

GL-30-19



COUNTY OF KENOSHA

COUNTY CLERK

Mary T. Kubicki

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

DEC 20 2019

MARY T. KUBICKI
COUNTY CLERK

CLAIM AGAINST KENOSHA COUNTY

FULL NAME David Franke / Four Points Products, LLC DATE 12/20/19

ADDRESS 765 Congress Street
Meenah, WI 54956

TELEPHONE NUMBER: Home: Call 414 881 4348
Work: _____

DATE & TIME OF ACCIDENT OR LOSS 8/26/19

LOCATION OF ACCIDENT Courthouse

DESCRIPTION OF ACCIDENT OR LOSS _____

Please see attached 5 page
document

WITNESS: Name _____
Address NA
Phone _____

AMOUNT OF CLAIM (damages) \$ 7.5 million

CLAIMANT'S SIGNATURE David Franke Four Points Products, LLC

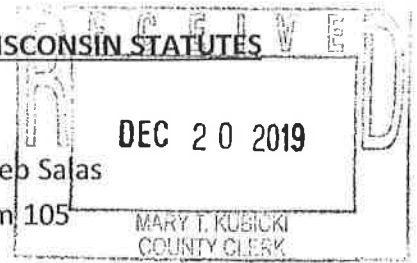
Please attach receipts, estimates, and/or other supporting data to this form.

RETURN THIS FORM TO: KENOSHA COUNTY CLERK
1010 - 56TH STREET
KENOSHA WI 53140

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, [REDACTED], to file Injunctions against Mr. Franke based at least in part, upon information and belief, on a personal relationship between Mr. Wamboldt and [REDACTED]. Said influencing of [REDACTED] 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 absencing 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 [REDACTED] 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 [REDACTED]. 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 [REDACTED] 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" [REDACTED]. 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 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 [REDACTED] in the summer of 2017. Over this time period, Mr. Franke observed what he presumed to be Officer Wamboldt's car at [REDACTED] 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 [REDACTED] 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 [REDACTED] sang with the worship music group. During the performance, Mr. Franke observed [REDACTED] 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 [REDACTED] 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, David Franke County, WI
My commission expires 10-31-2022

