



Winnebago County
Office of the County Clerk

The Wave of the Future

OSHKOSH (920) 236-4890
FOX CITIES (920) 727-2880
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E-mail: countyclerk@co.winnebago.wi.us

NOTICE OF CLAIM

Date: July 29, 2019
To: Doug, Linda and Joan
Re: Notice of Injury – Eric Torbeck

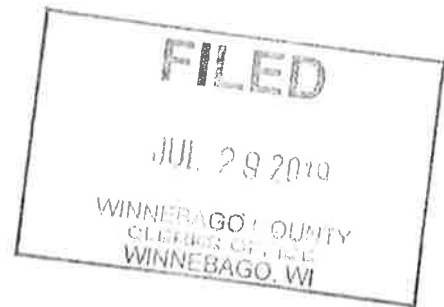
This notice of injury will be presented to the County Board at their August 20, 2019 meeting.

attachments

July 23, 2019

Sheriff John Matz
WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 Jackson Street
Oshkosh, WI 54901

Re: Our Client: Eric Torbeck
Date of Injury: November 17, 2018



Dear Sheriff Matz:

Our office represents Eric Torbeck with regard to any injury he suffered on November 17, 2018. It appears from our investigation that the accident was caused by the negligence of the Winnebago County Sheriff's Office. Enclosed please find a Notice of Injury.

If you have any questions, please feel free to contact me.

Sincerely,

BRIAN HODGKISS INJURY LAWYERS, LLC

Brian P. Hodgkiss
Brian@hodgkisslaw.com
BPH/tll

Enclosure

NOTICE OF INJURY

TO: Sheriff John Matz
WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 Jackson Street
Oshkosh, WI 54901

***THE ABOVE-NAMED PARTIES,
PLEASE TAKE NOTICE:***

1. Eric Torbeck is an adult resident of Winnebago County and resides at 949 4th Street, Menasha, WI 54952.
2. Eric Torbeck was injured due to the possible negligence of the above-named parties.
3. The circumstances of the injury are as follows: On November 17, 2018, Eric Torbeck was an inmate at the Winnebago County Jail located at 4311 Jackson Street, Oshkosh, WI 54901. The business is operated by the Winnebago County Sheriff's Office. Eric was eating potato salad provided by the Winnebago County Jail when he bit into a small, round, metallic object similar to a ball bearing breaking Eric's tooth. The ball bearing was a missing piece from the dishwasher in the jail's kitchen.
4. At all times material, the property was owned by the Winnebago County Sheriff's Office.
5. The above-named party may have been negligent in the following respects:
 - (a) The Winnebago County Sheriff's Office failed to maintain proper care of its kitchen equipment permitting a hazard.
6. As a direct and proximate result of the negligence of the Winnebago County Sheriff's Department and its maintenance employees, Eric Torbeck may have suffered injuries, among other potential injuries, a broken tooth.
7. At all times material, the above-named parties had actual or constructive notice of the above-referenced incident and thoroughly investigated it.
8. This document is a Notice of Injury served on the above-named parties in compliance with Wisconsin Stats. §893.80. This document is not a claim for damages. No claim for damages is made at this time.

Notice of Injury
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Dated this 15 day of July, 2019.



Eric Torbeck - Claimant ✓

Dated this 16 day of July, 2019.

BRIAN HODGKISS INJURY LAWYERS, LLC
Attorneys for Injured Parties


Brian P. Hodgkiss
State Bar Code No. 1032444
BPH/tll

**INFORMATIONAL REPORT
WINNEBAGO COUNTY SHERIFF'S OFFICE - CORRECTIONS DIVISION**

DATE:	11/17/18	TIME:	1109
LOCATION:	Winnebago County Jail - Direct Supervision #2 (DS2) dayroom		
REPORTING DEPUTY:	Bauer W140	REPORT #:	18-41126
SUBJECT:	Torbeck, Eric Thomas	D.O.B.	07/22/1979
HISTORY NUMBER:	039501		

11/17/18 1109 HOURS DEP. BAUER W140

I was working in the Winnebago County Jail at 4311 Jackson St., Oshkosh, WI as the DS2 pod deputy when inmate Eric T. Torbeck M/W DOB: 7/22/1979, 949 4th St. Menasha, WI 54952, 920-722-9661 approached the desk and told me he bit into a foreign object that was in his potato salad. He showed me a small, round, metallic object, similar to a ball bearing. He said as a result of biting on the object he, "fucked up" a tooth. He went on to say the tooth he damaged had previously had a root canal.

I contacted Nurse Berry and requested that he evaluate Torbeck. After the evaluation, Berry told me that Torbeck has a broken tooth. He is not able to determine if it happened today, or if it is a pre-existing condition. Berry gave Torbeck 650mg of Tylenol and he will contact the jail doctor to determine a pain management plan.

I walked over to the kitchen and asked Aramark employee Gail if she recognized the item. Gail, along with several inmate workers agreed it was a ball bearing, but nobody could be certain as to where it came from.

Sgt. Emmrich W139 reviewed the camera footage and told me that at 1109 Torbeck can be seen removing something from his mouth. The metal object will be left for maintenance to look at on Monday to see if they can determine where it may have come from.

Torbeck was booked into the Winnebago County Jail on October 22nd, 2018 on a felony probation hold. He has since been sentenced on a sanction and his release date is January 18th, 2019. He has been housed in DS2 since October 23rd, 2018.

REPORTING DEPUTY:	Bauer W140	SUPERVISOR:	Sgt. Emmrich W139
DEPUTY SIGNATURE:	<i>[Signature]</i>	SUPERVISOR SIGNATURE:	<i>[Signature]</i>
Date Signed	11/17/18	Date Signed	11/17/18