

RESOLUTION NO. 2023-56

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA  
AUTHORIZING THE PAYMENT TO THOMAS NURMI FOR AUTO  
LOSS CLAIM INVOLVING THE CALEDONIA POLICE DEPARTMENT**

**WHEREAS**, the Village of Caledonia is self-insured under CVMIC for all property and liability claims;

**WHEREAS**, the Village of Caledonia, through a Caledonia Police Department vehicle, was involved in a collision on January 1, 2022;

**WHEREAS**, the driver of the Caledonia Police Department vehicle was unable to stop due to weather after entering an intersection that Thomas Nurmi (the "Claimant") had already entered, causing damages to the Claimant's vehicle, and follow up medical treatment;

**WHEREAS**, on March 31, 2022, the Claimant, through his counsel, submitted a Notice of Injury and Circumstances of Claim. See **Exhibit A**, attached hereto;

**WHEREAS**, on March 10, 2023, the Claimant, through his counsel, submitted a Demand for reimbursements for medical expenses totaling \$1,503.11, plus additional compensation for the Claimant's damaged vehicle, and pain and suffering. See **Exhibit B**, attached hereto;

**WHEREAS**, on May 23, 2023, the Finance Committee recommended that the Village resolve this claim by paying Thomas Nurmi, either personally or through his counsel's trust account, a total of \$4,500.00 after the execution of a release; and

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board, that the recommendation of the Finance Committee is hereby approved, and such claim shall be resolved by paying Thomas Nurmi, either personally or through his counsel's trust account, a total of \$4,500.00, after the execution of a release in exchange for the settlement payment of the claim as set forth above.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 13 day of June 2023.

**VILLAGE OF CALEDONIA**

By: Thomas R Weatherston

Thomas Weatherston  
Village President

Attest: Joslyn Hoeffert  
Village Clerk

EXHIBIT A

NOTICE OF INJURY & CIRCUMSTANCES OF CLAIM  
WIS. STAT. § 893.80 (1d) (a)

TO: VILLAGE OF CALEDONIA  
C/o Joslyn Hoeffert, Village Clerk  
5043 Chester Lane  
Racine, WI 53402

RICHARD D. RAGER  
C/O Village of Caledonia Police Department  
6900 Nicholson Road  
Caledonia, WI 53108

3-31-2022  
2:01  
JD

PLEASE TAKE NOTICE that on January 1, 2022, at about 4:26 pm, Thomas Nurmi of 6401 Spring Street, Mt. Pleasant, WI, suffered personal injuries when he was involved in a motor vehicle accident at the intersection of State Highway G and Frontage Road, Village of Caledonia, Racine County, State of Wisconsin.

PLEASE TAKE FURTHER NOTICE that as a proximate result of said accident, Thomas Nurmi sustained personal injuries which necessitated medical care and attention; furthermore, these injuries may be permanent in nature.

Liability for the injuries is claimed as follows:

The Village of Caledonia and Village of Caledonia Police Department, on account of its liability for the acts of its agent and employee, Richard D. Rager, who was acting within the scope of his employment at the time of said accident.


At said time and place, Richard D. Rager, stopped at the stop sign southbound and proceeded to travel through the intersection when he collided with the vehicle being operated by Thomas Nurmi, who was traveling eastbound on State Highway G with the right of

way.

The said motor vehicle accident was caused by the negligence of the Village of Caledonia, and Village of Caledonia Police Department on account of its employee, Richard D. Rager, for failing to yield to oncoming traffic, failing to keep proper management ad control and failing to properly lookout.

As a proximate result of the above-described negligence, Thomas Nurmi, sustained personal injuries to his back, causing him to incur medical bills and expenses, as well as future expenses, and pain and suffering.

DATED at Milwaukee, Wisconsin this 28<sup>th</sup> day of March, 2022.

BY:   
DAVID J. BISCHMANN  
SBW#: 1000754  
Attorney for Claimant

**P.O. ADDRESS:**

648 North Plankinton Avenue  
Suite 418  
Milwaukee, WI 53203  
PH: (414) 271-5300

All responsive pleadings, answers, or denial of claim regarding the above captioned action should be served upon the law firm of Lindner Law LLC, on behalf of the claimant, Thomas Nurmi, at 648 North Plankinton Avenue, Suite 418, Milwaukee, WI 53203 Ph. (414) 271-5300.

EXHIBIT B



LINDNER LAW

LLC

lindnerlawllc.com

Attorneys:

David J. Blschmann

Miles G. Lindner

Laura A. Lindner†

†Licensed In IL

Of Counsel:

Charles Hausmann

John F. McNally\*

\*Licensed In ND

Milwaukee

ASQ Center

648 N. Plankinton Ave.

Suite 418

Milwaukee, WI 53203

414-271-5300

414-271-7760 Fax

Appleton

4650 W. Spencer St.

Appleton, WI 54914

920-882-4860

Statewide

1-866-400-0090

March 10, 2023

Via email: [kkasper@caledonia-wi.gov](mailto:kkasper@caledonia-wi.gov)

Ms. Kathy Kasper  
Village of Caledonia

Re:	Our Client:	Thomas Nurmi
	At Fault:	Caledonia Police Department
	Your Claim #:	Unknown
	Date of Accident:	01/01/2022

Dear Ms. Kasper,

On behalf of our client, Mr. Nurmi, I am writing to resolve the above-referenced matter. The following is a summary of the incident, Mr. Nurmi's injuries, treatment, losses, and special damages.

**THE INCIDENT**

Mr. Nurmi was a belted driver traveling eastbound on County Highway G approaching the intersection of East Frontage Road in Caledonia, Wisconsin. As he was doing so he was struck by Officer Richard Rager with the Caledonia Police Department who was traveling southbound on East Frontage Road. Officer Rager did not see Mr. Nurmi while he was stopped at the stop sign and began to enter the intersection, as he did so he then saw Mr. Nurmi and was unable to stop in time, striking Mr. Nurmi's vehicle (see Officer Rager's Traffic Crash Report Statement). The impact caused both vehicles to spin out of control and Mr. Nurmi's vehicle sustained significant damage (see attached scene & vehicle damage photographs).

**INJURIES & TREATMENT**

Mr. Nurmi suffered the following symptoms, injuries, and diagnoses:

- Neck pain on left side
- Acute left-sided low back pain without sciatica
- Left calf/leg pain
- Left scapula pain
- Stiffness and weakness on neck, low back and left scapula
- Sprain of ligaments of cervical spine
- Strain of muscle, fascia, and tendon at neck level
- Sprain of ligaments of lumbar spine
- Strain of muscle, fascia, and tendon of lower back
- Sprain of left rotator cuff capsule
- Thoracic dorsopathies
- Spinal enthesopathy, lumbar region.



LINDNER LAW

LLC

lindnerlawllc.com

Attorneys:

David J. Bischmann  
Miles G. Lindner  
Laura A. Lindner\*  
\*Licensed in IL

Of Counsel:

Charles Hausmann  
John F. McNally\*  
\*Licensed in ND

Milwaukee

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March 10, 2023

Via email: [kkasper@caledonia-wi.gov](mailto:kkasper@caledonia-wi.gov)

Ms. Kathy Kasper  
Village of Caledonia

Re:	Our Client:	Thomas Nurmi
	At Fault:	Caledonia Police Department
	Your Claim #:	Unknown
	Date of Accident:	01/01/2022

Dear Ms. Kasper,

Enclosed please find the following medicals/specials concerning our client for the above-entitled matter:

1. Records and bills from Ascension All Saints in the amount of \$253.00;
2. Records and bills from Layton Avenue Injury Center in the amount of \$295.00;
3. Records and bills from Caledonia Chiropractic Clinic in the amount of \$220.00;
4. Travel reimbursement in the amount of \$87.11; and
5. Wage loss in the amount of \$648.00.

Medicals and Specials: \$1,503.11

Please be advised that these are the final medical/specials regarding the above matter. Please contact me at Ph. 414-271-5300 upon receipt of this letter to discuss settlement.

Very truly yours,

*s/ Miles G. Lindner*

Miles G. Lindner  
Attorney at Law

MGL/ar  
Enclosures  
cc: Thomas Nurmi

As explained below, an injured plaintiff in Wisconsin is entitled to recover the reasonable value of medical services, not the amount paid by subrogated parties, and the actual amount billed by medical providers is presumed by law to be reasonable and necessary.

1. Wisconsin Collateral Source Rule

Under the collateral source rule a plaintiff's recovery cannot be reduced by payments or benefits from other sources. Koffman v. Leichtfuss, 2001 WI 111, ¶ 29. In the context of medical expense damages, the collateral source rule allows the plaintiff to seek recovery of the reasonable value of medical services without consideration of gratuitous medical services rendered or payments made by outside sources on the plaintiff's behalf, including insurance payments. *Id.* Where the plaintiff's health care providers settle the plaintiff's medical bills with the plaintiff's insurers at reduced rates, the collateral source rule dictates that the defendant-tortfeasor not receive the benefit of the written-off amounts. The benefit of the reduced payments inures solely to the plaintiff. *Id.*, ¶ 30.

2. Amount Charged Is Presumed Reasonable and Necessary

Wisconsin Stat. § 908.03(6m)(bm) provides as follows:

*Presumption.* Billing statements or invoices that are patient health care records are presumed to state the reasonable value of the health care services provided and the health care services provided are presumed to be reasonable and necessary to the care of the patient. Any party attempting to rebut the presumption of the reasonable value of the health care services provided may not present evidence of payments made or benefits conferred by collateral sources.

As the statute clearly states, evidence of payments made by health insurance companies or Medicare/Medicaid is not even admissible under Wisconsin law.

In order to overcome the presumption of reasonableness, a defendant insurance company disputing any medical bill is required to hire an expert to opine that the bill charged by a particular provider is not reasonable compared to the market rates. Likewise, in order to overcome the presumption that the bills claimed by the plaintiff were necessarily incurred as a result of the accident, the defendant insurance company would have to hire a physician to opine that the bills were incurred for treatment that was unrelated to the injuries suffered in the accident.