

NOTICE OF EVENT GIVING RISE TO CLAIM
PURSUANT TO WIS. STAT § 893.80(1d)(a)

RECEIVED

JUN 24 2019

City Clerk
Superior, Wisconsin

Sent via Certified Mail, Return Receipt Requested

TO: Jenny Van Sickle
Superior 2nd District Councilor
4316 E. 3rd Street, #6
Superior, WI 54880-4269

Terri Kalan
City Clerk
1316 N 14th St., Suite 200
Superior, WI 54880

June 24, 2019

This is a notice of the circumstances of a claim of libel and slander against the above persons and entities as required by Wis. Stat. § 893.80(1d)(a)¹. It is not an

¹ 893.80 Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits.

(1d) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

- (a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and
- (b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who

itemized claim for relief as required by Wis. Stat. § 893.80(1d)(b). An itemized claim for relief will be served at a later time.

The claimant, Frog Prell, has his principal place of business at 1316 N 14th St. Superior, WI 54880. The claimant seeks relief against Jenny Van Sickle, City of Superior 2nd District Councilor. The circumstances giving rise to this claim are as follows:

1. On or about June 11, 2019, Superior City Attorney Frog Prell issued a written legal opinion to the city council to the effect that it would be legal to resolve an impasse in electing the City Council President by a random selection device, such as cutting a deck of cards.

2. On or about June 16, 2019, Jenny Van Sickle, Superior 2nd District Councilor issued the following statement on Twitter:

Prell has a long established reputation of repugnant incompetence. No one of merit would take this seriously. The opinion itself is riddled with manipulated and irrelevant citations and plenty of contradictions and worse, pure laziness.

3. This Twitter statement was quoted verbatim in local news media.

4. This Twitter statement has damaged the reputation of City Attorney Frog Prell.

5. This Twitter statement is demonstrably untrue in at least the following respects.

- a. The statement says, "Prell has a long established reputation of repugnant incompetence." He does not. He actually enjoys a widespread reputation as a competent municipal attorney.
- b. The statement says, "No one of merit would take this seriously." In fact, the legal counsel for the Wisconsin League of Municipalities, Claire Silverman, who is indisputably an attorney "of merit" read City Attorney Prell's legal opinion before it was transmitted to the city

performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

council and approved of it, *and Councilor Van Sickle knew of this when she posted her statement* because City Attorney Prell informed the council members of this in the email by which he transmitted his legal opinion.

- c. The statement says, "The opinion itself is riddled with manipulated and irrelevant citations and plenty of contradictions and worse, pure laziness." It is not. The authorities cited are treated honestly, not "manipulated;" the authorities cited in City Attorney Prell's legal opinion are relevant to the issues discussed in it, not "irrelevant"; the opinion is not internally contradictory; and it was obviously thoroughly researched before it was written, bespeaking diligence, not "laziness."

6. On or about June 17, 2019, Jenny Van Sickle, Superior 2nd District Councilor posted a statement on a Facebook page identified with a group called "The Feminist Justice League," which contained, amongst other comments, the following assertion of fact: "Prell consistently misleads the Council."

7. This statement is accessible to the public.

8. This Facebook statement is demonstrably untrue in at least the following respects.

- a. There has been no evidence to suggest that Mr. Prell has ever misled the common council and there has certainly been no evidence that Mr. Prell has consistently done so.
- b. Mr. Prell has been a full-time Assistant City Attorney or City Attorney since November 1, 2001, and has worked with four mayors. In Mr. Prell's myriad performance and employment reviews, not one mayor has ever suggested or intimated that Mr. Prell has misled the common council. Mr. Prell has received no communication from any city councilor to suggest that he has misled the common council.

This notice of claim was made within the 120 days as required by statute.

Other claims (i.e., those that are not based on state law) may also be prosecuted, and additional relief, including punitive damages, costs and attorneys' fees may be

sought.

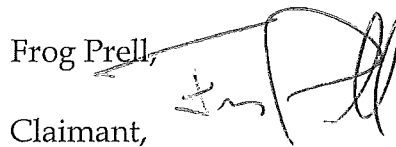
In particular, Attorney Prell reserves the right to bring forward claims that any adverse actions taken against him by public officials violate rights secured to him by the First Amendment to the Constitution of the United States.

Dated this Monday, June 24, 2019.

Respectfully submitted,

Frog Prell,

Claimant,



BY:

THE JEFF SCOTT OLSON LAW FIRM, S.C.

JEFF SCOTT OLSON

State Bar No. 1016284

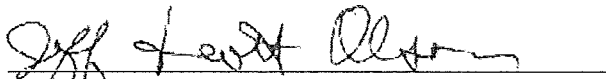
131 W. Wilson St., Suite 1200

Madison, WI 53703

Phone: (608) 283-6001

Facsimile: (608) 283-0945

E-mail: jsolson@scofflaw.com



Jeff Scott Olson

ATTORNEYS FOR CLAIMANT