

# Court ruling could affect Wisconsin's lemon law

MILWAUKEE (AP) — Adele Garcia is still driving her ailing 2001 Mazda Tribute primarily because she didn't use two words when trying to unload it under the state's lemon law, her attorney says.

Garcia failed to say she wanted to "transfer title" of the car in her letter to Mazda asking for a replacement, according to court records.

"Everyone knew what she was asking for," said her attorney, Vincent Megna. "But she didn't use those specific words."

Now the state Supreme Court has agreed to consider Garcia's case after she lost in trial and appellate courts.

State lawyers who entered the case on Garcia's behalf say the outcome will affect everyone who buys a new car in Wisconsin who might lack the legal knowledge or persistence to get a

replacement vehicle under the lemon law.

The law is meant to give new car buyers the right to a refund or replacement vehicle if a problem car cannot be repaired after reasonable attempts to do so within the warranty period or one year of delivery.

The state Department of Transportation has filed a friend-of-the-court brief supporting Garcia. The DOT believes the appellate court's ruling would undermine the lemon law.

"A consumer with a lemon who provides a manufacturer with an unequivocal request for a replacement vehicle is entitled to protection under the statute," three state lawyers wrote in their brief.

"The Court of Appeals decision, reading the lemon law to essentially require a formal legal

notice containing particular jargon, guts the consumer protection heart of the statute."

Mazda, though, remains firm in its position.

"At this point we stand by the position we have taken every step along the way," said Jeremy Barnes, Mazda's products communication manager.

Garcia, of Hartland, began experiencing transmission problems within weeks of taking delivery of her new Mazda in February 2001.

She took the car in for transmission service five times over the next nine months. Garcia eventually sent Mazda a letter invoking the lemon law and saying, "I would like to have a replacement," according to court records.

Mazda offered an extended warranty, which she declined, records show. Mazda then

offered a replacement Tribute, but Garcia never got it. She sued on Nov. 21, 2001.

Mazda filed a motion for summary judgment on grounds that a 30-day timeline for delivery of the replacement vehicle was never triggered because Garcia did not say she would "transfer title" of the troubled car to Mazda in exchange for the replacement.

A Waukesha County judge agreed with Mazda and dismissed the case in July 2002.

She appealed, and an appellate court upheld the judge's decision in September 2003.

Megna said the case is about more than Garcia and her Mazda.

"It affects the whole lemon law," he said. "It affects everybody who ever has a car problem."

## Hearing set for alleged mailbox bomber

IOWA CITY, Iowa (AP) — A federal judge has set a hearing for Feb. 10 in the case of Luke Helder, the Minnesota native accused of planting pipe bombs in mailboxes across the Midwest in May 2002.

Helder, 22, is in custody at the Federal Medical Center in Rochester, Minn., where doctors are trying to determine whether he is competent to stand trial.

In September, U.S. District Judge Mark Bennett agreed to keep Helder at the hospital for four more months under a law

that applies to suspects deemed incompetent to stand trial.

Federal prosecutors said Monday it has not yet been determined whether next week's hearing will be held in open court or via teleconference. Helder is charged with two federal crimes: using a pipe bomb in a crime of violence and destroying property used in interstate commerce — a mailbox. Prosecutors say he is responsible for placing pipe bombs in as many as 18 rural mailboxes in Illinois, Iowa, Nebraska, Colorado and Texas.

## Chili fundraiser set for housing program

A chili supper fund-raiser will be held Thursday, Feb. 12, to benefit the Coulee Region Transitional Housing Program, which works with New Horizons to provide housing for women and children when they leave the shelter.

The supper will be from 5 to 7 p.m. at St. Paul's Lutheran Church, 420 West Ave. S., in La Crosse. The cost is \$5 per person. Regular, vegetarian and low-carb chili will be available. For more information, call June Kjome, (608) 787-0466.

# Iowa DOT to discuss replacing, improving Black Hawk Bridge

By STEVE CAHALAN  
La Crosse Tribune

LANSING, Iowa — Iowa Department of Transportation officials will hold a public informational meeting Thursday on a feasibility study on improving or replacing the Black Hawk Bridge over the Mississippi River at Lansing.

The public is invited to attend anytime between 5 and 7 p.m. at the Kerndt Brothers Savings

### FOR MORE INFO

■ For more information on Thursday's meeting, call Rod Larsen of the Iowa Department of Transportation at (319) 235-1832.

Bank Community Center, 395 Main St.

No formal presentation will be given, but Iowa DOT staff members will have displays and

information and will discuss the study informally.

"There may be another meeting" before the feasibility study is finished, said Rod Larsen, district transportation planner for Iowa DOT District 2, based in Waterloo, Iowa. "I think we're going to finish up around July."

The purpose of Thursday's meeting is to update the public on the study and get additional input, Larsen said Monday.

He said the bridge has been

inspected several times "and is not in that bad a shape. We don't have any funds programmed to replace it."

Larsen said the cost of building a new bridge would be in the millions of dollars, but said it's too soon to give a cost estimate. "There has been some very general discussion" of the potential cost of a new bridge, he said.

The 1,623-foot, steel-truss Black Hawk Bridge was built in 1931.

### REVIEW

## 'Swan Lake' an evening of pure beauty

By TERRY RINDFLEISCH  
La Crosse Tribune

Monday was a special night in La Crosse.

Not because of the February snowy and wintry landscape on Groundhog Day.

The Moscow Festival Ballet was in town, staging a full-length ballet, "Swan Lake," as part of Viterbo University's Bright Star Season — and it was an evening of pure beauty.

The performance was sold

out, but the snowstorm made for some empty seats. Those who did venture out saw the 50-member company perform one of the most beautiful ballets with powerful precision and strong dramatic technique.

It was a once-in-a-lifetime experience to see such a large and reputable ballet company on the Viterbo stage. The dancers, trained in fine Russian classical style, were exquisite as they glided across the stage with ease and grace.

One of the best moments came in the second act, when the maidens appear at a lakeside and an evil sorcerer conceals them by transforming them into swans. It is here that Prince Siegfried meets the most beautiful of the swan maidens, Odette.

The dancer portraying Odette was fabulous, with expressive long arms and legs.

The maidens brought chills and thrills as they moved in threesomes and foursomes in perfect synchrony.

The first half of the production was lively, energetic and glorious. That was all I could report, since Tribune deadlines were moved up by two hours due to the snow. But it was my good fortune to stay until the end.

Moscow Festival Ballet made a special and memorable stop in La Crosse on its third American tour, which includes performances in 80 cities over four months. It was a night to cherish.

## ONALASKA MAYORAL FORUM

From B-1

\$2 million pool project, set to begin construction in the spring. Benrud said the city should have paid more attention to the results of a non-binding referendum on the pool. The majority of voters rejected city financing of the pool.

Bialecki and Giese agreed the pool referendum was confusing and probably was not an accurate measure of public support. Also, Bialecki said, the city's growth would pay for the pool project without increasing taxes.

Giese said he thought the pool issue was handled poorly, but said he didn't want to dwell on that. "I don't want to look back. I want to look forward."

While agreeing the city needs a pool, Durst said the city has violated state law by signing a contract to build the pool while only bonding for half of the \$2 million cost this year.

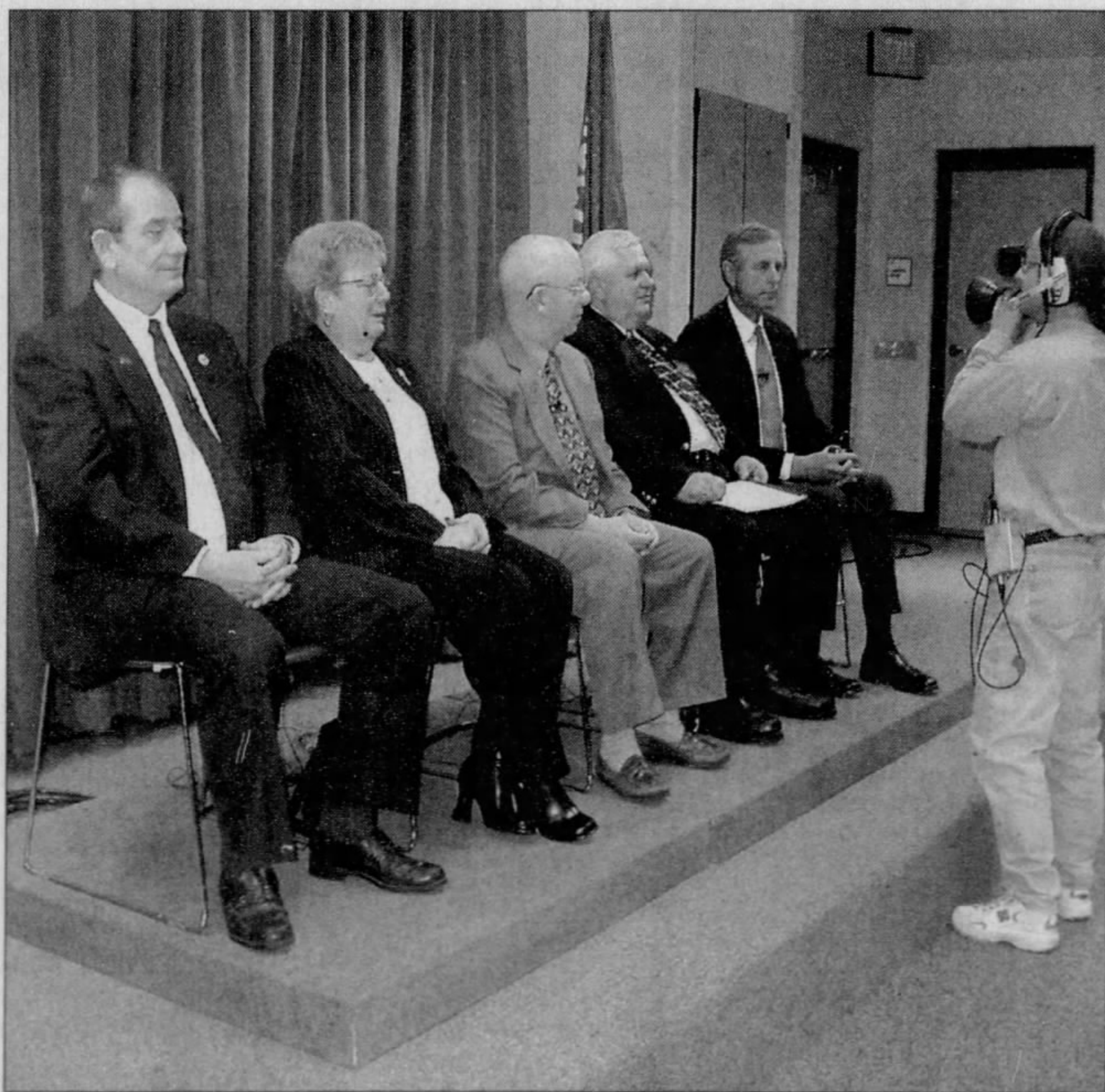
Harris said the city should have other spending priorities coming before a pool. "I would put it on hold and support the YMCA's project," he said.

Bialecki pointed to the city's three straight years of the same tax rate as evidence Onalaska is finding a balance between the cost of growth and the burden on taxpayers.

Giese and Durst, however, argued the city was wrong to foot much of the bill for the Gundersen Lutheran parking ramp.

The more than \$5 million the city will spend on the ramp wasn't necessary to attract Gundersen Lutheran, Giese said. The clinic expansion and surrounding development would have happened without the city subsidy, he said.

The best thing Onalaska can do to attract business, Giese said, is to provide high-quality city services while keeping taxes



RANDY ERICKSON/LEE NEWSPAPERS

Onalaska mayoral candidates, from left, Mayor Jim Bialecki, Arlene Benrud, Art Harris, Rick Durst and Mike Giese, prepare to take questions at a forum Monday night at Eagle Bluff School in Onalaska, Wis.

at a reasonable rate.

Borrowing for the ramp has only added to the city's already heavy debt load, Durst said, and taxpayers won't realize the benefits of the increased property value around the Gundersen Lutheran campus for 20 years because of the ramp costs. He said the city should have used tax incremental financing to pay for the ramp.

Bialecki, however, insisted the parking ramp was a good investment for the city.

Giese, alone among the four opponents, gave Bialecki credit for his accomplishments as Onalaska's first full-time mayor, including establishing an Onalaska-based regional municipal court and presiding over a period of explosive growth.

But he said things could be

improved in government accountability and openness. "For a city to thrive, it needs competent and credible leadership," Giese said.

Randy Erickson is editor of the Onalaska Community Life and Holmen Courier. See Friday's edition of the Community Life for more details on mayoral candidates' views.

## DAIRYLAND PLAN

From B-1

trail with access to the Great River and La Crosse River bike trails, Kirch said.

Other parcels would be offered to neighbors with adjacent back yards, Mirasola said, and the rest sold for other purposes.

According to Kirch, Dairyland wants to make about five acres available for industrial use and to create one or two multiple-family lots.

Mirasola said Dairyland wants the city to allow direct access to its pole yard by extending Moore Street, so truck could enter from Moore and exit on Cunningham Street.

Dairyland's trucks now must drive through the adjoining Burlington Northern yard to get into the yard, she said.

At a meeting last week, Kirch said, neighbors expressed concerns about traffic from any new development.

Some suggested the city run

a street north from Gillette Place to the property, rather than extend Moore Street, he said.

Neighbors also questioned adding multiple-family housing to an area that is now single-family, Kirch said.

The property is zoned for heavy industry.

On other issues, the commission approved:

■ Rezoning that will allow developer Warren Loveland to put an addition with less parking than the city normally requires on Salzer Square, 1205 Seventh St. S.

■ Sale of a city-built home at 937 Tyler St. for \$105,000.

■ Seven-year lease extension of city land to the La Crosse Pettibone Boat Club.

■ Proposal from La Crosse City Vision Foundation board to raise funds for a Main Street Plaza clock.

Joan Kent can be reached at (608) 791-8221 or jkent@lacrossetribune.com.

## ENROLLMENT PLAN

From B-1

its elementary schools.

Board member Al Lambeth, who is up for re-election in April, cast the lone vote against the modifications because he considers it a "crazy plan."

Lambeth said the district should be looking at the number of teachers who will lose their jobs due to revenue caps, instead of planning to close five elementary schools and building two slightly larger ones.

"No one seems to be concerned about the real problem and how it should be solved," Lambeth said.

Lambeth accused Christine Clair, board president, of trying to "muffle discussion" after she asked him to stop commenting on proposed capital improvements because they were not part of the motion on the table.

"I'm not trying to muffle discussion, I'm trying to keep the board on track with the motion that's on the table," she replied.

"We know you're against the plan," member Marc Ranger told Lambeth. "I don't want to debate the plan tonight."

Anastasia Mercer can be reached at (608) 791-8256 or smercer@lacrossetribune.com.

## DOG BOOK CONNECTS

From B-1

It connects because it's the kind of issue that gets people excited and brings them out to government meetings. And maybe it makes an impression that government (at least local government) isn't some far-away business that doesn't affect you.

The fact is, local government often affects the average person, whether it be a school board's decision about a book or boundaries, or a municipal council's decision about zoning that might be just down the block, or the cost of build-

ing permits, or how much money to allot to floodplain levees near your neighborhood.

And it isn't done by people far smarter or richer than you. Or by people who are less honest. For the most part, local politicians are regular people with regular day jobs who for some reason are willing to spend a lot of their time wrestling with questions like what to do about a flatulent dog book.

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