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R. O. No. 67 - 21 - 22. By CITY CLERK. August 16, 2021.

Submitting a Summons and Complaint in the matter of Samaria Wright vs. John Rupnick and the City of Sheboygan.

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CITY CLERK

F+P

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Wisconsin

Samaria Wright

Plaintiff

v.

John Rupnick and the City of Sheboygan

Defendant

Civil Action No. 2021 CV 699

## WAIVER OF THE SERVICE OF SUMMONS

To: Attorney Sheryl Ring  
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 07/29/2021, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 07/29/2021

/s/ Charles C. Adams

Signature of the attorney or unrepresented party

John Rupnick

Printed name of party waiving service of summons

City Attorney Charles C. Adams

Printed name

828 Center Ave., Suite 210  
Sheboygan, WI 53081

Address

charles.adams@sheboyganwi.gov

E-mail address

(920) 459-3917

Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does not include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Wisconsin

_____ Samaria Wright <i>Plaintiff</i>	)	
v.	)	
John Rupnick and the City of Sheboygan	)	Civil Action No. 2021 CV 699
<i>Defendant</i>	)	

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*(Name of the plaintiff's attorney or unrepresented plaintiff)*

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Date: \_\_\_\_\_ 07/29/2021 \_\_\_\_\_

\_\_\_\_\_  
City of Sheboygan  
*Printed name of party waiving service of summons*

\_\_\_\_\_  
/s/ Charles C. Adams  
*Signature of the attorney or unrepresented party*

\_\_\_\_\_  
City Attorney Charles C. Adams  
*Printed name*

828 Center Ave., Suite 210  
Sheboygan, WI 53081

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
charles.adams@sheboyganwi.gov  
*E-mail address*

(920) 459-3917  
*Telephone number*

**Duty to Avoid Unnecessary Expenses of Serving a Summons**

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# UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin ☐

Samaria Wright

*Plaintiff*

v.

John Rupnick and the City of Sheboygan

*Defendant*

Civil Action No. 2021 CV 699

## NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: City of Sheboygan, c/o Charles C. Adams, Esq., City Attorney, charles.adams@sheboyganwi.gov

*(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)*

### Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

### What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 07/29/2021

/s/ Sheryl Ring

*Signature of the attorney or unrepresented party*

Sheryl Ring

*Printed name*

518 South Route 31, Suite 113, McHenry, Illinois  
60050

*Address*

sheryl@sherylringlaw.com

*E-mail address*

(847) 975-2643

*Telephone number*



# UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin ☐

Samaria Wright

*Plaintiff*

v.

John Rupnick and the City of Sheboygan

*Defendant*

Civil Action No. 2021 CV 699

## NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

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/s/ Sheryl Ring

*Signature of the attorney or unrepresented party*

Sheryl Ring

*Printed name*

518 South Route 31, Suite 113, McHenry, Illinois  
60050

*Address*

sheryl@sherylringlaw.com

*E-mail address*

(847) 975-2643

*Telephone number*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

SAMARIA WRIGHT,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	No. 2021 CV 699
	)	
JOHN RUPNICK, in his capacity as	)	
Sheboygan Police Officer, and the CITY	)	
OF SHEBOYGAN,	)	
	)	
<i>Defendants.</i>	)	

**VERIFIED COMPLAINT AT LAW**

Plaintiff SAMARIA WRIGHT, by and through her undersigned counsel, hereby respectfully complains and alleges against Defendants, JOHN RUPNICK, in his capacity as Sheboygan Police Officer, and the CITY OF SHEBOYGAN, as follows:

**Jurisdiction and Venue**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1331 as all causes of action herein arise under the Constitution and Statutes of the United States.
2. Venue is proper in this Court as all acts complained of herein occurred in the Eastern District of Wisconsin.

**General Allegations Common to All Counts**

3. Plaintiff is a permanently disabled Black senior.
4. The nature of Plaintiff's disability is a progressively deteriorating skeletal condition which causes progressive deterioration in both of her knees and five bulging disks in her spine, and causes her excruciating pain.
5. Plaintiff is currently going through a divorce with ex-wife Karen Knocke.

6. As part of that divorce, Judge Angela Stukewics ordered Plaintiff to visit the former marital home on March 30, 2019, and obtain her property therefrom. The court granted Plaintiff a full day to do so.
7. A copy of that order was faxed to the Sheboygan police department ahead of time, so Sheboygan police could be present when Plaintiff picked up her property.
8. On or about March 30, 2019, Plaintiff arrived at the marital home per the divorce court's order to obtain her property.
9. Officer Rupnick was already at the property.
10. Officer Rupnick then denied Plaintiff entry to the marital home, notwithstanding the court order issued by Judge Stukewics.
11. Officer Rupnick allowed Plaintiff's companion only 45 minutes of access to the property.
12. Officer Rupnick informed Plaintiff that she would not be allowed entry to the home to obtain her property irrespective of what the court order stated.
13. Officer Rupnick then ordered Plaintiff to vacate the premises.
14. As a result, Plaintiff was unable to obtain her property as ordered and allowed by Judge Stukewics.
15. Officer Rupnick's actions violated a court order and Plaintiff's rights thereunder.
16. As a result of Officer Rupnick's conduct, Plaintiff was deprived of property including electronics, furniture, pots and pans, and clothing.

**COUNT I – VIOLATIONS OF 42 U.S.C. 1983**  
***Request for Injunctive Relief***

17. Plaintiff restates and re-alleges paragraphs 1-14 of this Complaint as if fully set forth herein.

18. Pursuant to 42 U.S.C. 1983, “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.”

19. Defendant violated Plaintiff’s rights under Wisconsin law and the U.S. Constitution by refusing to comply with Judge Borowski’s order granting Plaintiff access to the property to obtain her things.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in her favor and against Defendants in an amount to be proven at trial but not less than \$10,000, plus her costs of suit, attorney fees, and for whatever additional relief this Court deems appropriate and just under the circumstances.

Respectfully Submitted,  
SAMARIA WRIGHT

/s/ Sheryl Ring  
By one of her attorneys,  
Sheryl Ring, Esq.



Sheryl Ring, Esq./IL ARDC #6311043  
518 South Route 31, Suite 113  
McHenry, Illinois 60050  
(847) 975-2643  
[sheryl@sherylringlaw.com](mailto:sheryl@sherylringlaw.com)

I, Samaria Wright, hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 27, 2021.

Dated: May 27, 2021

/s/ Samaria Wright