

731 North Jackson Street, Suite 505 Milwaukee, WI 53202

February 9, 2011

VIA HAND DELIVERY

Milwaukee City Clerk 200 East Wells Street, Room 205 Milwaukee, Wisconsin 53202

Re:

Appeal of Claim Against the City

Joe Kuykendoll CI File No. 10-S-295

Dear City Clerk,

This letter is being filed as an appeal of the above referenced case.

A denial of Mr. Kuykendoll's claim was included in the enclosed letter on January 20, 2011. Although addressed to counsel, it was not received. A telephone call to Mr. Overholt on February 9, 2011 led to learning abut the denial. He faxed the document to me and I submit the faxed document for this appeal.

Please notify me whether additional documentation needs to be filed for the appeal to be considered.

Thank you for your attention.

Sincerely,

LAW OFFICES OF HANNAH C. DUGAN, LLC

Enc.

CC Joe Kuykendoll

JITY ATTORNEY

2011 FEB 10 PM 3: 26

SERVED IN PERSON on September 2, 2010

September 7, 2010

CITY CLERK ATTN: CLAIMS 200 E. Wells Street, Room 205 Milwaukee, WI 53202-3567

Re: Joe Kuykendoll claim

Dear City Clerk,

Accompanying this cover letter for filing is a Notice of Claim against the City filed on behalf of Joe Kuykendoll. Attached are referenced supporting documents.

I have been retained to represent Mr. Kuykendoll in this matter. Please direct your responses to me.

Thank you for your attention.

Sincerely,

LAW OFFICES OF HANNAH C. DUGAN

HANNAH C. DUGAN

Attorney at Law

Enc.

pc Joe Kuykendoll

OFFICE OF

RECEIVED

September 1, 2010

NOTICE OF CLAIM AGAINST THE CITY OF MILWAUKEE Of JOE KUYKENDOLL

CITY CLERK ATTN: CLAIMS 200 E. Wells Street, Room 205 Milwaukee, WI 53202-3567

Pursuant to Section 893.80(1), **JOE KUYKENDOLL** files this claim against the city of Milwaukee for monetary damages related to unauthorized destruction of personal property.

On July 20, 2010, the Milwaukee Police Department called Mr. Kuykendoll to state that his car, had been "junked", per Department of Motor Vehicle records. When the PSSI was asked about additional information, Mr. Kuykendoll was informed that all the paperwork related to the "junking" of the vehicle was lost. This event gave rise to his claim against the city.

On March 13, 2010 Mr. Kuykendoll reported his vehicle as stolen to the Milwaukee Police Department (report 10-072-0073 and see attached police report 10-073-0118, suppl. No.1). Mr. Kuykendoll informed the police that he believed that his adult son (who was living with him temporarily) took the car and other property from his home as Mr. Kuykendoll. slept. Both sets of car keys were missing when Mr. Kuykendoll discovered that the car was taken..

On March 14, 2010, the Milwaukee Police Department called Mr. Kuykendoll and reported that the vehicle was found and that it was located at 753 S. 22^{nd} street. Mr. Kuykendoll was advised to pick up the car. The police did not mention securing or confiscating the car, or having it towed to the tow lot.

On March 14, 2010, Mr. Kuykendoll went to the address the police provided to him to retrieve his car but it was not at the address. He called the police about the location of the car and that it was not in the location they told him was found. Mr. Kuykendoll was told by police to return to his home and to re-report the theft of the vehicle. Mr. Kuykendoll followed the police directions and did re-report the theft. (see attached police report 10-073-0118, suppl. No.1).

On June 14, 2010 the Milwaukee Police Department wrote a report that the vehicle was listed as stolen per the NCIC data bank and that it was "junked" per the State of Wisconsin Department of Transportation records. Mr. Kuykendoll was not told this information nor that a report was written until he was called on July 20, 2010—fully five weeks after the report was written and nearly four months after his original report. Despite his inquiry, he was not provided with any additional information nor explanation about the vehicle, its "junking" the delay in notification and any recourse regarding the

theft, investigation of the theft, negligent police actions that allowed the automobile to be removed from the location the police found it in March, or the negligent actions of the police that allowed authorization for "junking" it and the negligent delay by the police in notifying Mr. Kuykendoll about the car being "junked" and failure to respond to his questions about economic recovery of the loss he incurred..

Mr. Kuykendoll has suffered economic income loss related to the junking of this car. The theft of the car and subsequent failure of the police to secure the car when it was found and to prevent its junking has affected Mr. Kuykendoll's income. He is a "visitor,", hired by the Social Development Commission to check in on "shut-ins" in their homes at locations all over Milwaukee. He receives a \$20.00 stipend per visit. Because he was without his car he could not get to some of his clients' homes and incurred hardship and additional costs getting to some of his clients' homes via mass transportation.

Mr. KUYKENDOLL 's address is 520 North 20th street #213 Milwaukee, WI 53233 Telephone: 414-937-2318

The vehicle is a 1994 Mercury TOP, Sedan, two door

in excellent condition.	(see attached)	valued	\$2,065.00
two used tires in the trunk		value for sale	75.00
one "The Club" security dev	ice	value	40.00

The forgone income from Mr. Kuykendoll 's SDC job, directly related to he being deprived of the use of his car is \$600.00.

Total \$ 2,780.00

Despite being asked, the police did not provide Mr. Kuykendoll with information regarding a claim against the city and therefore he has incurred attorney costs as well.

Mr. Kuykendoll is represented by Attorney Hannah C. Dugan 731 N. Jackson St #505
Milwaukee, WI 53202
414-277-1234

100720073

Supplement No ORIG

2333 N. 49TH ST
Milwaukee, WI 53210

Reported Date
03/13/2010
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Officer
PERGANDE, GEORGE

(414) 935-7502

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Known suspect intentionally deprived victim of his vehicle without consent.

100720073

Incident Report MILWAUKEE POLICE DEPT

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100720073

Reported Date

Supplement No 0 0 0 1

2333 N. 49TH ST

Milwaukee, WI 53210

03/13/2010
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Officer
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(414)935-7502

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PO's BROCK III and ALVARADO came across the listed vehicle at the location of 753 S 22ND ST. A wanted check with DOT verified vehicle was stolen.

Report Officer	Printed At	
017778/BROCK III,RAYMOND J	08/09/2010 10:27	Page 1 of 1

100720073

Supplement No 0 0 0 2

Supplement

no glass on scene.

I PO PERGANDE went to 1300 E Brady st to check for any possible evidence or cameras and did not find anything in the immediate area.

KUYKENDOLL stated he did not give anyone consent including MARCALUS to take or drive his 1994 Mercury Topaz or take his \$850.00. He also stated the vehicle contained two new tires in the trunk and his Club security device.

KUYKENDOLL stated he wanted to press charges against his son MARCALUS and was ordered in to the DA's office on 03-17-10, 1:30pm and

2333 N. 49TH ST

Milwaukee,WI 53210

100730118

Supplement No ORIG

Reported Date
03/14/2010
Neture of Call
MOTOVEHTFT
Officer
SCHULZ, CHRISTINE L

(414) 935-7502

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Gang Ac				erty Attacked						i v	eapon Usi				
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Suspect .		MIC TO	EHICLE												
Crime Co		M S V	CUTCHE												
		OTOR '	VEHICLE												

2333 N. 49TH ST

Milwaukee, WI 53210

100730118

Supplement No 0001

Reported Date
03/14/2010
Nature of Call
MOTOVEHTFT
Officer
SCHULZ, CHRISTINE L

(414) 935-7502

Adm	inistra	itive In	format	ion				75 S S S S S S S S S S S S S S S S S S S				
Agency				incident No	-	Supplement	No R	eported Date		Reported Time		
MILWA	UKEE P	OLICE 1	DEPT	10073	0118	0001	0	3/14/201	10 l	20:07	100731	.837
Status			Nature of C	ali	_	<u> </u>					. 1	
REPOR	T TO F	OLLOW	MOTOR	VEHIC	LE THE	EFT						
Location								City		Z	P Code	l Rep Dist
520 N	20TH	ST #213	3					MILWAUK	ŒE	5	3233	4600
District	Squad	From Date		rom Time	To Date		ToT	ime				
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Officer						_	Assig	nment				
01811	3/schu	LZ,CHRI	STINE I	1			TH	IRD DIST	RICT	- EARI	Ϋ́	
2nd Officer			Assignm	ent				Entered by	Asslar			
PORUB	SKY, AS.	HĻEY M	THIR	D DIST	RICT -	EARLY	.	018113	THI	RD DIS	TRICT -	EARLY
RMS Transf	-	Property?	Approving Office	cer		Ap	provai D			Approval Tim		
Succe:	ssful	Yes	005259			0	3/17	/2010		22:48:		
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Supp	lemen	it							g Aliga.			

This supplement report is written by P.O. Christine SCHULZ, assigned to District 3, Early Shift. On, Sunday, March 14, 2010 at 8:30pm, P.O. Ashley PORUBSKY and I (squad 3250) were dispatched to a Theft of Vehicle at 520 N. 20th St. #213.

Prior to our arrival, I was advised by dispatch, that the victim (Joe L. KUYKENDOLL) had reported his vehicle (1994, Mercury, Topaz, Blue in color, 4DR, WI Plate 594RKR, last 4 of vin 0232) stolen yesterday (03-13-10). On today's date (03-14-10) KUYKENDOLL had received a telephone call from District 2, stating they had recovered his vehicle, from the address of 753 S. 22nd St. Since the vehicle was not tow authorized, KUYKENDOLL was advised to come pick up his vehicle.

KUYKENDOLL stated that when he arrived on scene, (753 S. 22nd St) his vehicle was no longer on scene. KUYKENDOLL was advised to return to his residence, and re-report his vehicle missing.

KUYKENDOLL stated that he believed that his son (Marcalus L. KUYKENDOLL) had taken the vehicle, and was still in possession of the vehicle. KUYKENDOLL stated that Marcalus was the only one that had access to the keys. KUYKENDOLL stated that Marcalus had not been around for a year.

This case is pending.

2333 N. 49TH ST

Milwaukee, WI 53210

100730118

Supplement No 0002

Reported Date
06/15/2010
Nature of Call
RECOVRDVEH
Officer
JACKSON, DALE M

(414) 935-7502

Adm	inistr	rative l	nform	nation		35:							72.7	
Agency				Incident No	,	Supple	ment No	Reported Date		Reported	d Time	CAD Call	40	
MILWA	ÜKEE	POLICE	DEPT	10073	0118	00	02	06/15/2	2010	14:	13	10073	1837	
Status			Natur	re of Call										
REPOR	T TO	FOLLOW	REC	COVERED V	/EHICLF	Z								
Location								City				Code	I	Rep Dist
753 S	22ND	ST						MILWA	UKEE		53	3204	!	5218
District	Squad	From Date		From Time	Officer									• • • • • • • • • • • • • • • • • • • •
2	230	03/14	1/2010	18:00	00380	7/JA		N, DALE M	1					
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Assignment				·				RMS Transfer						Property?
NEIGH		OD INV	ESTIGA'	TION DIV	- DAY	_		Suppleme	nt Tr	ansfe	r Co	omplet	e	None
Approving C				Approval Date			Approval							
01099	<u> 1</u>			06/15/20	J10		16:1	0:00						
Vehic														
Involvement		Туре	Year	Make	Model	Style			Color		VIN			
RECOV		AUTO	1994	Mercury	TOP	SEDA		DOOR	BLUE		1ME	PM31X7	7.RK620:	232
Stl Loc/Rec								Date		cv Value				
		al/Reco	overed	Other (JCR=2)		06	/15/2010	0 \$:	1		:	,	
Rcv Location								Storage					Dispo	
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						انطلقانا								

CLEARANCE

This report is written by PSSI Dale JACKSON.

The vehicle in question was listed as stolen per the NCIC data bank.

A review of the offense report indicated that the vehicle in question was "Juriked" per State of Wisconsin Department of Transportation records.

The vehicle was removed from the NCIC data bank.

Report Officer	Printed At	
003807/JACKSON, DALE M	08/09/2010 10:28	Page 1 of 1

100730118

Supplement No 0003

2333 N. 49TH ST
Milwaukee, WI 53210

Reported Date
07/20/2010
Nature of Call
MOTOVEHTFT
Officer
JACKSON, DALE M

(414)935-7502

	nistr	ative Inf	ormat	ion		saturne. Markatan dhe a					
Agency				Incident No)	Supplement N	o Reported Date		Reported Time	CAD Call No	
MILWA	UKEE 1	POLICE D	EPT	10073	0118	0003	07/20/2	2010	09:32	100731	837
Status	•		Nature of C	all			_ '		1	1 - 4 4 1	
REPOR'	T TO E	OLLOW	MOTOR	VEHIC	LE TH	EFT					
153 S	22ND	ST					City			Code	Rep Dfst
1							MILWA	UKEE	53	3204	5218
District	Squad	From Date		rom Time	To Date						
2	230	03/14/2	010	L8:00	04/26	5/2010					
Officer		· -								·	
00380	7/JACK	CSON, DALI	3 M								
Assignment						· · · · ·	2nd Officer				
NEIGH	BORHOC	D INVEST	FIGATI C	N DIV	- DAY	.s	PORUBSKY	, ASHLE	M YE		
Assignment				Entered	by As	signment		<u> </u>		-	
THIRD	DISTR	RICT - EA	ARLY	0038	07 N.	EIGHBORE	OOD INVE	STIGAT	'ION DIV	- DAYS	
RMS Transfe	er	Property?	Approving Office	cer		App	roval Date		Approval Time		
Succes	sful	None	005259				/27/2010		18:20:		•
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WOOL	S UD	erandi			J. F. W. S. S.						
Gang Act?	Gang Nam	е	Weapon	Used		Cri	ne Code(s)				
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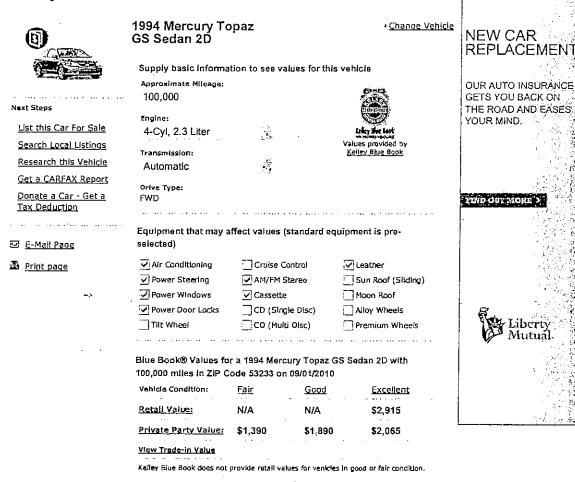
This report is filed by PSSI Dale M. JACKSON.

After reviewing 10-072-0073 and 10-073-0118 which are both Auto Theft reports on the same auto I contacted the owner/complainant Joe L. KUYKENDOLL regarding his complaint. He related that he had reported his vehicle as stolen and District #2 of the MPD located it. Mr. KUYKENDOLL said when he went to recover it the car was no longer there, and re-reported it. He did say he had a photocopy of his title in his glove box in case he needed it to prove ownership.

Mr. KUYKENDOLL upon questioning denied having junked his auto. I informed him that I had checked with the Department of Motor Vehicles in Madison and found that they listed the vehicle as being junked April 26, 2010. The DMV no longer had the original paper work showing the person who junked the auto etc.



Kelley Blue Book Used-Car Values



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