

STATE OF WISCONSIN

DANE COUNTY

KIANA SIMS,
ANTWON DEVONTE AMOS, SR.,
ESTATE OF ANTWON DEVONTE AMOS, JR., and
ESTATE OF LEGEND SIMS

Claimants,

vs.

SUN PRAIRIE FIRE DEPARTMENT
SUN PRAIRIE POLICE DEPARTMENT
CITY OF SUN PRAIRIE
SUN PRAIRIE AREA SCHOOL DISTRICT

Respondents.

RECEIVED

APR 26 2024

CITY ATTORNEYS
OFFICE

**NOTICE OF CIRCUMSTANCE OF CLAIM
PURSUANT TO WIS. STATS. §§ 893.80, 893.80(5), and 895.04**

TO: Sun Prairie Police Department
c/o Mike Stefes
Chief of Police
300 East Main Street
Sun Prairie, WI 53590

Sun Prairie Fire Department
c/o Christopher Garrison
Fire Chief
135 N Bristol Street
Sun Prairie, WI 53590

City of Sun Prairie
c/o Elena Hilby
City Clerk
300 E Main Street
Sun Prairie, WI 53590

Sun Prairie Area School District
c/o Diana McFarland, President
Sun Prairie Area School District Board of Education

501 South Bird Street
Sun Prairie, WI 53590

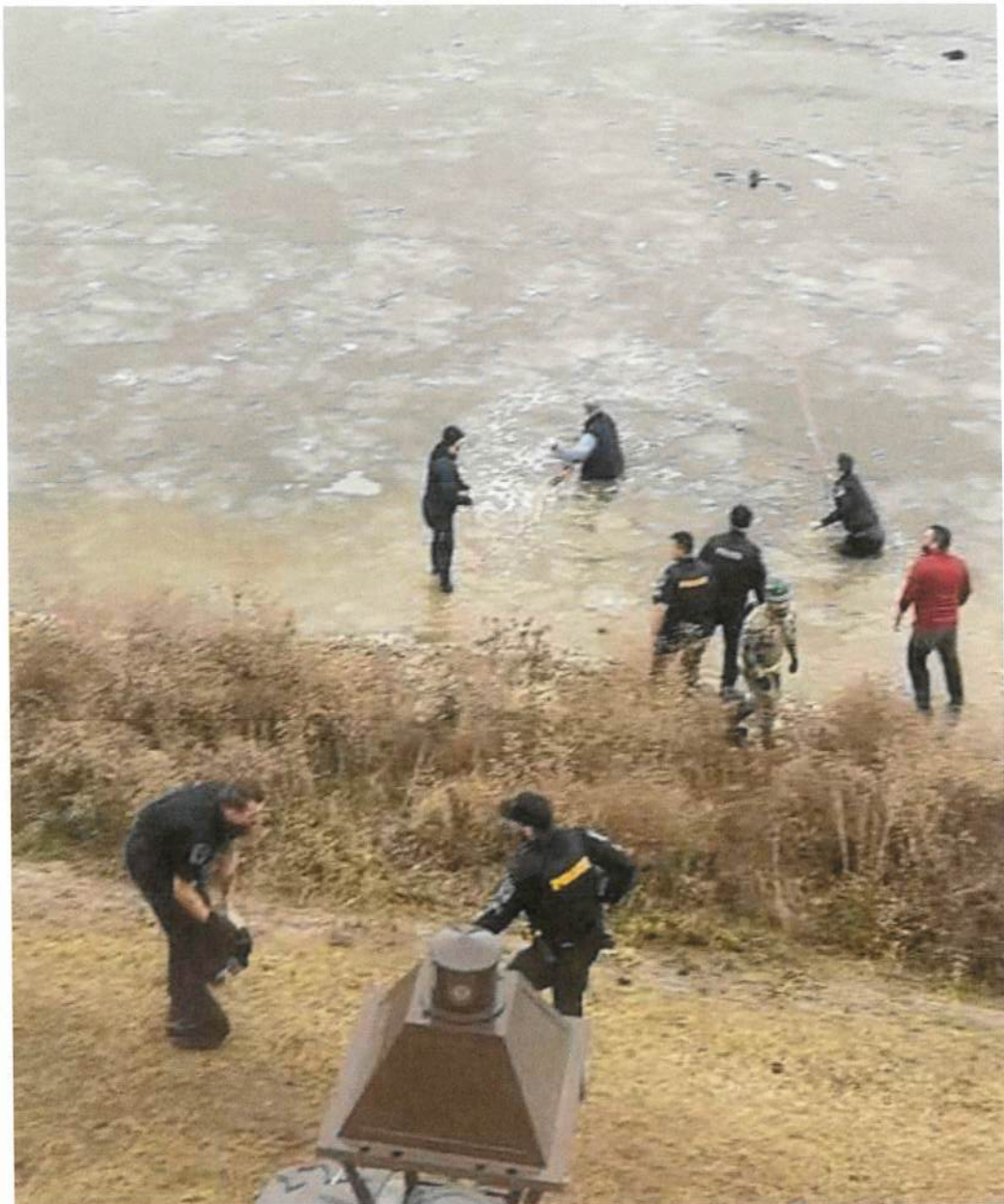
PLEASE TAKE NOTICE, that Kiana Sims, Antwon Devonte Amos, Sr., the Estate of Antwon Devonte Amos, Jr., and the Estate of Legend Sims, of 150 Schneider Road. Apt. 1303, Sun Prairie, WI 53590, by their attorneys, Gingras, Thomsen & Wachs, LLP and Giesen Law Offices, S.C., do by this document, hereby give notice pursuant to Wisconsin Statutes §§ 893.80, 893.80(5), and 895.04 of the circumstance of claim against the Sun Prairie Police Department, Sun Prairie Fire Department, City of Sun Prairie, and Sun Prairie Area School District, and their agents, employees, and assigns, relative to the injuries and deaths sustained by Antwon Devonte Amos, Jr. and Legend Sims on January 5, 2024, when they both drowned in the retention pond adjacent to the apartments known as The Wildwood at Main located at 150 Schneider Road, Sun Prairie, Wisconsin 53590 (hereafter, "the Pond"). This incident may have been due, in whole or in part, to the negligence of the employees, agents, and/or assigns of the Sun Prairie Police Department, Sun Prairie Fire Department, City of Sun Prairie, and/or Sun Prairie Area School District.

Prior to January 5, 2024, the City of Sun Prairie created the Pond and failed to provide safeguards to prevent children from playing in or entering the Pond. On January 5, 2024, Antwon Devonte Amos, Jr. and Legend Sims were dropped off after school near the Pond. They proceeded to walk across the Pond. While walking, they fell through the ice and could not get out of the water. The Sun Prairie Fire Department and Sun Prairie Police Department were notified and responded to the scene but were negligent in their response. The Sun Prairie Fire Department and Sun Prairie Police Department failed to have proper training, proper protocols, and adequate water rescue equipment. Additionally, once the Sun Prairie Fire Department and Sun Prairie Police Department arrived on scene, they attempted to reach the boys using a throw rope. When that effort failed, they continued throwing the rope without success. When the boys appeared hypothermic, personnel

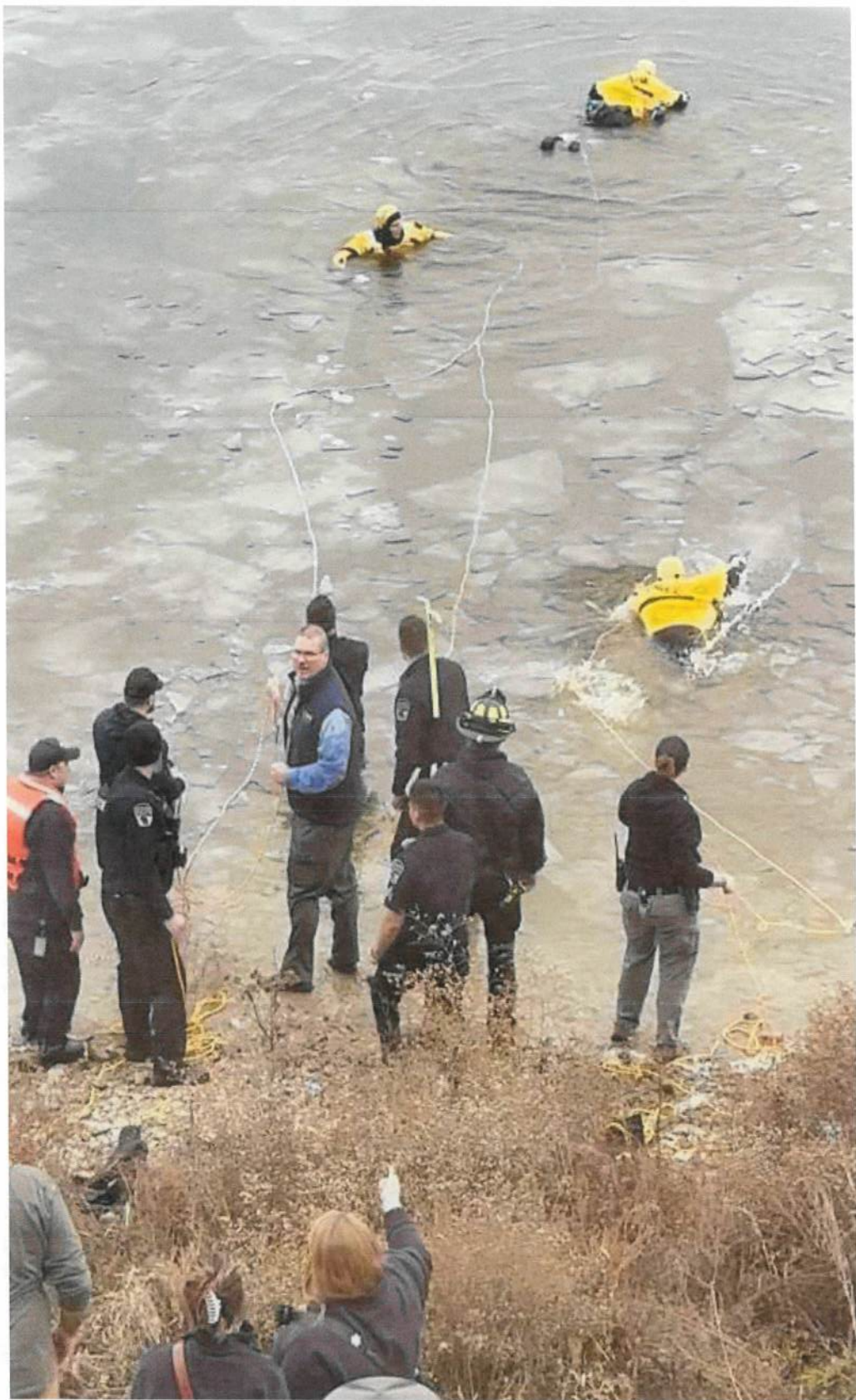
from the Sun Prairie Fire Department and Sun Prairie Police Department failed to take any other measures and/or change their rescue tactics to save the boys. Upon information and belief, cold water swimmers did not arrive at the Pond in time to save the boys, resulting in the deaths of Antwon Devonte Amos, Jr. and Legend Sims. Below are screenshots from a video taken by a bystander which depict the responders making futile rope throws:











Upon information and belief, the Sun Prairie Area School District knew about the dangers of the Pond, but failed to take reasonable measures to protect students, including Antwon Devonte Amos, Jr. and Legend Sims, from the dangers of the Pond. Upon information and belief, the Sun Prairie Area School District knew the Pond was an open and obvious danger, knew kids were playing in the Pond, knew the Pond was a dangerous and deadly attractive nuisance, yet failed to take reasonable measures to ensure students, including Antwon Devonte Amos, Jr. and Legend Sims, were safe while in the care of the Sun Prairie Area School District. As a result of the Sun Prairie Area School District's failures, both Antwon Devonte Amos, Jr. and Legend Sims suffered severe pain and suffering, incurred medical expenses, and ultimately died.

Pursuant to Wis. Stats. §§ 893.80, 893.80(5), and 895.04, Kiana Sims, Antwon Devonte Amos, Sr., the Estate of Antwon Devonte Amos, Jr., the Estate of Legend Sims, Antwon Devonte Amos, Jr., and Legend Sims hereby provide notice of the circumstances of the claim against the named parties for damages, including for pain and suffering, medical expenses (Antwon Devonte Amos, Jr.: \$420,451.38; Legend Sims: \$261,433.81), their deaths, and funeral expenses (Antwon Devonte Amos, Jr.: \$11,720.00; Legend Sims: \$11,450.00), in an amount to be determined by a jury. Kiana Sims, Antwon Devonte Amos, Sr., the Estate of Antwon Devonte Amos, Jr., the Estate of Legend Sims, Antwon Devonte Amos, Jr., and Legend Sims will be seeking a determination that the cap on damages in Wis. Stat. § 893.80 limiting their recovery to \$50,000.00 for the death of each child is unconstitutional as a deprivation of their equal protection and due process rights. Alternatively, they will bring wrongful death claims under Wis. Stat. § 895.04 as it provides a right of action to recover for the wrongful deaths of Antwon Devonte Amos, Jr. and Legend Sims.

The City of Sun Prairie, Sun Prairie Police Department, Sun Prairie Fire Department, Sun Prairie Area School District, and their agents, employees, and assigns who were involved in this matter are hereby placed on notice of the circumstance of this claim.

Dated: April 22, 2024.

GINGRAS, THOMSEN & WACHS, LLP

A handwritten signature in cursive script, appearing to read "Robert J. Gingras".

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