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Estate of Collis ex rel. Collis v. Hazel Green Rescue Squad, Inc.

Court of Appeals of Wisconsin - March 3, 2016 - Slip Copy - 2016 WL 820825

Following ambulance accident, decedent's estate brought a wrongful death action against the Hazel Green Rescue Squad, Inc.

Hazel Green moved for summary judgment. It argued that the Estate failed to provide the Hazel Green Rescue Squad with a notice of claim as required under WIS. STAT. § 893.80(1d) (2013–14). Hazel Green argued that the Hazel Green Rescue Squad is a political corporation or governmental subdivision of the municipalities that it is organized and funded to serve, that its ambulance is a municipal vehicle, and that driver was its volunteer at the time of the accident, triggering the notice of claim statute. Hazel Green provided supporting affidavits averring that the Hazel Green Rescue Squad is a nonprofit organization that provides ambulance services for a group of neighboring municipalities; that all of its drivers are volunteers; that each participating municipality pays for a portion of the organization's equipment and operating costs; that the ambulance involved in this case is owned by the Hazel Green Rescue Squad; and that the Estate did not provide a timely notice of claim.

The Estate opposed summary judgment, arguing that the Hazel Green Rescue Squad is not a political corporation or governmental subdivision.

The Court of Appeals held that the Hazel Green Rescue Squad is a nonprofit corporation organized and maintained by neighboring municipalities to provide authorized ambulance services. The Hazel Green Rescue Squad is therefore a "municipality" for purposes of negligence actions arising from operation of a motor vehicle owned by a municipality.

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