

STATE OF WISCONSIN
NOTICE OF INJURY AND CLAIM
Pursuant to Wis. Stat. Section 893.80

Claimants: Gregory L. Johnson AND Anita C. Johnson
Address: 434 State Farm Rd. Phone: (608) 764-8250
Deerfield, WI. 53531

Time and Date of Occurrence: Between 9pm and 11:30 pm on Nov.3,2008.
Location: Lake Edge Park, 500 Park Court, Madison, WI.

On November 3, 2008 my only son, Mark Gregory Johnson, was beaten to death at Lake Edge Park on Madison's east side because the Dane County 911 Emergency system mishandled at least 2 calls which could have prevented my sons death if Madison Police Officers would have been dispatched to Lake Edge Park after either of the first 2 calls to 911. It was over 90 minutes between the 1st call and when Mark Gregory Johnson was found beaten and unconscious at Lake Edge Park. The 911 dispatcher did not follow proper procedures and the center violated policy. Madison Police Officers were available and should have been sent to a dispute at Lake Edge Park. On the recording of the first call the dispatcher assures the caller "absolutely" that someone will be sent. "We'll get someone over there," the call-taker promises.

I am seeking damages from the Dane County 911 system, Dane County Executive Kathleen Falk, and the Dane County 911 system dispatcher who are named as defendents in an action for a Wrongful Death Suit which will be commenced in the Circuit Court for Dane County.

I certify that the above-described death actually occurred, that the above foregoing notice of injury and claim is true and correct to the best of my knowledge, information and belief.

Date: 2-5-09

Gregory L. Johnson
Signature of Claimant

Subscribed and sworn to before me
this 5th day of Feb., 2009.

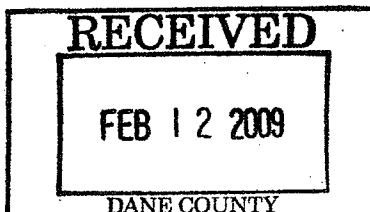
Rout Q Schurz
Notary Public, State of Wisconsin

My Commission: 09/27/09

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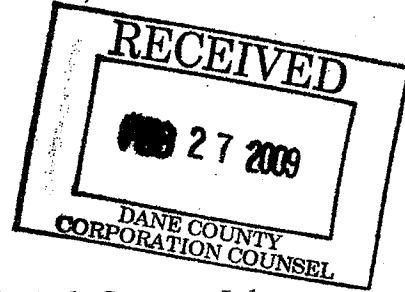
FEB 10 2009

DANE COUNTY CLERK



NOTICE OF CLAIM PURSUANT TO §893.80, WIS. STATS.

TO: Robert Ohlsen
Dane County Clerk
City-County Building, Room 112
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703



NOTICE IS HEREBY GIVEN that the Estate of Mark Gregory Johnson, deceased ("Johnson"), and Gregory L. Johnson and Anita Johnson ("the Johnsons"), Mark Gregory Johnson's surviving parents, have claims for damages against Dane County, Wisconsin, and John or Jane Doe, a 911 dispatcher employed by Dane County on November 3, 2008, and whose conduct is described hereafter, resulting from the death of Johnson on November 3, 2008, when a Dane County 911 dispatcher failed to dispatch police officers to Lake Edge Park in the City of Madison, Wisconsin, following two citizen noise disturbance complaints.

During the evening of November 3, 2008, Johnson was at Lake Edge Park in the City of Madison with another male and a female. Johnson and the other male got into an argument that turned into a physical fight. At 9:18 p.m. on November 3, 2008, a neighbor of Lake Edge Park called the Madison police non-emergency number, which goes to the Dane County 911 Dispatch Center, and reported a "noise disturbance" caused by "foul, loud and obnoxious" people. The 911 dispatcher incorrectly said she would "absolutely" send police and appropriately entered the call as a low-priority noise complaint in the dispatch queue at 9:19 p.m. Between 9:19 p.m. and 9:27 p.m., two East District Madison police units were available for dispatch. During the same time

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DANE COUNTY CLERK

period, the Madison police dispatcher correctly tied up the radio with a call about a man with a gun in the North District. At 9:25 p.m., a different 911 dispatcher returned from break and resumed Madison police dispatching duties. At 9:27 p.m., the dispatcher sent available East District police officers to another call. At 9:35 p.m., the Lake Edge Park neighbor called again, saying the "volume and the violence" of the disturbance was "escalating." A second 911 operator correctly connected the call to the first call in the dispatch queue but failed to elevate the priority of the call from "noise complaint" to "disturbance." The 911 operator was required under the circumstances to elevate the priority of the call from a noise complaint to a disturbance, which would have triggered an immediate police response. At 10:45 p.m., a third Madison police dispatcher started and while reviewing calls in the dispatch queue, failed to notice that the Lake Edge Park incident included two calls. At 10:48 p.m., the dispatcher canceled the original noise complaint call, even though Madison police policy is not to drop incidents with two calls. At 10:54 p.m., a cellular 911 call from the park reported an unconscious man (Johnson). Two dispatchers sent Madison Police and Madison Fire and EMS to Lake Edge Park. When police arrived at Lake Edge Park, Johnson was dead due to severe head and chest trauma. At 12:50 a.m. on November 4, 2008, the dispatcher who canceled the noise complaint informed a supervisor about the call and possible connection to Johnson.

The Dane County 911 dispatcher was negligent by failing to follow agency policy. That failure interfered with the Madison Police response to the scene of the

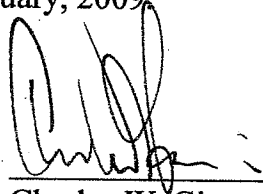
murdered. Anita C. Johnson and Gregory L. Johnson have forever lost the society companionship of their son.

4. As of 9:18 p.m., the 911 Center had actual notice of the escalating argument and failed to dispatch officers to the scene in accordance with its policies and procedures. Notice to Dane County for the same is provided by this Notice of Claim.

6. Anita C. Johnson and Gregory L. Johnson will be sending an itemized claim of relief as a separate document, pursuant to sec. 893.80(1)(b), Stats., at a later date.

This document is a notice of injury served upon the above-named parties in compliance with Wisconsin law. Please send a written acknowledgment of receipt of this Notice of Claim to the address set forth below.

Dated this 25th day of February, 2009.



Charles W. Giesen
State Bar No. 01014364
GIESEN LAW OFFICES, S.C.
On behalf of Anita C. Johnson and
Gregory L. Johnson
14 S. Broom Street
P.O. Box 909
Madison, WI 53701
(608) 255-8200

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**NOTICE OF CLAIM OF ANITA C. JOHNSON
AND GREGORY L. JOHNSON PURSUANT TO
WISCONSIN STATUTE SECTION 893.80(1)(a)**

To: Public Safety Communications Center of Dane County
a/k/a Dane County 911 Center
109 City-County Building
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Dane County
Attn: Robert Ohlsen, County Clerk
112 City-County Building
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703



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PLEASE TAKE NOTICE that this office has been retained by Anita C. Johnson, an adult residing at 18 East Delaware Street, Evansville, Indiana 47711, and Gregory L. Johnson, an adult residing at Thompson Correctional Institution, 434 State Farm Road, Deerfield, Wisconsin 53531, and hereby gives notice of claim in all matters pertaining to the death of their son, Mark Gregory Johnson, hereinafter described.

1. Location and Date: November 3, 2008; The relevant events occurred at Lake Edge Park, 550 Park Court, Madison, Wisconsin 53716, and at the Dane County 911 Center.
2. Circumstances: On or about November 3, 2008, Mark Gregory Johnson was murdered at Lake Edge Park because of the failure of the Public Safety Communications Center of Dane County (hereinafter "911 Center") to send police officers to the park after

receiving two calls from a concerned citizen regarding an escalating argument/fight at the park. The caller was a member of the Parks Watch for Lake Edge Park, a neighborhood watch group for parks, members of which are trained to report crimes.

Upon information and belief, the 911 Center received two noise complaints at 9:18 p.m. and 9:34 p.m. which were recorded on the computer-aided dispatch system. The caller identified the voices of a woman and a few men who were having an argument in the park shelter. She could not identify how many were involved. She was told that officers would be dispatched. After the argument grew increasingly violent, the woman called again to notify the 911 Center that the argument had escalated. Police were not dispatched to the park until a report was received just before 11:00 p.m. that a body was found in the park.

An autopsy performed by the Dane County Coroner's Office determined that Mark Gregory Johnson died as the result of multiple head and chest trauma sustained in a physical attack with another person, and the death was ruled a homicide. Michael E. Voltz, the person who inflicted that beating on Mark Johnson has been arrested in connection with the death of Mark Johnson but has not yet been charged. Wisconsin court system records show that Michael Voltz has an extensive criminal record dating back to 1989.

3. Injuries and Damages: As a direct and proximate result of the negligence of the Public Safety Communications Center of Dane County and the Center's failure to comply with their own policies and procedures, Mark Gregory Johnson was

disturbance. As a result of the dispatcher's negligence, Madison Police did not respond timely to Lake Edge Park. Had the Madison Police timely responded, as that agency would have if it had received the proper dispatch, Johnson's death would have been prevented.

The Estate of Mark Gregory Johnson's claim is for the pain and suffering Johnson endured just prior to his death. The Johnsons' claim is for loss of the society and companionship of their adult son, Mark Gregory Johnson. The total amounts of their respective claims is unknown at this time.

The Johnsons have retained Lester A. Pines of Cullen Weston Pines & Bach LLP, 122 West Washington Avenue, Suite 900, Madison, Wisconsin 53703, to represent them in this claim for damages against Dane County, Wisconsin.

Dated this 26th day of February, 2009.

Cullen Weston Pines & Bach LLP

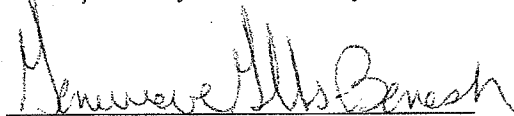


Lester A. Pines

SBN 01016543

Attorneys for Gregory L. Johnson and Anita Johnson

Subscribed and sworn to before me
this 26 day of February, 2009.



Notary Public, State of Wisconsin

My commission: expires 9-18-2011