

January 26, 2003

City of Milwaukee
Office of the City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202-3567

✓
CITY OF MILWAUKEE
2003 JAN 30 AM 11:50
RONALD D. LEONHARDT
CITY CLERK

ATTN: CLAIMS

To Whom It May Concern:

I am filing a claim against the City of Milwaukee regarding an accident that occurred on February 6, 2002 on West Layton Avenue. I've attached a detailed description of the accident.

Placing a monetary value on this claim is difficult because most of the damage has been done to me physically and mentally. I received a settlement from my insurance company for the damage to the car, and my health insurance and Medicare have paid my medical expenses. However, I am asking for \$10,000 from the City of Milwaukee for the following reasons:

- I haven't felt good since the date of the accident; I am in pain daily.
- This accident was not handled properly; there were errors in the initial accident report that were never corrected; and the City of Milwaukee has never indicated that they had any responsibility for the manhole cover that caused the accident in the first place.
- The pain I have seems to be caused from muscle spasms and from my sciatic nerve; this won't go away as long as I feel the City of Milwaukee has no regard for my well being and their responsibility in this matter.

I look forward to hearing from you regarding this matter.

Sincerely,

Olga Morris
4650 South 47 Street
Greenfield, WI 53220
(414) 281-4868

Attachments

OFFICE OF
CITY ATTORNEY
03 JAN 30 PM 3:19
CITY OF MILWAUKEE
RECEIVED

Olga Morris
4650 South 47 Street
Greenfield, WI 53220
(414) 281-4868

1

On February 6, 2002, I was driving east on West Layton Avenue at approximately 10:15 p.m. As I entered the intersection of 21st Street, my car hit something on the road that I hadn't seen. There was a loud crashing sound and the car went completely out of control, veered to the right, jumped the curb and finally stopped on an incline just east of an apartment building between 21st and 20th Street.

A young woman come over to the car and asked if I was all right. She was wearing pants with "Milwaukee Police Dept." lettered down one leg. I asked if she was an officer and she said, "No, but I work for the Police Department." I asked what I had hit and she said that I'd hit a manhole cover that was up 4 inches.

The pain in my back was so intense that it took awhile for me to get out of the car. She said that an officer had arrived but being on the borderline of two precincts, another officer was called.

I managed to get to the front steps of the apartment building and a teenaged boy and his grandfather had heard the crash from their upstairs apartment and came out to see what happened. Several other people had come out of apartments and the George Webb restaurant on the north side of Layton Avenue. Two or three people were proceeding to put the cover in place. I asked why there were doing so, as that would show the police what had happened. Someone answered that "if they left it alone, someone else would surely hit it."

The teenaged boy invited me to wait inside the building. I stayed outside, but he went in and brought out a cell phone and asked if I'd like to use it. He dialed my daughter, Laura Lester's, number for me. She and her husband, Gregg, arrived before Officer McBride. When Officer McBride arrived, he talked to them about the accident and he told them that my car had to be removed that night. Gregg showed him the faulty cover and then he and Laura took me to St. Luke's hospital. Officer McBride arrived at the hospital a short time after we did. He told Laura that he had 10 days to make out a report, but first wanted to find out how badly I'd been hurt. Then he reminded Gregg that the car needed to be removed before the next morning. We left the hospital about 2 hours later, stopped to pick up a prescription, and went back to the car. Ray's Tow Service was there and we left.

The police report wasn't available for 14 days. The 4 weekend days that had passed weren't counted, I was told. When I read the report, I found errors: Officer McBride had spoken with me (he spoke to my son-in-law, but not me); the wrong manhole cover was indicated on the report; my car was incorrectly described; and the report indicated that there were no witnesses. I went to the Police Department with my granddaughter, Carla Lester, to talk to Officer McBride about the report. That day, Officer McBride insisted that Gregg had showed him the wrong cover.

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2

By 11:10 p.m. when Officer McBride arrived at the accident scene, almost an hour had passed and most of the spectators had left. The teenaged boy and his grandfather were still there and they'd witnessed the people replacing the manhole cover—Officer McBride reported there were no witnesses. After leaving the Police Department the day I got the report, my granddaughter and I went to the teenaged boy's home to thank him again for his kindness and verify which cover was the cause of the accident. He remembered exactly, and pointed out the same one as Gregg had told Officer McBride. The young man told us his name was Devin and he was a student at Hamilton High School. The 3 of us watched the traffic that passed for about 15 minutes, and each car that went over the cover made a sound. Knowing there are witnesses, it's hard for me to understand why no one was contacted for verification.

I've attached a copy of a letter written by my daughter and son-in-law asking Officer McBride to amend the report. He responded with a phone call and left a message that he couldn't change the report, as it would need to be changed by a Sergeant or a Lieutenant. Again, I went to the Police Department and asked the girl at the desk if I could see someone who could help me. I waited for about an hour and Officer McBride came in. The girl said she had called him from his beat. He again stated that Gregg had told him the wrong cover and had apparently made a mistake. I responded, "If he'd look out the window, he'd see that my car is a green 4-door sedan and not a blue 2-door as described on the report"—apparently Officer McBride had made a mistake. If he felt Gregg had made a mistake, why wasn't anyone else contacted to clarify this?

I've also attached a copy of a picture taken of the manhole cover I hit—from the picture, the median is seen and indicates that the manhole cover is in the intersection of the street, and not further west on Layton as the accident report shows—the manhole cover that is pictured was replaced a couple of months later (I believe the Public Works Department said it was replaced in April, 2002). I am sure it was replaced because of the hazard it caused!

The difficult part of this claim is to put a dollar amount on damages. I realize that cars can be replaced, but it's difficult to even look for a new car when I feel as lousy as I do. I would give just about anything to feel as good as I did before this incident—I've felt miserable for most of this year. I've been to the doctor and have had tests, and it appears that the muscle spasms and the sciatic nerve cause the tearing, burning pain in my back. The \$10,000 claim I am submitting seems to be a modest amount for the City of Milwaukee to pay in assuming their responsibility in this matter.

02-06-02

7599087

INCIDENT INFORMATION

INCIDENT

PDO

VICTIM

MORRIS, OLGA N.

DATE OF INCIDENT / ACCIDENT

02-06-02

LOCATION OF INCIDENT / ACCIDENT

2057 W. LAYTON

DIST.#

6

JUVENILE LAST NAME

FIRST

MIDDLE

DATE OF BIRTH

- DETAINED
- ORDERED TO MCCC
- OTHER

QUANTITY

TYPE OF PROPERTY

DESCRIPTION

SERIAL #

CODE #

VALUE

THIS REPORT WAS WRITTEN BY P.O. DAUGHT MCBRIDE ASSIGNED TO PISTON 6 EARLY SHIFT.

ON WED. 02-06-02 AT 10:55 P.M. SQD 96 P.O. MCBRIDE WAS SENT TO S. 21ST AND W. LAYTON FOR A PDO ACCIDENT.

UPON ARRIVAL I TALKED TO THE OPER. OF UNIT. OLGA N. MORRIS B/F 07-21-77 OF 4650 S. 47TH ST GREENFIELD WI. 281-4868. SHE STATES THAT ON TODAY'S DATE WHILE TRAVELING E/B ON W. LAYTON BIVD SHE RAN OVER A PARTIALLY COVERED MAN HOLE COVER AND LOST CONTROL OF HER VEHICLE HITTING THE CURB AND LANDING IN THE YARD OF 2057 W. LAYTON. SHE FURTHER STATES THAT SHE IS FEELING PAIN IN HER LOWER BACK. SHE WAS CONVEYED TO ST. LUKE'S HOSPITAL BY HER FAMILY.

I RESPONDED TO ST. LUKE'S AND TALKED TO DR. ADLER WHO STATES THAT THE VICTIM WAS TREATED FOR A LOWER BACK STRAIN AND RELEASED.

THE SEWER COVER WAS CHECKED FOR DAMAGES, BUT I WAS UNABLE TO SEE ANY DAMAGES. MY OBSERVATION OF THE COVER IS THAT IT WAS IN PLACE AND SECURED. I WALKED ON THE COVER AND OBSERVED NO MOVEMENT AT ALL. I DROVE THE SQUAD OVER THE COVER AND I DIDN'T OBSERVE ANYTHING THAT WOULD INDICATE THAT THE COVER WAS NOT SECURED.

REPORTING OFFICER

P.O. DAUGHT MCBRIDE

PAYROLL #

61838

LOC CODE

62

SUPERVISORS SIGNATURE

[Signature]

Draw Diagram of Accident & Indicate North with an arrow in the circle.



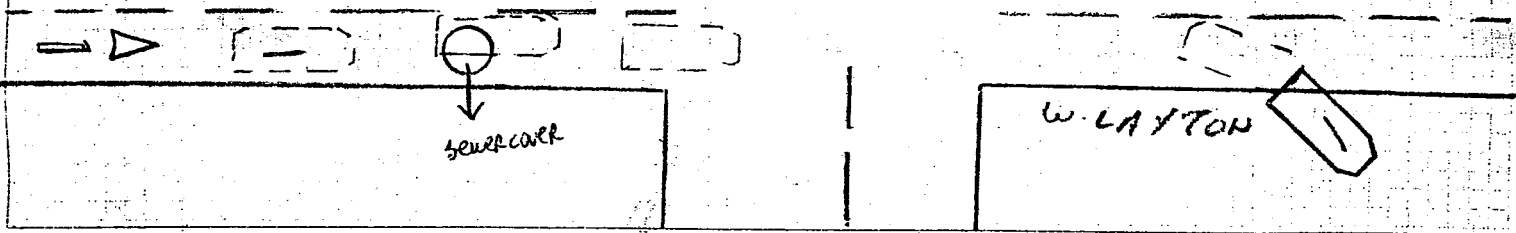
Pictorial Representation of Narrative

Supplemental Reports Witness Statements Measurements Taken

Skidmarks to Impact
Unit 1 () Unit 2 ()
FEET

Surface Type: ASPHALT

S.I.C.S



N UNIT 1 WAS TRAVELING E/B ON W. LAYTON AND
A DROVE OVER SEWER COVER THAT WAS PARTIALLY
R REMOVED AND LOST CONTROL OF THE VEHICLE AND
R HIT THE CURB RESTING IN THE YARD OF 2057 W.
A LAYTON
T
I
**V
E**

Photos By:

What Drivers Were Doing

Unit Number					Unit Number				
1	2	3	4	5	1	2	3	4	5
6	7	8	9	10	6	7	8	9	10
1	●	Going Straight		(1)					
2		Making Left Turn		(2)					
3		Making Right Turn		(3)					
4		Slowing or Stopping		(4)					
5		Stopped in Traffic		(5)					
6		Legally Parked		(6)					
7		Violating No Passing Zone		(7)					
8		Illegally Parked		(8)					
9		Parking Maneuver		(9)					
10		Backing Maneuver		(10)					
11		Changing Lanes		(11)					
12		Overtaking on Left		(12)					
13		Overtaking on Right		(13)					
14		Making U Turn		(14)					
15		Turning on Red		(15)					
16		Merging		(16)					
17		Negotiating Curve		(17)					
18		Other		(18)					

WITNESS Last NONE First MI.
 ADDRESS Street & Number _____ Date of Birth _____
 City & State _____ ZIP _____ Phone Number _____

ACCESS CONTROL

1 No Control (Unlimited Access)
 2 Full Control (Only Ramp Entry/Exit)
 3 Partial Control

ROAD TERRAIN

Part A
 1 Straight
 2 Curve

Part B
 1 Level/Flat
 2 Hill

LIGHT CONDITION

1 Daylight
 2 Dark—Not Lighted
 3 Dark—Lighted
 4 Dawn
 5 Dusk
 6 Unknown

TRAFFIC WAY

1 Not Physically Divided (2-Way Traffic)
 2 Divided Highway, Median Strip, without Traffic Barrier
 3 Divided Highway, Median Strip, with Traffic Barrier
 4 One-Way Traffic
 5 Parking Lot or Private Property

ROAD SURFACE CONDITION

1 Dry
 2 Wet
 3 Snow/Slush
 4 Ice
 5 Sand, Mud, Dirt, Oil
 6 Other
 7 Unknown

WEATHER

1 Clear
 2 Cloudy
 3 Rain
 4 Snow
 5 Fog, Smog, Smoke
 6 Sleet, Hail (Freezing Rain or Drizzle)
 7 Blowing Sand, Soil, Dirt, Snow
 8 Severe Crosswinds
 9 Other
 10 Unknown

RELATION TO ROADWAY

1 On Roadway
 2 Parking Lot or Private Property
 3 Shoulder (Other Than Shoulder within Median or Gore)
 4 Median (Other Than Median within Gore)
 5 Outside Shoulder—Left
 6 Outside Shoulder—Right
 7 Off Roadway—Location Unknown
 8 On Ramp
 9 Gore (Area between Ramp & Highway)
 10 Unknown

Traffic Control

Unit Number					Unit Number				
1	2	3	4	5	1	2	3	4	5
6	7	8	9	10	6	7	8	9	10
1	●	No Control		(1)					
2		Traffic Signal Operating		(2)					
3		Traffic Signal Flashing		(3)					
4		Stop Sign		(4)					
5		Stop Sign with Flasher Warning		(5)					
6		Warn Sign with Flasher		(6)					
7		Yield Sign		(7)					
8		Traffic Control Person		(8)					
9		RR-xing Signal		(9)					
10		Other		(10)					

Officer's Opinion of Possible Contributing Circumstances

7599087 (3)

Document Number Override
131

Driver Factors

Unit Number	Unit Number
1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
N/A	N/A
1 Exceeding Speed Limit	1
2 Speed Too Fast Condition	2
3 Fail to Yield Right of Way	3
4 Inattentive Driving	4
5 Following Too Close	5
6 Improper Turn	6
7 Left of Center	7
8 Disregarded Traffic Control	8
9 Improper Overtaking	9
10 Unsafe Backing	10
11 Failure to Have Control	11
12 Driver Condition	12
13 Physically Disabled	13
14 Other	14

Vehicle Factors

Unit Number	Unit Number
1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
N/A	N/A
1 Brake System	1
2 Tires	2
3 Steering System	3
4 Turn Signals	4
5 Head Lamps	5
6 Stop Lamps	6
7 Tail Lamps	7
8 Disabled in Prior Accident	8
9 Other Disabled	9
10 Mirrors	10
11 Suspension System	11
12 Other	12

Highway Factors

Unit Number	Unit Number
1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10
N/A	N/A
1 Snow, Ice or Wet	1
2 Narrow Shoulder	2
3 Low Shoulder	3
4 Soft Shoulder	4
5 Loose Gravel	5
6 Rough Pavement	6
7 Debris From Prior Accident	7
8 Other Debris	8
9 Sign Obscured or Missing	9
10 Narrow Bridge	10
11 Construction Zone	11
12 Visibility Obscured	12
13 Other	13

OFFICER INFORMATION

Last: **MCBRIDE** First: **DWIGHT** M.I. **(none)**

Law Enforcement Agency Address: **749 W. STATE ST.**

City & State: **MILW. WI** ZIP: **53233**

Phone Number: **(414) 933-4444**

Agency #: **511** Enforcement Agency: **MILW P.D.** Officer ID #: **61838**

Date Notified

MONTH	DAY	YEAR
Jan	06	02
Feb		
Mar		
Apr		
May		
June		
July		
Aug		
Sept		
Oct		
Nov		
Dec		

Time Notified (Military Time)

HOUR	MIN.
22	55
00	00
01	01
02	02
03	03
04	04
05	05
06	06
07	07
08	08
09	09

Time Arrived (Military Time)

HOUR	MIN.
23	10
00	00
01	01
02	02
03	03
04	04
05	05
06	06
07	07
08	08
09	09

Date of Report

MONTH	DAY	YEAR
Jan	13	02
Feb		
Mar		
Apr		
May		
June		
July		
Aug		
Sept		
Oct		
Nov		
Dec		

Truck & Bus Accident Information (This Section Must Be Completed for Each Truck or Bus Involved in this Accident.)

When to Use This Section:

Part A

Did the accident involve...
 A truck with at least two axles and six tires?
 A truck with a hazardous materials placard?
 A bus designed to carry 16 or more persons, including the driver?

STOP! If all the responses to Part A are "NO" do not complete this Truck & Bus Accident Information Section. If there are any "YES" answers, continue to Part B.

Part B

Any person who was fatally injured? Y N
 Any injured person who required transport for immediate medical treatment? Y N
 One or more vehicles that had to be towed from the scene as a result of the accident? Y N

STOP! If all the responses to Part B are "NO" do not continue. If there are any "YES" answers, please complete this Truck & Bus Accident Information Section.

Hazardous Material Information

Hazardous Material Class Numbers (1-2digit):

Hazardous Material "UN" Numbers (4 digit):

Hazardous Material Placard Displayed? Y N
 Hazardous Cargo was Released? Y N

List the Hazardous Material(s) by Name in this Load:

List the Name(s) of Released Hazardous Material(s):

Carrier Information

Interstate Carrier? Y N

Carrier Name:

Carrier Identification Numbers

US DOT: LC:

ICC/MC: IC:

Carrier Address:

Source: Vehicle Side Shipping Papers Trip Manifest Driver Log Book

Vehicle Information

Vehicle Configuration: Bus Single unit truck 2 axles Truck/Tractor Tractor/Trailer Tractor/Semi-Trailer Tractor/Tractor Tractor/Triples Long Truck Unit-over-the-Hill Truck

Gross Vehicle Weight Rating: LBS

Total # of Axles:

SEQUENCE OF EVENTS FOR THIS VEHICLE

1 2 3 4 Ran off Road
 1 2 3 4 Jackknife
 1 2 3 4 Overturn (Rollover)
 1 2 3 4 Downhill Runaway
 1 2 3 4 Cargo Loss or Shift
 1 2 3 4 Explosion or Fire
 1 2 3 4 Separation of Units
 1 2 3 4 Collision Involving Pedestrian

1 2 3 4 Collision Involving Motor Vehicle in Transp.
 1 2 3 4 Collision Involving Parked Motor Vehicle
 1 2 3 4 Collision Involving Train
 1 2 3 4 Collision Involving Pedalcycle
 1 2 3 4 Collision Involving Animal
 1 2 3 4 Collision Involving Fixed Object
 1 2 3 4 Collision Involving Other Object
 1 2 3 4 Other

Cargo Body Type

1 Bus

2 Van/Enclosed box

3 Cargo Tank

4 Flatbed

5 Trailer

6 Concrete Mixer

7 Auto Transporter

8 Garbage/Reuse

9 Other

10 Log Truck

March 18, 2002

Officer Dwight McBride
Milwaukee Police Department
749 West State Street
Milwaukee, WI 53233

Dear Officer McBride:

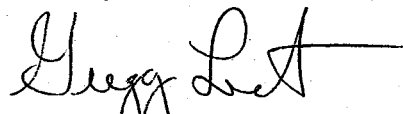
This last week we read a copy of the police report for the accident Olga Morris was in on February 6, 2002, Document Number 7599087. We have some concerns about the information in the report.

In the Pictorial Representation of Narrative section, the illustration shown is incorrect. The manhole cover that was hit and caused the accident, was not the one shown in the drawing. She hit the manhole cover that was in the right, eastbound lane and in the intersection of West Layton Avenue and South 21 Street. That particular manhole cover had broken pieces of asphalt around it, and made noise upon driving over it. It had been put back in place by the people who came out of their apartments to help our mother so that it wouldn't cause problems for other drivers.

Both my husband and I spoke with you at the scene of the accident and again at St. Luke's hospital. We described the accident and how it happened and referred to the fact that she had hit a manhole cover. The one we saw and that the people in the apartment pointed out to us was the one in the right, eastbound lane in the intersection of West Layton Avenue and South 21 Street.

We feel it is important that the correct information be reported regarding the accident. We look forward to hearing from you regarding this matter.

Sincerely,



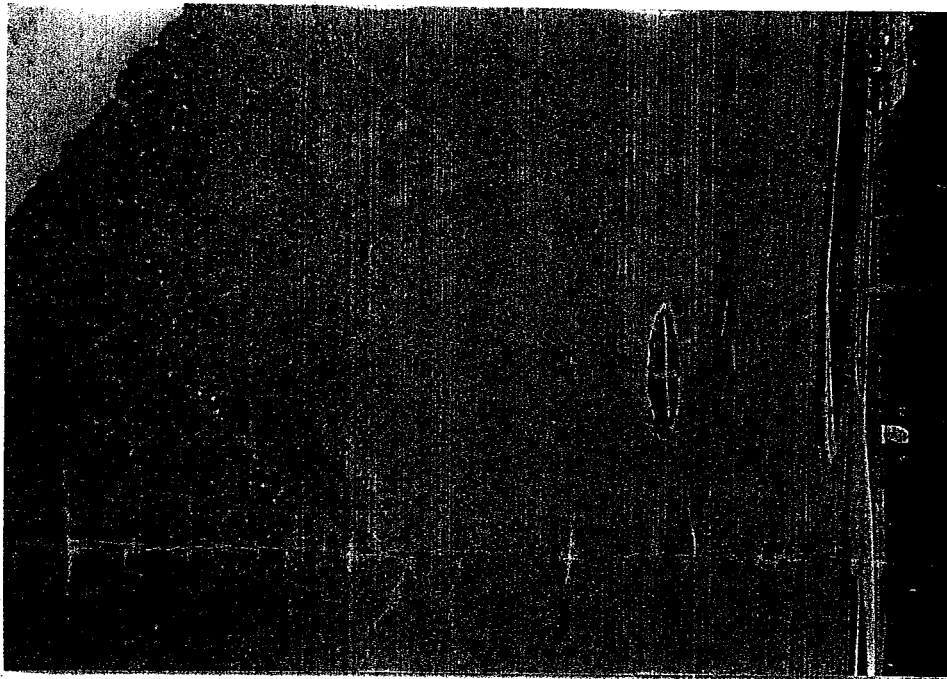
Gregg Lester, Son-in-law of Olga Morris



Laura Lester, Daughter of Olga Morris

address

phone number



79895
 OLGA MORRIS
 GREGG LESTER
 4650 S. 47TH. ST
 GREENFIELD, WI 53220
 HOME: 414-305-6775 BUS:

200554
 INVOICE

LINCOLN
MERCURY
GORDIE BOUCHE
 LINCOLN MERCURY INC
 316 SOUTH Tenth STREET
 WEST ALLIS, WISCONSIN 53222
 Phone **327-6000**

PAGE 1
 SERVICE ADVISOR: 35 JAMES OTTS

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	
TEAL	93	MERCURY TOPAZ	2MEPM36UXPB610574	JMT835	5511/5511	
DEL DATE	PROD DATE	WARR EXP	PROMISED	PO NO	PAYMENT	INVOICE
20MAY1993			17:00 22FEB02		CASH	20FEB02
R.O. OPENED	READY	OPTIONS: DLR:42E549 ENG:3.0 Liter EFI				
10:06 07FEB02	10:23 20FEB02					

LINE	OPCODE	TECH	TYPE	HOURS	LTST	NET	TOT
A BODY SHOP REPAIR // REPAIR AS PER ESTMATE /							
B199 REPAIR AS PER ESTMATE							
73 EISMANN, EDWARD K LIC#: 2591							
CBI							
1	F105018			HOSE BRAKE PH	15.30	410.00	410.00
1	NIC00195			FLANGE PH	26.99	15.30	15.30
2	STEM				1.40	26.99	26.99
2	9001*7474761*26			185/70R14	49.95	1.40	1.40
2	PM*1*			BRAKE FLUID "DOT3" 12 FL. O	3.44	49.95	49.95
1	475-00125R			SUSP	125.00	3.44	3.44
1	WHEEL			STEEL	62.50	125.00	125.00
MISC BODY SHOP MATLS.							
CPM							
PARTS:	339.37	LABOR:	410.00	OTHER:	281.31	TOTAL LINE A:	1030.6

CUSTOMER TO PAY TOTAL BILL
 THANK YOU FOR YOUR BUSINESS
 ANDREAS & JIM

WE HOPE YOU WERE "COMPLETELY SATISFIED" WITH YOUR DEALERSHIP EXPERIENCE. IF YOU FEEL YOU WOULD NOT BE ABLE TO ANSWER "COMPLETELY SATISFIED" ON A FACTORY SURVEY, PLEASE CONTACT YOUR SERVICE ADVISOR LISTED ABOVE OR TOM HERBERT (SERVICE MANAGER) OR JOHN ROTHE (SERVICE MANAGER) 327-6000 THANK YOU!

FEB 20 2002

LOCATIONS
 TO
 SERVE

LINCOLN
MERCURY
 GORDIE BOUCHER
 LINCOLN MERCURY
 WEST ALLIS, WI
 GORDIE BOUCHER
 LINCOLN MERCURY EAST
 MADISON, WI

FORD
MERCURY
LINCOLN
 GORDIE BOUCHER
 FORD LINCOLN MERCURY
 JANESVILLE, WI
 BEAVER DAM, WI

CHRYSLER

Chevrolet
Geo
 BOUCHER
 CHEVROLET, INC.
 WAUKESHA, WI
 FRANK BOUCHER
 CHEVROLET, INC.
 RACINE, WI

SATURN
 OF WAUKESHA
 WAUKESHA, WI
 SATURN
 OF MILWAUKEE
 MILWAUKEE, WI

DESCRIPTION	TOTAL
LABOR AMOUNT	410.0
PARTS AMOUNT	339.3
GAS, OIL, LUBE	0.0
SUBLET AMOUNT	0.0
MISC. CHARGES	281.3
TOTAL CHARGES	1030.6

1. TO REGISTER CATALOG * 2001-02