days late. But you must explain your reasons (in the complaint) as to why you're submitting it late. Complaint Examiners **do** have the discretion to accept a late complaint for "good cause".<sup>[3]</sup> Some circumstances that may be "good cause" for a late complaint being accepted are: you were placed in a Segregated or Observation status and not allowed use of a pen or pencil; you were at outside Court; there were no DOC-400 Complaint forms available; a staff member instructed you to wait to see if an informal resolution could be reached, etc.... Keep in mind that no matter how *good* the *cause is* for your complaint being late the Complaint Examiner still has "discretion" to accept it or not. This is why you must do everything you can to avoid such uncertainty and submit your complaint within the 14-day time frame.

## FILE DATE

Your complaint is officially **filed** the day that you place it in the locked-box designated for formal grievances.<sup>[4]</sup> It's also officially filed when you place it in the mailbox for institution mail, or when you hand it over directly to a staff member. On your complaint form you must make a notation of the date that you are placing it in the designated locked-box (or the institution mailbox). See **SAMPLE #1** on page 10.

Please don't be confused by the "Acknowledgment date" that is provided by the Complaint Examiner. The "Acknowledgment date" is **not** the "file date". The "Acknowledgment date" is the date that the Complaint Examiner receives your complaint and assigns it a file number.<sup>[5]</sup> Depending on how frequently the Complaint Examiners pick-up and collect the complaints from the designated locked-boxes, your complaint could sit in the box for a few days after you submit it. And if you don't make a clear notation (on your complaint) of what date you placed the complaint in the box then it will be extremely difficult for you to later verify the actual date you **filed** the complaint.

This "file date" is critical to refuting any possible allegations that you were beyond the 14-day deadline.

## WHAT MUST BE IN THE COMPLAINT

Your complaint must be: (1) typed or legibly handwritten on the state-provided DOC-400 "OFFENDER COMPLAINT" form; (2) signed by you; (3) in your legal name; (4) not containing obscene, profane, abusive or threatening language; and (5) addressing only one issue.<sup>[6]</sup> These are the basic requirements.

The first sentence in your complaint should usually start with: *"The specific issue that / am addressing in this complaint is..."* And then go on to briefly state what the issue is. See **SAMPLE #1** on page 10. When explaining the full details of the issue, focus on the facts of what occurred. Describe the **Who** (the staff involved with the incident), **Where** (location of the incident), When

[3]- DOC 310.09(6), Wis. Admin. Code

[5]- DOC 310.11(2), Wis. Admin. Code

[4] - DOC 310.09(8), Wis. Admin, Code

[6] - DOC 310.09(1), Wis. Admin. Code

(list the relevant times and dates), and **What** (the specific events and actions of what happened). Don't worry about including case law, case cites, or legal references in the complaint— it's unnecessary at this stage in the process. And don't be rude in your complaint. Even if you are in the right and you have suffered a cruel injustice, don't be indignant or disrespectful within your written words. Keep in mind that what you write in the complaint may eventually be reviewed by a judge or a jury of people who may already hold a bias against prisoners, and if you come off with a messed-up attitude in a written grievance then that could influence people to not want to rule in your favor (even if you are in the right). So be calm and courteous. Despite the obvious appearance of unfairness, where staff or the Complaint Examiners may refuse to acknowledge a violation of your most basic rights, you must *still* maintain a civil and respectful demeanor in what you write within the complaint.

If you encounter a situation where you have to deal with multiple incidents in one day, then you may have to file a separate complaint for each incident. For example, if a staff member improperly destroys your personal property and then, later in the day, threatens to retaliate against you (with a conduct report) for expressing your intention to file a formal grievance on the improper destruction of your property, then these would be two separate incidents/issues (#1: destruction of property; and #2: retaliation for filing a formal grievance) that may require you to file two separate complaints. In such a circumstance, if you are confused, then you must write directly to the Institution Complaint Examiner, explain your confusion and ask if multiple complaints are needed. If you are unclear as to *any* aspect of the formal grievance procedures or rules, then you must write directly to the Institution Complaint Examiner and seek help. They are required to provide you with help, assistance and clarification in understanding the complaint procedures.

## YOU MUST FULLY EXHAUST YOUR ADMINISTRATIVE REMEDIES

After receiving the ICE REPORT and the REVIEWER'S DECISION, if the REVIEWER'S DECISION is to "dismiss" your complaint, then you must submit your Appeal (DOC-405 "OFFENDER COMPLAINT APPEAL") form through the U.S. Mail (stamped envelope needed) within 10 *calendar* days to the Corrections Complaint Examiner in Madison.

If, instead, you receive an ICE REJECTION, then you must submit a REQUEST FOR REVIEW OF REJECTED COMPLAINT (DOC-2182) form through the institution's internal mail within 10 *calendar* days to the "Appropriate Reviewing Authority".

Filing and submitting the OFFENDER COMPLAINT APPEAL (or if the complaint is rejected, the REQUEST FOR REVIEW OF REJECTED COMPLAINT) is required for you to **fully** exhaust your administrative remedies. If you fail to follow all the way through with the required procedures in the required timeframe, then your claims/issues are not fully exhausted and such claims/issues, once presented to the Court, will be quickly and easily dismissed, and you will lose your case.

**NOTE:** "*Calendar days*" means all days, **including** weekdays, Saturdays, Sundays, and state legal holidays.

"*Working days*" means all days **except** Saturdays, Sundays, and state legal holidays.

[7]- DOC 310.06, Wis. Admin. Code

[9]- DOC 310.11(6), Wis. Admin, Code

[8] - DOC 310.13(1), Wis. Admin, Code

"No action shall be brought with respect to prison conditions under [42 U.S.C. § 1983]... or any other Federal law, by a prisoner confined in any jail, prison or other correctional facility until such administrative remedies as are available are exhausted."

**- 42 U.S.C. § 1997e(a) [Prison Litigation Reform Act]**

"No prisoner may commence a civil action or special proceeding, including a petition for a common law writ of certiorari, with respect to the prison or jail conditions in the facility in which he or she is or has been incarcerated, imprisoned or detained until the person has exhausted all available administrative remedies that the department of corrections has promulgated by rule.."

**—Wis. Stat. § 801.02(7)(b)**

"To exhaust remedies, a prisoner must file complaints and appeals in the place, and at the time, the prison's administrative rules require."

**- *Pozo v. McCaughtry*, 286 F.3d 1022, 1025 (7th Cir. 2002)**

## KEEP TRACK OF ALL DEADLINES

You must file your:

OFFENDER COMPLAINT ..... Within **4 *calendar days*** after the incident. [see DOC 310.09(6)]

They must send you an:

ICE RECEIPT ..... Within **5 *working days*** after they receive complaint. [DOC 31 0.11(2)]

They must send you a:

REVIEWER'S DECISION ..... Within **30 *working days*** after they acknowledge receipt of the complaint. [see DOC 310.11(11) & 310.12(1)]

You must file your:

OFFENDER COMPLAINT APPEAL ..... Within **10 *calendar days*** after receiving the REVIEWER'S DECISION. [see DOC 310.13(1)]

If your complaint is rejected, you must file a:

REQUEST FOR REVIEW OF REJECTED COMPLAINT ... Within **10 *calendar days*** after receiving the ICE REJECTION. [see DOC 310.11(6)]

You must be aware of all of these deadlines. If, for example, you don't receive an ICE RECEIPT within 5 *working* days after you submit your complaint, then you should write to the Complaints Office and explain that you still haven't received a receipt. This is to ensure that your complaint isn't lost or misplaced.

Also, if more than 30 *working* days go by after you receive the ICE RECEIPT and you don't receive the REVIEWER'S DECISION, then you must assume that your complaint is "dismissed" and you must submit your Appeal with the Corrections Complaint Examiner.<sup>1101</sup>

## - STEP #2 GATHER YOUR EVIDENCE

Although this is Step #2, you should be gathering evidence to support your claim at the same time as you're filing your institution complaints and exhausting your administrative remedies. Gathering evidence includes getting photocopies of documents you need, securing witness statements, and determining which specific staff members are involved in the incident. This is where you must become an Investigator for your own cause. The great benefit of gathering all the relevant evidence and facts at this stage in the process is that it makes it much, much easier to pursue your potential claim later in Court.

### WITNESS STATEMENTS

If there are other inmates who witnessed the incident, you should immediately get their names and numbers, and, if possible a short written statement from them. Don't wait until "later" (*after* you file your lawsuit) because it may be difficult to locate them after a few months or years go by. The statement does not have to be notarized or sworn to before a notary. In Federal Court, a written declaration/affidavit is acceptable if it includes the following statement at the end:

***"In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and based upon my own personal knowledge."***

Within the written declaration/affidavit simply write what the witness observed (including time and date and the location of what occurred), and have the witness sign it. Keep the original for yourself and provide a copy to the witness. [NOTE: It's okay if the copy is a carbon copy].

### INCIDENT REPORTS

Staff members will sometimes write Incident Reports on matters such as: physical assaults, non-physical altercations, unusual inmate behavior, disturbances, inmate personal property damage or loss, etc.... These Incident Reports are filed electronically and unless a staff

[10] - DOC 310.12(3), Wis. Admin. Code

member specifically informs you that they are filing one regarding your issue then there is no immediate way for you to know if one has been filed. What you can do is submit a Records Request (in accordance with **Wis. Stat. § 19.35**) to the Custodian of Records at the institution where the *incident occurred and request a copy of "any and all Incident Reports filed and/or submitted within the past six (6) months that involve me or circumstances pertaining to me."* You may be required to pay a photocopy fee for each page.

Although inmates are limited in gaining access to public records, you are still permitted to request public records that contain specific references to you or your minor children. **If an** Incident Report has been filed in relation to your issue, getting a copy can be helpful in determining which specific staff are involved and what specific facts are they aware of and not aware of.

## **POLICIES & PROCEDURES**

Always search through your institution Policies and Procedures, DAI Policies, BHS Policies (medical and health policies), and the Wisconsin Administrative Code to see if any of these provisions have been violated or ignored in your circumstances. If so, then make a copy of the policy or procedure and keep it in your personal files. All of these policies should be available for review through your institution library.

## **- STEP #3**

### **FILE YOUR NOTICE OF CLAIM**

To preserve your state law claims (such as Negligence, Small Claims actions, Declaratory Judgments, etc...), you **must** file your Notice-of-Claim within 120 days of the date-of-incident.<sup>[12]</sup> For example, if a staff member improperly destroys your personal property on January 1st, you would have until April 30th to file a Notice-of-Claim on the issue. If you do not file a Notice-of-Claim within 120 days, then all of your state law claims will be forever barred with respect to that issue/incident. This Notice-of-Claim requirement only applies to state law claims; it does not apply to Federal or U.S. Constitutional claims.

#### **WHAT MUST BE INCLUDED WITHIN THE NOTICE**

The rules on what must be included within the Notice-of-Claim are very strict. You must include the following information: (1) time of the incident; (2) date of the incident; (3) location of the incident; (4) the names of persons involved, including the names of the state employees involved; and (5) the specific circumstances that caused the incident.<sup>131</sup> See **SAMPLE #2** on pg.11.

You **cannot** include just a staff members title or job position (such as "Nurse" or "3rd Shift Sergeant"). You must use the staff member's name— title and last name are okay, such as "Nurse Violet" or "Sergeant K. Redd". If you don't know a staff member's name, then you must

[11] - Wis. Stat. § 19.32(3)

[13] - Wis. Stat. § 893.82(3)

[12] - Wis. Stat. § 893.82(3m)

write to the Administrative Captain or the Security Director at the institution, briefly explain the circumstances and state that the staff member is involved in an incident that you're filing a Notice-of-Claim on and you need the staff member's name because **Wis. Stat. § 893.82** requires that you include the name. If the administrative staff refuse to provide you with the name you need, then attach to the Notice-of-Claim a copy of the letter you sent, along with their response refusing to provide you the name. [NOTE: Notice-of-Claim forms should be available in your library.]

### **OTHER NOTICE-OF-CLAIM REQUIREMENTS**

The Notice-of-Claim must be notarized (signed and dated by a notary). And then you must mail it by standard Certified Mail (which currently costs around \$3.30) to the Attorney General. The address for the Attorney General's Office is:

**114 East, State Capitol; P0 Box 7857; Madison, WI 53707.**

Once you have fulfilled all of these requirements, and properly file your Notice-of-Claim, then you must wait at least 120 days before filing any action with the Court.

### **WHY YOU NEED TO FILE A NOTICE-OF-CLAIM**

Some litigants may believe that their issue is strong enough to make a solid Federal claim and they feel they don't need to file a Notice-of-Claim to preserve their state law issues. This is a mistake. Please don't make this mistake. Sometimes, particularly in Eighth Amendment cases, the circumstances/facts of the case may not be serious enough to meet the extremely high standards (of the Court) of a constitutional violation. So always play it safe and do what's necessary to make sure you'll have your state law claims to fall back on.

### **UNDERSTANDING THE VALUE OF YOUR POTENTIAL CASE**

Most of us have unrealistic expectations of how much money we could get through a jury award or settlement of our potential case. We hear about some guy, seven years ago, who got a \$50,000 settlement for his Retaliation claim and we think that we'll also get at least \$50,000 if we have a similar claim. But that's not how it goes. Jury awards and settlements depend on a lot of different varying factors, such as the specific facts of your case, the current political climate, whether you have an attorney or not, whether a jury could sympathize with you, etc....

The majority of a case's value comes from what can be awarded through Punitive Damages, and Punitive Damages are dependent on whether the defendants in your case acted indifferently in a malicious or callous manner towards you and/or they *intentionally* violated your protected rights. To effectively make a showing for Punitive Damages, you have to prove what the defendant's state-of-mind was at the time of the incident(s). This isn't easy to do.

Eighth Amendment cases involving medical issues (delay of treatment, undue prolonged physical suffering) usually tend to have the most value— somewhere within the range of \$7,500 to \$30,000. This is because juries are the most sympathetic towards claims involving someone who physically suffers as a result of improper medical treatment, and they are more likely to award a

substantial amount of money once they find that the defendants have indeed violated your rights. And with Eighth Amendment cases, one of the required elements of the claim that you must prove is "deliberate indifference", so once you establish that an Eighth Amendment violation has occurred then it is much, much easier to make a showing for Punitive Damages.

First Amendment (and Retaliation) cases tend to have a value within the \$1,500 to \$5,000 range. This is because juries don't usually award huge amounts for such violations, even if you can make a showing that the defendants acted maliciously and intentionally in violating your rights.

Destruction or Damage to Property cases have very minimal value— if successful, you can usually get reimbursed for your court costs (filing fee, copying fees, postage fees, etc...) PLUS the actual value of the property damaged or destroyed. With Property Damage/Destruction claims, you are only entitled to the depreciated value of the item. For example, if a staff member damages your radio, which you paid \$100 for, and you've had it for 3 years, you cannot expect to get the \$100 value of what you paid for the radio. The court may value your damaged radio at a depreciated amount of only \$40. Destruction/Damage to Property cases are filed in state court, and Wisconsin state law has a cap on Punitive Damages— Wis. Stat. § 895.043(6) states that *punitive damages "may not exceed twice the amount of any compensatory damages recovered by the plaintiff or \$200,000, whichever is greater."*

### **LOOK AT YOUR POTENTIAL CASE AS AN ACTUAL INVESTMENT**

Before actually filing your case, you should do a quick calculation on how much money you are going to spend (invest) in litigating your claims in court. This will give you a better perspective on whether it is worth the investment and time and energy needed to litigate your claims from beginning to end. Below are samples of cost breakdowns:

\$ 400.00 - Filing fee in federal court  
 \$ 24.00 - Photocopies of Civil Complaint and documents (exhibits)  
 \$ 11.00 - Postage (sending documents to Court & Defendants' counsel)  
 \$ 13.50 - Photocopies of caselaw from LexisNexis  
 \$ 18.75 - Photocopies of Summary Judgment documents  
**\$ 467.25 - TOTAL**

\$165.00— Filing fee in state court  
 \$ 72.00 - Service of Process fees  
 \$ 18.00 - Photocopies of Civil Complaint and documents (exhibits)  
 \$ 10.80 - Postage (sending documents to Court & Defendants' counsel)  
 \$ 10.25 - Photocopies of caselaw from LexisNexis  
 \$ 20.50 - Photocopies of Summary Judgment documents  
**\$296.55 - TOTAL**



In state court, the judges will allow you, upon motion and affidavit of indigency, to use the money from your Release Account to pay the *full* Filing Fees and Service of Process fees. In federal court, the judges will allow you to use your Release Account to pay for a *partial* of the Filing Fee. So all other costs (photocopies & postage) will have to come directly from your regular account.

When you look at your lawsuit as an actual investment, it gives you a better perspective on whether or not to take a reasonable settlement. If you invest \$467 in a lawsuit and the defendants approach you with a \$1,500 settlement, taking the settlement would net you a little over a \$1,000 PROFIT. Looking at it from this perspective gives you a Plus in the win-column and a thousand dollars in your pocket that you wouldn't otherwise have. But if you look at it from what you could *POSSIBLY* be awarded from a jury, you are subjecting yourself to unknown risks that are above and beyond your control. Just because So-and-So got a \$50,000 settlement or jury award doesn't mean that you'll get anything close to that. Juries are fickle and have a history of **not** being sympathetic towards a prisoner's plight (particularly the juries in the Eastern District), so please be mindful of this when calculating the value of your potential case.

### **DO YOUR HOMEWORK & BE DILIGENT**

Please don't ever RUSH into filing a lawsuit. Too many valid claims have been quickly and easily dismissed by the courts simply because remedies weren't exhausted or the wrong defendant was sued. Take your time and properly layout all of the factual points of your case. The more thoroughly you prepare *before* filing your lawsuit, the easier it will be for you after the lawsuit is filed. Read the current and relevant 7th Circuit caselaw to determine what is required to prove the basic elements of the claims that you are raising. If you don't have the time or patience to do your homework and read through the caselaw and other litigants' previous cases, then litigation is not for you and you should probably just stay on the sidelines.

Your factual points must be as detailed as possible. Don't say *"Officer White threw away my books last year."* Instead, say *"On January 4, 2014, sometime in the afternoon, Officer White confiscated six (6) of my personal publications and threw them away in the trash bin located in the dayroom."* If you have a medical claim, don't say *"Doctor Blue ignored my pleas for treatment."* Instead, say *"Between May 2014 and August 2014, I wrote six separate Health Service Requests to Doctor Blue, in which I explained that the medication that had been prescribed to me was ineffective because the pain I was experiencing was still at a 9 (out of 10), and in each of those six requests I asked for an effective medication that would help my pain to subside. I never received any response to these six separate requests, nor was I given any effective medication."* The more detailed you are as to time, date, place and what was said and done, the more easier it is to show indifference or that the defendants acted contrary to their own policies and procedures.

If you are lucky enough to find someone (a lawyer or jailhouse litigator) to help you and guide you along through this process, you must **still** continue to be diligent and actively participate in every single aspect of your case. Don't get complacent (and lazy) and expect the person helping you to do all the work. The more thorough and dedicated you are to pursuing your claims, the greater the probability you give yourself to succeed.

# SAMPLE #1

DEPARTMENT OF CORRECTIONS  
Division of Adult Institutions  
DOC-400(Rev12102)

I verify that this complaint is being placed in the designated lock-box on: 1/07/2014'

WISCONSIN  
Administrative Code  
Chapter DOCs10

## OFFENDER COMPLAINT

**INSTRUCTIONS SEE REVERSE SIDE**

**TO BE FILLED IN BY ICE ONLY**

OFFENDER NAME (If group complaint, enter name of spokesperson)

DOC NUMBER

DOC COMPLAINT FILE NUMBER

TONY JUSTICE

# 52990785

DATE COMPLAINT RECEIVED

INSTITUTION NAME

OFFENDER HOUSING UNIT

CELL OR ROOM NUMBER

CODE NUMBER

IMCI

Unit K

Cell #43

DATE OF INCIDENT OR DENIAL OF REQUEST

January 4, 2104

STATE YOUR COMPLAINT

The specific issue that I am addressing in this complaint is that

Officer White improperly confiscated and destroyed my personal property.

On January 4, 2014, Officer White searched my cell and confiscated the following items: (1) bottle of shampoo; and (2) six magazines- three of the magazines are "American Curves", two are "Prison Legal News", and one is "The Week". After the cell search, I witnessed Officer White throw these property items of mine in the garbage (located in the dayroom). I asked Officer White why was she throwing away my property, and she responded that the bottle of shampoo was empty and that the magazines did not have anyone's name on them. I informed her that (1) the bottle of shampoo had about two inches worth of shampoo in it and (2) the magazines were mine- they arrived in envelopes from the store and that I still have the receipt for these items. Officer White told me to file a complaint. I then addressed this matter to Sergeant Redd and he told me the same thing- that I could not have the items back and that I could file a complaint.

Staff are not allowed to just throw away and destroy our personal property items without giving us an opportunity to have the items reviewed through the complaint system. This is a clear due process violation.

I ask that I please be reimbursed for the destroyed items. Thank You.

NAME(S) OF PEOPLE WHO HAVE INFORMATION ABOUT THIS COMPLAINT

I've written to Lieutenant Blue about this incident (no response yet).

SIGNATURE OF OFFENDER OR SPOKESPERSON

DATE SIGNED

*T'nij Ti'istice.*

11071ZO!4-

NOTICE TO OFFENDER: The ICE will acknowledge your complaint within 5 working days of the date of receipt.

**REMINDER:** Always make a note *on the Complaint* of the date that you place the Complaint in the designated lock-box (for institution complaints). This is the actual "file date" of your Com **plaint.**

**SAMPLE #2**

STATE OF WISCONSIN  
**NOTICE OF INJURY AND CLAIM**  
 (Wis. Stats. § 893.82)

This notice must be served upon the Attorney General by certified mail within 120 days (180 days for medical malpractice claims) of the event giving rise to the claim for such injury, damage or death at:

114 East, State Capitol, Post Office Box 7857, Madison, WI 53707-7857.

Claimant's Name TONY JUSTICE	
Address 4367 Castigate Rd. B; Iron Mountain, WI 56781	Phone N/A
Time & Date of Occurrence January 4, 2014 /around 2:45 pm	Location Iron Mountain Corr. Inst.
Statement of circumstances giving rise to the claim for such injury, damage or death and names of person's involved, including name(s) of state officer(s), agent(s) or employee(s):  On January 4, 2014, after a search of my room on Unit K at the Iron Mountain Correctional Institution, Officer WHITE improperly destroyed my personal property items (6 magazines and shampoo) by tossing them in the trash without providing me basic due process means to challenge the decision that the items were "contraband". I have receipts to show that the magazines were indeed my own. Officer WHITE failed to complete a CONTRABAND TAG, as required of staff when confiscating our personal property items. Officer WHITE further failed to send the confiscated items (magazines and shampoo) to the Shift Supervisor, as policy requires. Sergeant K. REDD failed to correct Officer WHITE's actions, and thus allowed my property to be destroyed. After being made aware of these circumstances, Lieutenant JERRY BLUE, Complaint Examiners KARL ORANGE and MARY PURPLE, Warden BILL BLACK, and DOC Secretary KEVIN GRAY have all failed to take corrective action in this matter, have refused to reimburse me for the items that were destroyed (total value of \$36.00) , and they have all supported and endorsed the improper and negligent actions of Officer WHITE.  <i>If additional space is needed, continue on the back of this form&gt;&gt;&gt;</i>	

I certify that the above-described injury, damage or death actually occurred, that I have read the above foregoing notice of injury and claim, and that the same is true to my own knowledge except as to those matters stated upon information and belief and as to those matters, I believe the same to be true.

Date: **/!Y/ZO!4**

**1c7n41 JuStt-ce**

Signature of Claimant

Subscribed and sworn to before me on  
 this **18t1** day of **twtd**, **2014**

**Sfwunwi ad**  
 Notary Public, State of Wisconsin  
 My commission expires: **..i1'tay 2016**

**REMINDER:** In the Notice-of-Claim, you must **always** include the following information: (1) the names of staff members; (2) the date of the incident; (3) the time of the incident; (4) location of the incident; and (5) specific details of what occurred and how each staff member is specifically involved.

**PRISONERS' SELF-HELP LITIGATION MANUAL (4th Ed.)**written by: *John Boston & Dan Manville***cost: \$45.95****(ISBN: 978-0-1953744-0-7) Paperback / 960 pgs.****Available at: PRISON LEGAL NEWS  
P0 Box 1151  
Lake Worth, FL 33460****Web: [www.prisonlegalnews.org](http://www.prisonlegalnews.org)****Phone: (561) 360-2523**

*This is the lawsuit bible for prisoners. A clear, comprehensive guide covering every essential element of litigation from explaining relevant constitutional law to conducting effective research and preparing the proper documents for your legal case.*

**FEDERAL RULES OF CIVIL PROCEDURE, 2012-2013  
(Education Edition)**written by: *WestLaw School***cost: \$40.69****(ISBN: 978-0314949868) Paperback****Available at: [www.Amazon.com](http://www.Amazon.com)**

This is one of the most affordable editions of the Federal Civil Rules. It also includes up-to-date versions of the Federal Rules of Appellate Procedure, Habeas Corpus Rules, Federal Rules of Evidence, etc....

THE BADGER LAW GUIDE is intended to help you avoid the many pitfalls and hurdles that have prevented other prisoner litigants from succeeding on their legal claims in civil Court. While the litigation process can be a difficult and demanding road, the path can be leveled and smoothed a little when you take care of the technical matters in a timely fashion, such as: (1) properly filing your institution complaints; (2) gathering your evidence; and (3) filing your Notice-of-Claim.

Remember to double-check all of the legal references and rule citations listed in this guide because the LAW is forever in a constant state of change. Please continue to be brave and brilliant in your pursuit of fairness, righteousness and justice.