



Robert S. Qualey
 David M. Williams †
 Arielle R. Aikens †
 Tina Fortier

QUALEY | WILLIAMS | AIKENS
 Attorneys At Law

Miriam Ortega, Office Manager



March 14, 2023

Sent via Federal Express:
 City of Milwaukee | City Clerk
 ATTN: CLAIMS
 200 East Wells Street, Room 205
 Milwaukee, WI 53202

Re: West Bend Mutual Insurance Company Subrogation Claim

Our Claim Number: AQ01864
 Our Insured: The Aemilian Preschool, Inc
 Date of Loss: 12-26-2022
 Amount Recoverable: **\$21,745.00**

Dear Sir or Madam,

This office has been retained by West Bend Mutual Insurance Company (“West Bend”) to represent it in the above referenced claim. West Bend insures the property located at 5300 North 118th Court in Milwaukee, Wisconsin (the “insured property”) which is owned by The Aemilian Preschool, Inc (the “insured”).

Facts of the Loss

For over 40 years, The Aemilian Preschool has been a resource for families wanting a full day learning environment for their children. Prior to the loss, the insured received a letter from Milwaukee Water Works which notified the preschool about the replacement of all the water meters in the area. The City of Milwaukee thereafter arranged for the replacement of the water meter on November 14, 2022.

On December 26, 2022, the school’s executive director, Ms. Colleen Belknapp, started hearing the sound of running water in the utility closet located on the west side of the building. Ms. Belknapp did not have key access to the closet, so she contacted the landlord at which time they open the closet and witness the subject water meter leaking a significant amount of water. As such, the insured premises sustained extensive water damage throughout.

West Bend subsequently confirmed through its adjustment process that the water meter’s failure was the sole and proximate cause of the loss.

Liability

In Wisconsin, Public Entities may also be liable for hazardous conditions of public property. Liability exists if a dangerous condition created a reasonably foreseeable risk of injury. A 'Dangerous condition' means a condition of property that creates a substantial (as distinguished from a minor, trivial or insignificant) risk of injury when such property or adjacent property is used with due care in a manner in which it is reasonably foreseeable that it will be used." (Gov. Code, § 830 subd (a)).

Here, the failed water meter was in a dangerous condition which created a reasonably foreseeable risk of injury or damage to property when it backed up into the insured premises. As the entity responsible for the replacement of the failed water meter, the city of Milwaukee is liable for any and all reasonably foreseeable damages caused by the dangerous condition.

Damages

West Bend is seeking reimbursement in the amount of **\$21,745.00** which includes the insureds deductible in the amount of \$2,500.00.

I have attached supporting documentation for these damages. Upon receipt of this correspondence and review of the materials, please contact me at your earliest convenience to discuss this matter further. I may be reached directly at 860-559-2150 or by email at aaikens@qwoalaw.com. Thank you for your prompt attention to this matter.

Sincerely,



Arielle R. Aikens, Esq.

Enclosures: as stated

PAYEE NAME

SYSTEC LTD OF WISCONSIN INC

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / BUILDING - AEMILIAN PRESCHOOL

MAIL TO INFO

SYSTEC LTD OF WISCONSIN INC
12645 W BURLEIGH RD STE 10
BROOKFIELD , WI 53045-

PAYMENT BREAKDOWN

MAJOR PERIL:	SPECIAL FORM-ADDTL EXTEND CVG-BLDG
CAUSE OF LOSS:	ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD
RESERVE CATEGORY:	BUILDING
CATEGORY:	
AMOUNT:	\$1,103.00

PAYEE NAME

THE AEMILIAN PRESCHOOL, INC

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / BUILDING - REIMBURSEMENT FOR STEAM DRY LESS \$2,500 DEDUCTIBLE

MAIL TO INFO

THE AEMILIAN PRESCHOOL, INC
5300 N 118TH CT
MILWAUKEE , WI 53225-3084

PAYMENT BREAKDOWN

MAJOR PERIL:	SPECIAL FORM-ADDTL EXTEND CVG-BLDG
CAUSE OF LOSS:	ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD
RESERVE CATEGORY:	BUILDING
CATEGORY:	
AMOUNT:	\$1,449.50

PAYEE NAME

BERGHAMMER CONSTRUCTION

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / BUILDING - REPAIRS FOR AEMILIAN PRESCHOOL

MAIL TO INFO

BERGHAMMER CONSTRUCTION
4750 N 132ND ST
BUTLER , WI 53007-

PAYMENT BREAKDOWN

MAJOR PERIL:	SPECIAL FORM-ADDTL EXTEND CVG-BLDG
CAUSE OF LOSS:	ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD
RESERVE CATEGORY:	BUILDING
CATEGORY:	
AMOUNT:	\$14,833.00
TRANSACTION CATEGORY:	

PAYEE NAME

THE AEMILIAN PRESCHOOL, INC

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / BUILDING - LABOR HOURS FOR CLEAN UP/CLASSROOM MOVING AND SET UP

MAIL TO INFO

THE AEMILIAN PRESCHOOL, INC
5300 N 118TH CT
MILWAUKEE , WI 53225-3084

PAYMENT BREAKDOWN

MAJOR PERIL:	SPECIAL FORM-ADDTL EXTEND CVG-BLDG
CAUSE OF LOSS:	ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD
RESERVE CATEGORY:	BUILDING
CATEGORY:	
AMOUNT:	\$1,137.50

PAYEE NAME

THE AEMILIAN PRESCHOOL, INC

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / CONTENTS - CONTENTS REIMBURSEMENT

MAIL TO INFO

THE AEMILIAN PRESCHOOL, INC
5300 N 118TH CT
MILWAUKEE , WI 53225-3084

PAYMENT BREAKDOWN

MAJOR PERIL:	SPECIAL FORM-ADDTL EXTEND CVG-BLDG
CAUSE OF LOSS:	ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD
RESERVE CATEGORY:	CONTENTS
CATEGORY:	
AMOUNT:	\$722.00

PAYEE NAME

THE AEMILIAN PRESCHOOL, INC

PAY TO THE ORDER OF (AS PRINTED ON CHECK)

MEMO PHRASE

COVERAGE : COMM PROPERTY / CONTENTS - CONTENTS REIMBURSEMENT

MAIL TO INFO

THE AEMILIAN PRESCHOOL, INC
5300 N 118TH CT
MILWAUKEE , WI 53225-3084

PAYMENT BREAKDOWN

MAJOR PERIL:

SPECIAL FORM-ADDTL EXTEND CVG-BLDG

CAUSE OF LOSS:

ADDITIONAL EXTENDED COVERAGE BLDG-ALL OTHER PD

RESERVE CATEGORY:

CONTENTS

CATEGORY:

AMOUNT:

\$722.00



System Ltd. of Wisconsin, Inc.

Invoice

12645 W. Burleigh Rd #10
Brookfield, WI 53005

262-790-1553

Fax #262-790-1557

DATE	INVOICE #
1/4/2023	26750

BILL TO
Aemilian Preschool Accounts Payable 5300 N 118th Ct Milwaukee, WI 53225

SHIP TO
Aemilian Preschool 5300 N 118th Ct Milwaukee, WI 53225

P.O. NUMBER	TERMS	VIA	JOB NUMBER
Collen	Net 30	UPS Ground	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
	1 LOT	Emergency Fire Alarm Service 12/26/2022 *Panel got wet from water break. Smoke detector 1-5 above the panel was damaged. Replaced smoke detector and base and dried out the Panel and Power booster panel. Tested panels to confirm proper operation. (1) smoke detector and base \$143.00 (4) Hours emergency repair \$960.00	1,103.00	1,103.00

			Sales Tax (0.0%)	\$0.00
1 1/2% PER MONTH THEREAFTER ON ANY UNPAID BALANCE.			Total	\$1,103.00

Total contents are \$722.00. Half of this is a toddler couch that was in the water and the remaining items are misc school supplies. None of them are salvageable. Contents list appears to be reasonable.

2/6/2023 12:31:13 PM

DENOR, SHAUN

GENERAL



Show

Recd email from insd with work hours for her employees with clean up, moving and setting up of classrooms to avoid down time.

Total hours of 45.5 at \$25 an hour=\$1,137.50.

Making Payment;

insd

Amount;\$1,137.50

Contacted insd and informed of payment.

1/6/2023 2:41:03 PM

DENOR, SHAUN

GENERAL



Show

I recd email from insd with the return of sales tax from Steam dry of \$217.22.

Insd also stated that the city water person that replaced the meter on 12/29/22 also came back out on 1/5/23 to check on the damage and said the city probably won't pay.

I returned email and informed I would get out reimbursement for the Steam dry invoice less their deductible.

Also, informed insd of QWOA.

Making Payment;
Insd

Amount: \$1,449.50
reimbursement for mitigation less \$2,500 deductible

Name	12/26/2022	12/27/2022	12/28/2022	12/29/2022	12/30/2022	12/31/2022	1/11/2023	1/13/2023	
Alissa Bremer						2.75		0.75	
Andrea Delgado						0.75			
Ashley Hayes						1.75			
Colleen Belknapp	5.25	4	1.25	1.75	1.5	4.75			
Daniel Belknapp	0.5						1	1.5	
Josh Meyer						0.75			
Lee Heller						1.75			
Marisa Schlehle						2.75		5.75	
Molly Belknapp	0.5			0.75			1		
Peggy Drana						2.75			
Willie Belknapp	0.5							1.5	
Total	6.75	4	1.25	2.5	1.5	18	2	9.5	45.5



127 S. 116th St.
West Allis, WI 53214
414-479-9999

BILL TO

Aemilian Preschool
5300 North 118th Court
Milwaukee, WI 53225 USA

INVOICE 35166064	INVOICE DATE Dec 26, 2022
----------------------------	-------------------------------------

JOB ADDRESS

Aemilian Preschool
5300 North 118th Court
Milwaukee, WI 53225 USA

Completed Date: 12/26/2022

Payment Term: Net 30 Days

Due Date: 1/25/2023

TASK	DESCRIPTION	QTY	PRICE	TOTAL
Flood After Hours	Water Extraction Due to Flood/Water Leak - 1749 sq. ft. - Carpet with no Pad and Hard Surface Flooring	1749.00	\$0.50	\$874.50
Items/Furniture Moving	Move Items/Furniture	1.00	\$150.00	\$150.00
Blowers	Blower Placement to Facilitate Drying - Price is per Blower per Day - 24 blowers x 3 days	72.00	\$25.00	\$1,800.00
Dehumidifier	Dehumidifier Placement to Facilitate Drying - Price is per Dehumidifier per Day - 3 dehumidifiers x 3 days.	9.00	\$125.00	\$1,125.00
Baseboard Removal	Rubber Baseboard Removal	1.00	\$0.00	\$0.00

SUB-TOTAL	\$3,949.50
MILWAUKEE COUNTY - (5.5%) 5.5%	\$217.22
TOTAL DUE	\$4,166.72
BALANCE DUE	\$4,166.72

From: "Denor, Shaun" <SDenor@WBMI.com>
Date: 01/04/23 02:41:46 PM
To: "PCC Scan Center Backend" <PCCScanCenterBackend@WBMI.com>
Subject: FW: [External]FW: Aemilian - Water Damage
Attachments: Steam Dry Invoice #35166064.pdf, Steam Dry Payment Check.pdf

Field Name/ Field Limit	Field Value
Claim Nbr- 7	AQ01864
Description- 35	Mitigation invoice
Party- 25	insd
Source- 25	insd
Service Dates- 20	

From: Aemilian Preschool <office@aemilianpreschool.com>
Sent: Tuesday, January 3, 2023 12:37 PM
To: Denor, Shaun <SDenor@WBMI.com>
Subject: RE: [External]FW: Aemilian - Water Damage

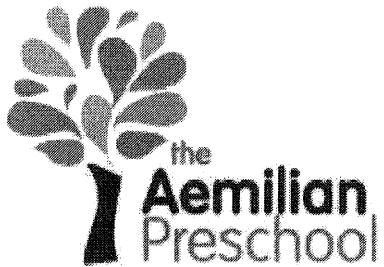
Hello Shaun,

I don't have the invoice for Systec yet but I will inquire about it. Here is the invoice for Steam Dry and the check that I paid them with. I realized after I had paid it and saw the email that they charged us sales tax and we are tax exempt. I left them a message about getting it taken off but I have not heard back from them.

Should I be reaching out to Milwaukee Water Works to get more information about filing a claim with them?

Thank you,

Colleen Belknapp
Executive Director



5300 N 118th Ct.
Milwaukee, WI 53225
Phone: 414-463-1641
Fax: 414-463-1750
<https://www.aemilianpreschool.com/>



From: Denor, Shaun <SDenor@WBMI.com>
Sent: Tuesday, January 3, 2023 12:08 PM
To: Aemilian Preschool <office@aemilianpreschool.com>
Subject: RE: [External]FW: Aemilian - Water Damage

Hi Colleen,

Thank you for all the photos and information. Can you send me the invoice for Steam Dry and Systec?

From: Aemilian Preschool <office@aemilianpreschool.com>
Sent: Monday, January 2, 2023 10:21 AM
To: Denor, Shaun <SDenor@WBMI.com>
Subject: [External]FW: Aemilian - Water Damage

Hello Shaun,

Please see the email below for an approximate estimate from Berghammer Corp for the repairs. I also have a paid invoice to Steam Dry and Systec for the parts of the fire alarm panel in that mechanical closet.

Thank you,

Colleen Belknapp
Executive Director

Good afternoon ladies. I really wish I could wave a wand and lessen some of the claim calls! At least for a month or two!! It's Friday, so people are trying to get their calls in before the weekend. I wanted to ask both of you if it would be okay to simply note the individual's name and contact info if they're only calling to get an update on the status of their claim? I will make certain to include any and all pertinent info the caller provides as needed for you. Please let me know. That being asked, please see the claim call info below. Thank you.

- 1.) James Zollicoffer - (310) 962-1704
- 2.) Jermaine Montgomery - (262) 506-0889 (License Plate No.: ANK7572)
- 3.) Kelly Barnes (262) 227-3970 – Repeat call regarding her vehicle estimate situation and if the City will cover her car rental.
- 4.) Diane (Progressive Insurance) – Following up on the payment status for their insured's claim (no name given). The Release of Claim form was mailed out November 19, 2021. Our CI File #: 1030-2021-231 and Progressive's reference number is 21-4906814. Please return her call at (440) 910-1544. Thanks again.

8.4 - 296

Sabrina Gillon | Office Assistant III

City Attorney's Office | City of Milwaukee

414.286.2601 | 414.286.8550 (Fax)

The City of Milwaukee is subject to Wisconsin Statutes related to public records. Unless otherwise exempted from the public records law, senders and receivers of City of Milwaukee e-mail should presume that e-mail is subject to release upon request, and is subject to state records retention requirements. See City of Milwaukee full e-mail disclaimer at www.milwaukee.gov/email_disclaimer

2650597

~~Chris Mageed~~
 - Dr. Kohn - Khan
 May 25 10:00
 44-471-8400
 Section 3 2:45
 dlc in
 list of needs.



5300 N 118th Ct.
Milwaukee, WI 53225
Phone: 414-463-1641
Fax: 414-463-1750
<https://www.aemilianpreschool.com/>



From: Colleen & Dave <canddbells@aol.com>
Sent: Monday, January 2, 2023 10:15 AM
To: Aemilian Preschool <office@aemilianpreschool.com>
Subject: Fw: Aemilian - Water Damage

----- Forwarded Message -----

From: Michael Vanek <mvanek@berghammer.com>
To: Colleen Belknapp (canddbells@aol.com) <canddbells@aol.com>
Sent: Thursday, December 29, 2022 at 03:35:40 PM CST
Subject: Aemilian - Water Damage

Colleen – I just got done meeting with Daveco and signing their work ticket for the demolition of the damaged drywall and insulation. They already have 16 hrs into the project. I have a “rough” estimate put together if you need to provide insurance with something before week’s end. Paint I have a question mark next to as I don’t know if they will need to repaint the entire wall from corner to corner or how that will be completed....

Vinyl Base - \$1,500

Paint - \$5,000 (?)

Drywall (demo and install) - \$5,800

GC - \$2,500

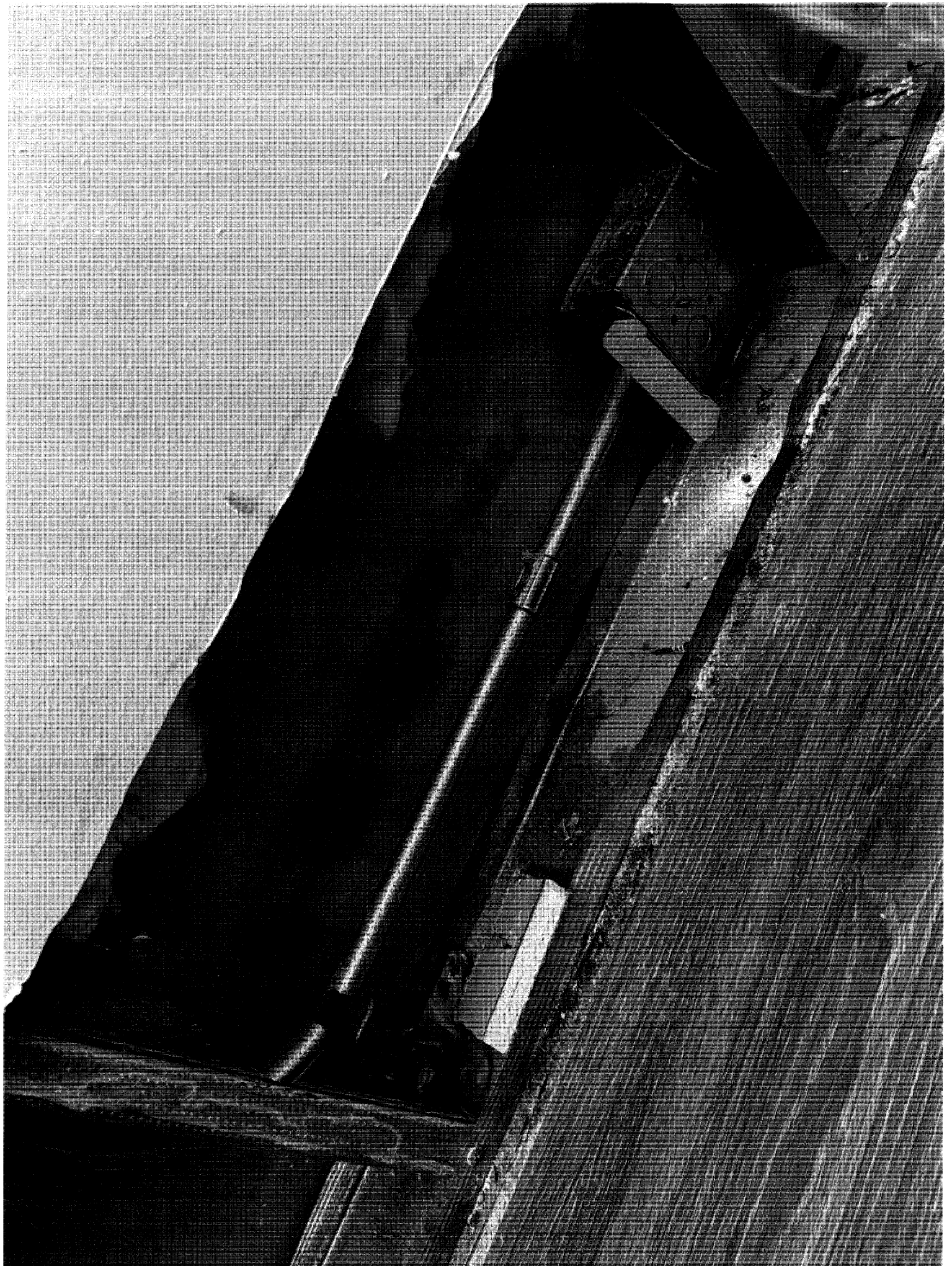
Leaving the space City of Milwaukee was there installing the new meter. I have great concern for the East wall of that exterior Landlord Water Closet as you can see (pics) that the wall is still holding moisture. I stuck my hand up that wall cavity and there is still moisture on the closet side in the drywall, which I fear will keep the insulation in those cavities from fully drying. There might be a need to have that entire West wall, in your closet, re-drywalled from floor to deck. We can decide that next week.

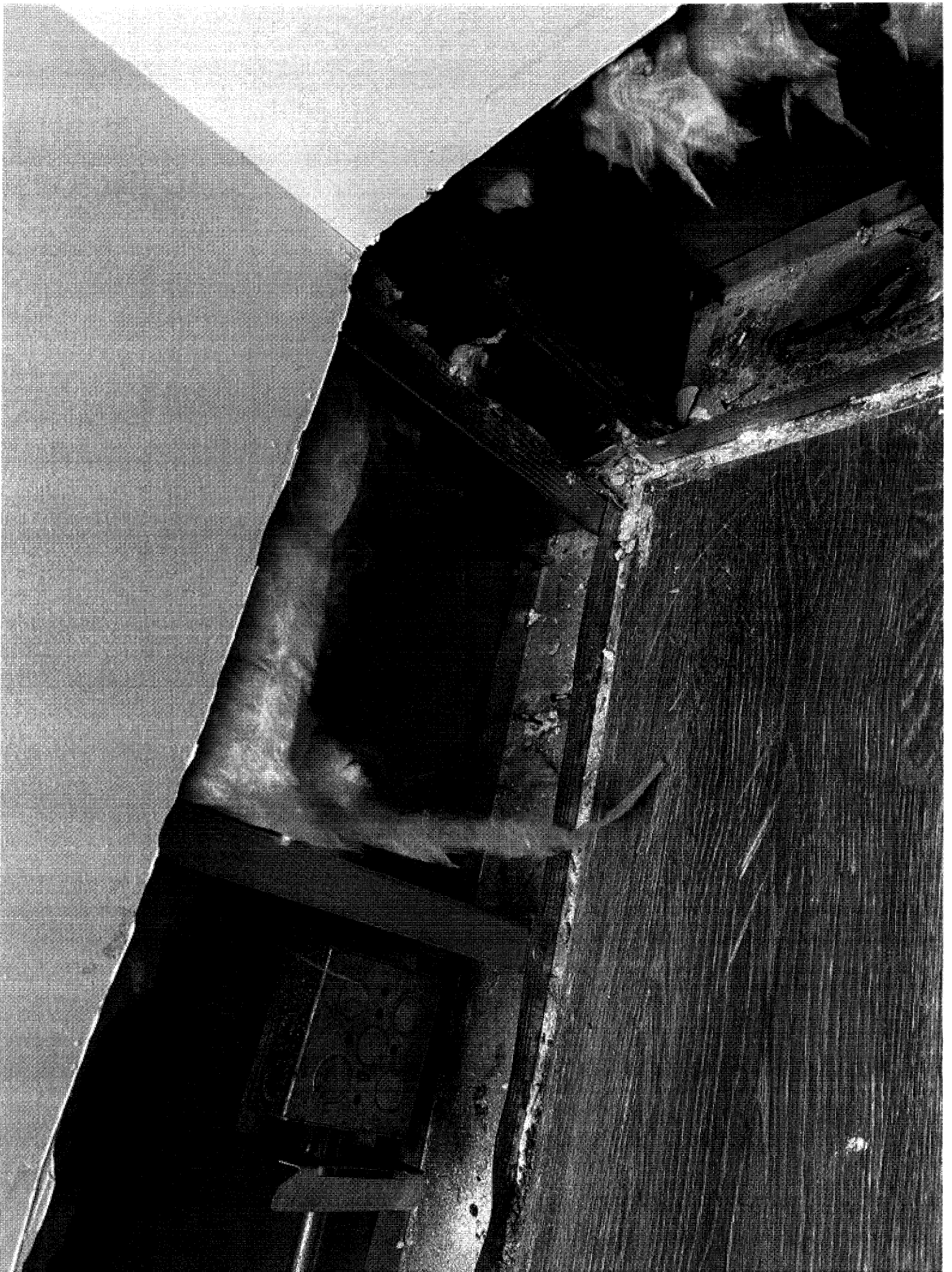
Michael Vanek | Project Manager

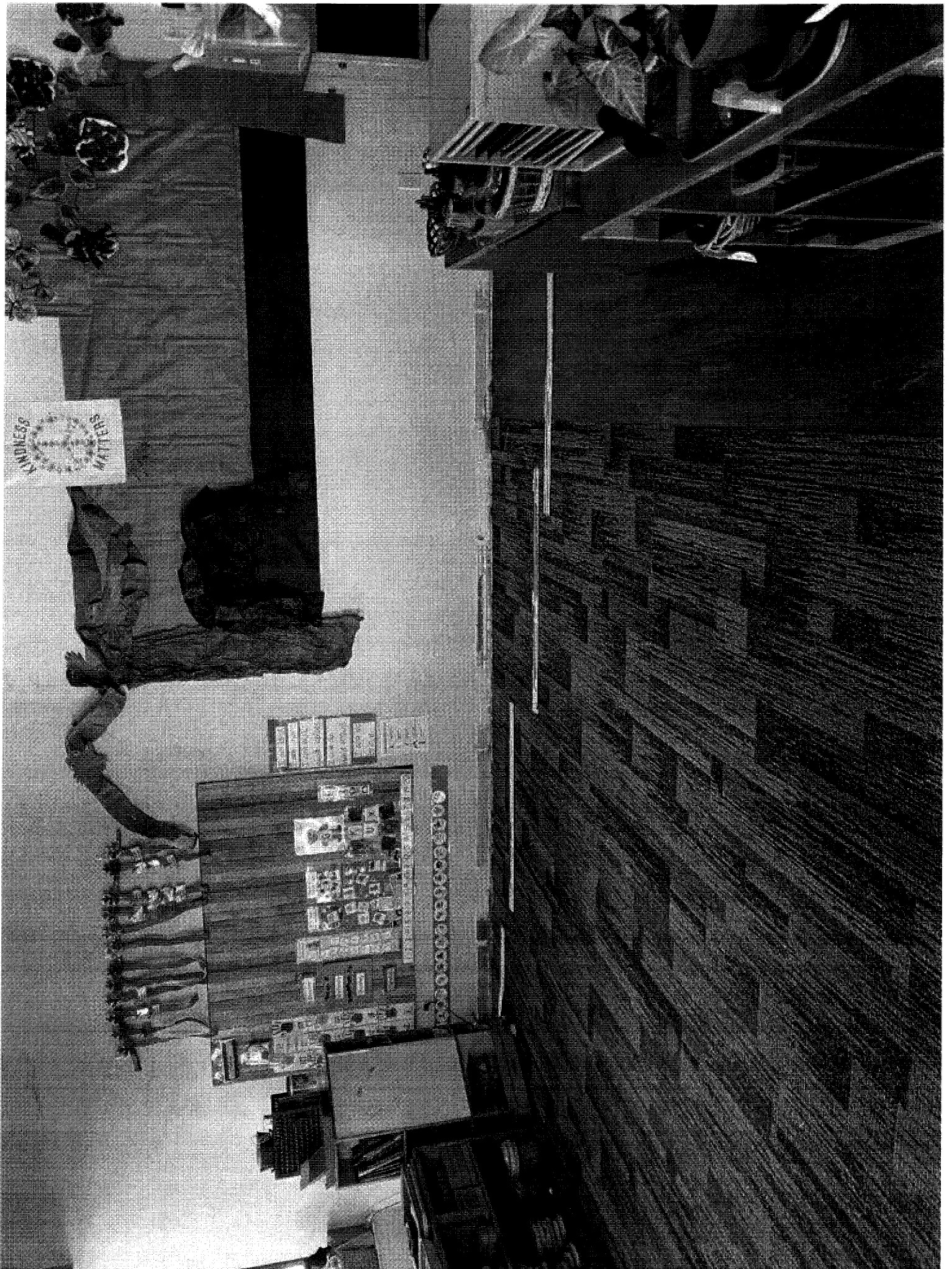
BERGHAMMER *Construction Corporation*

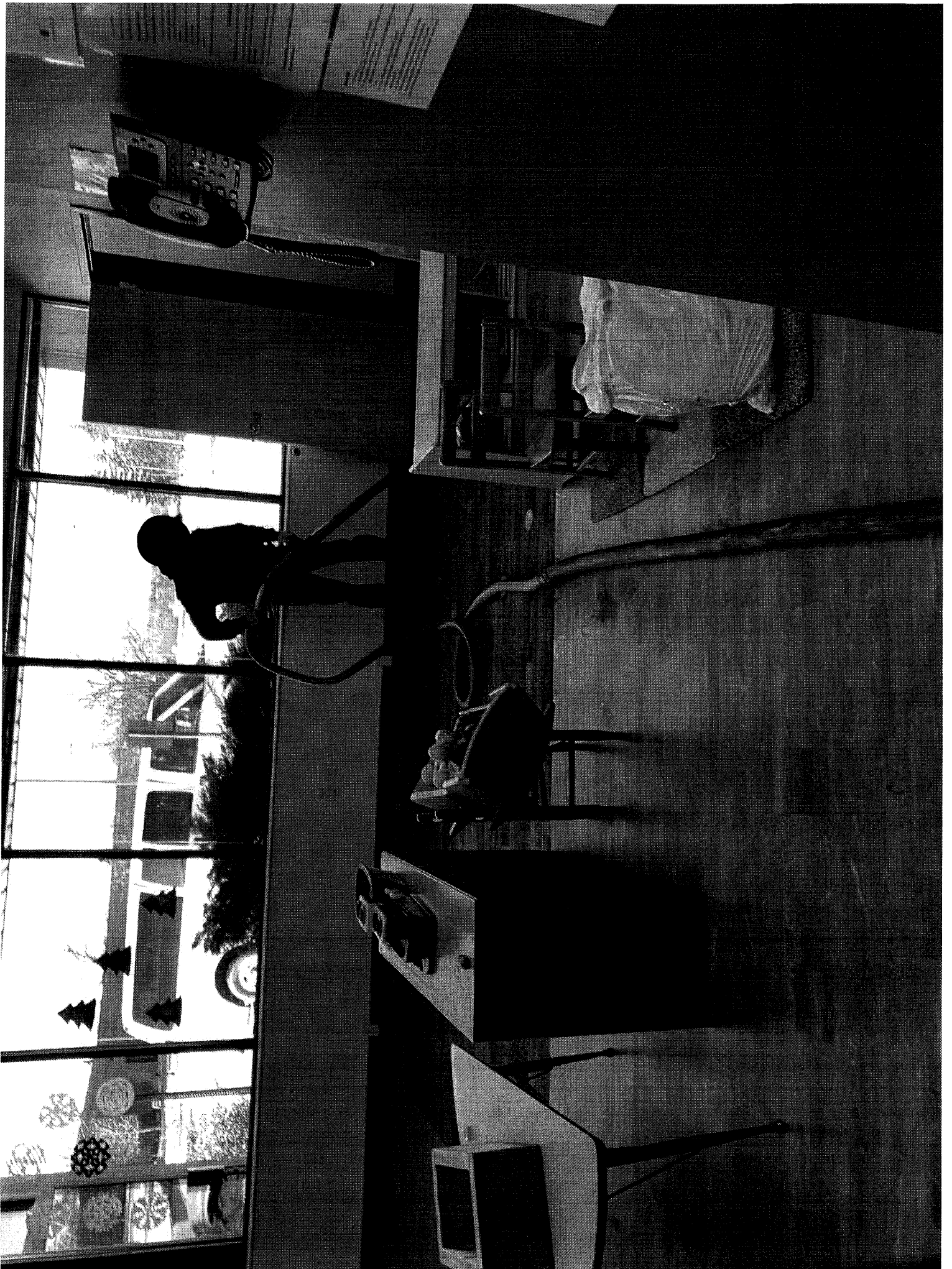
4750 N. 132nd Street, Butler, WI 53007 | P 262-790-8105 | M 262-307-7392

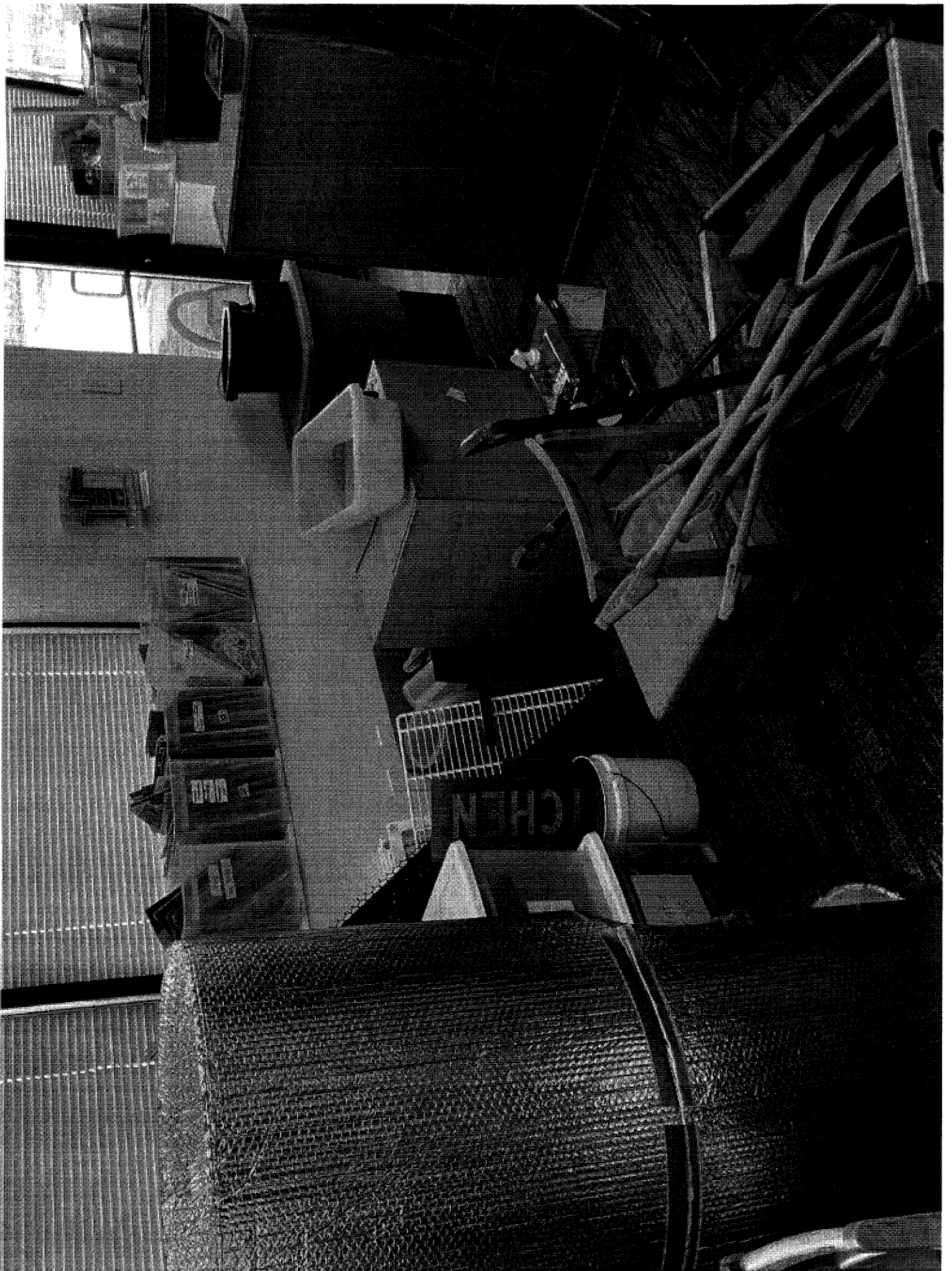
www.berghammer.com • [Follow Berghammer on LinkedIn](#)

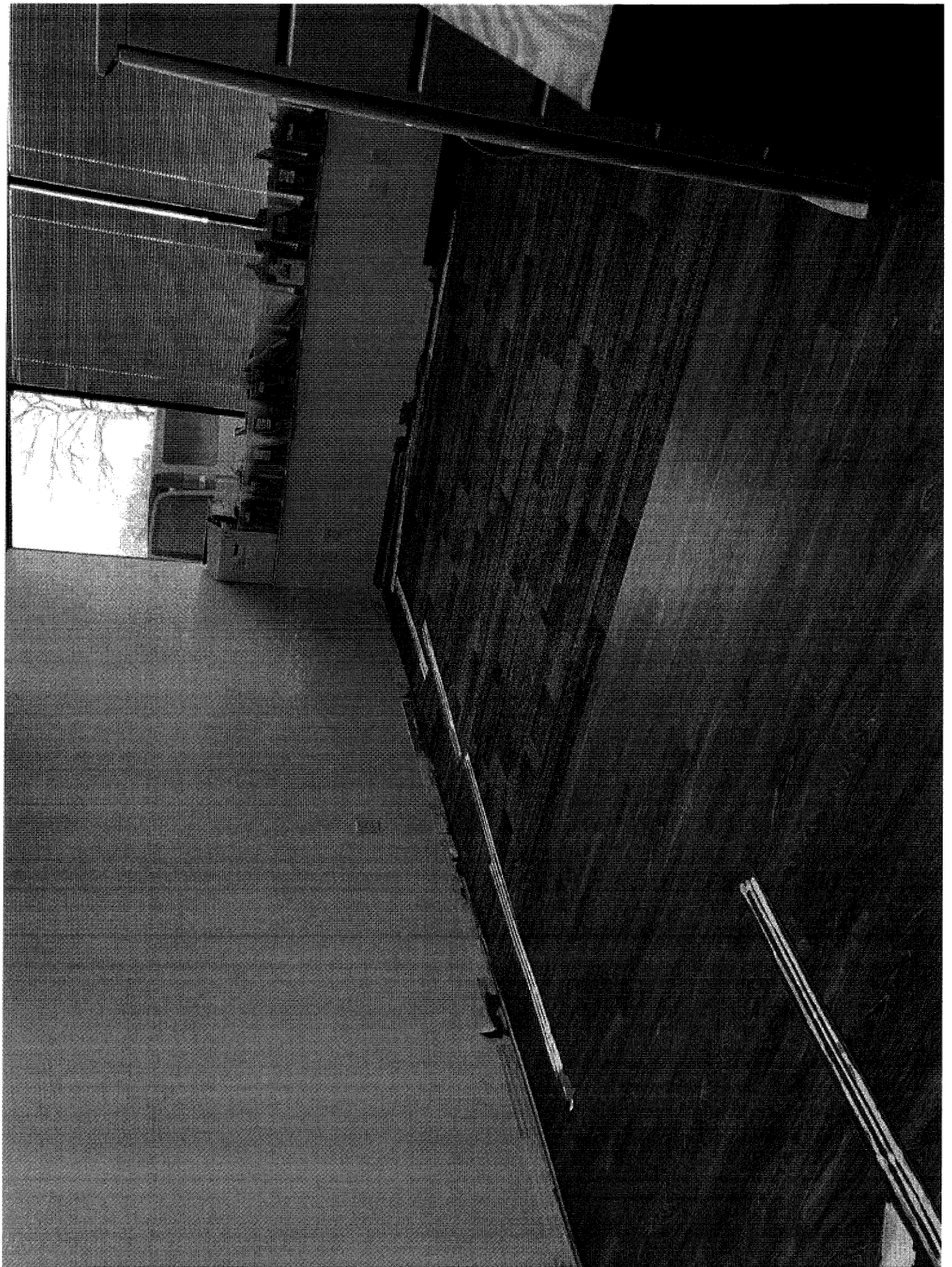




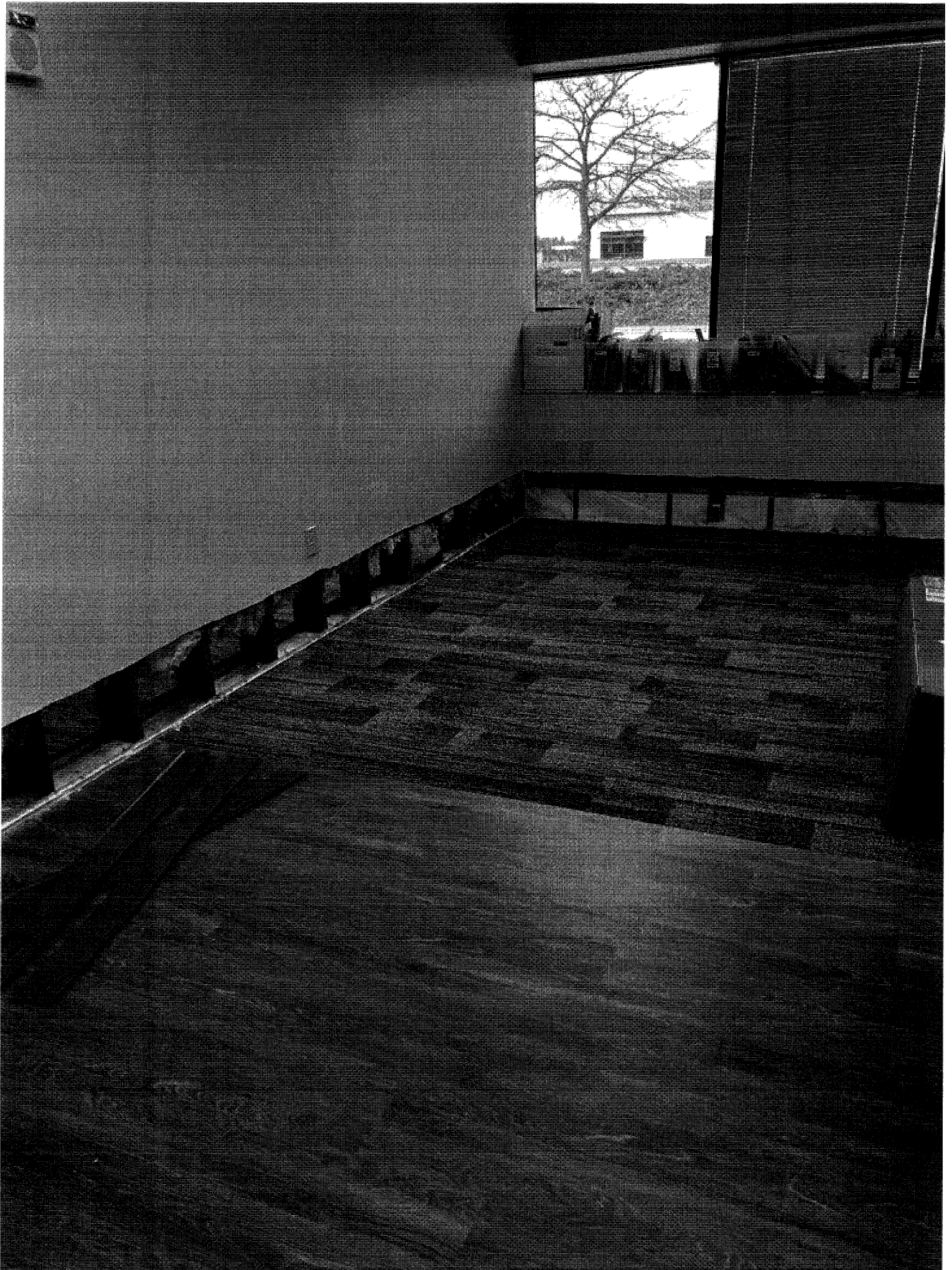


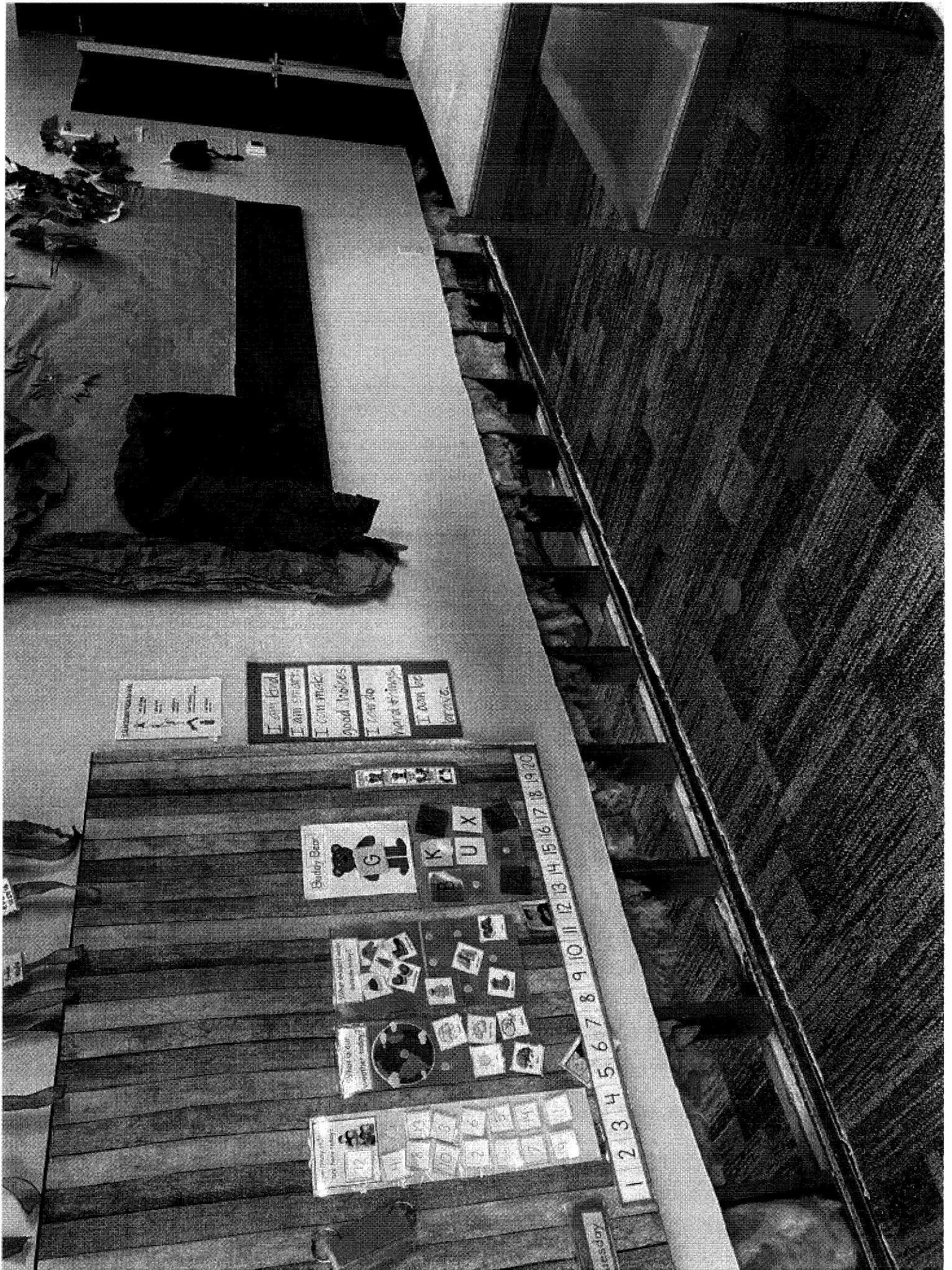












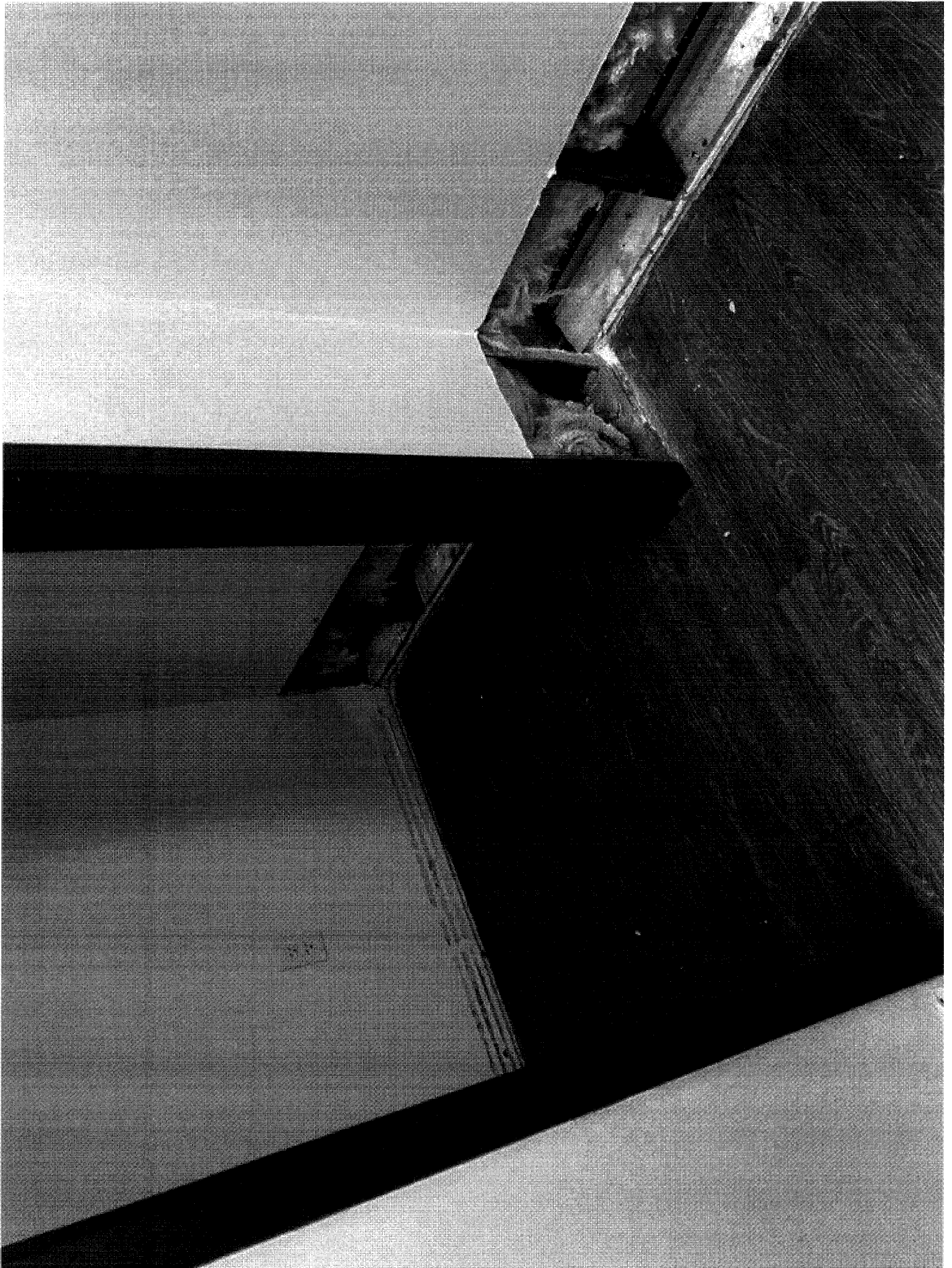
THE BROWN BUNNIES
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I can do

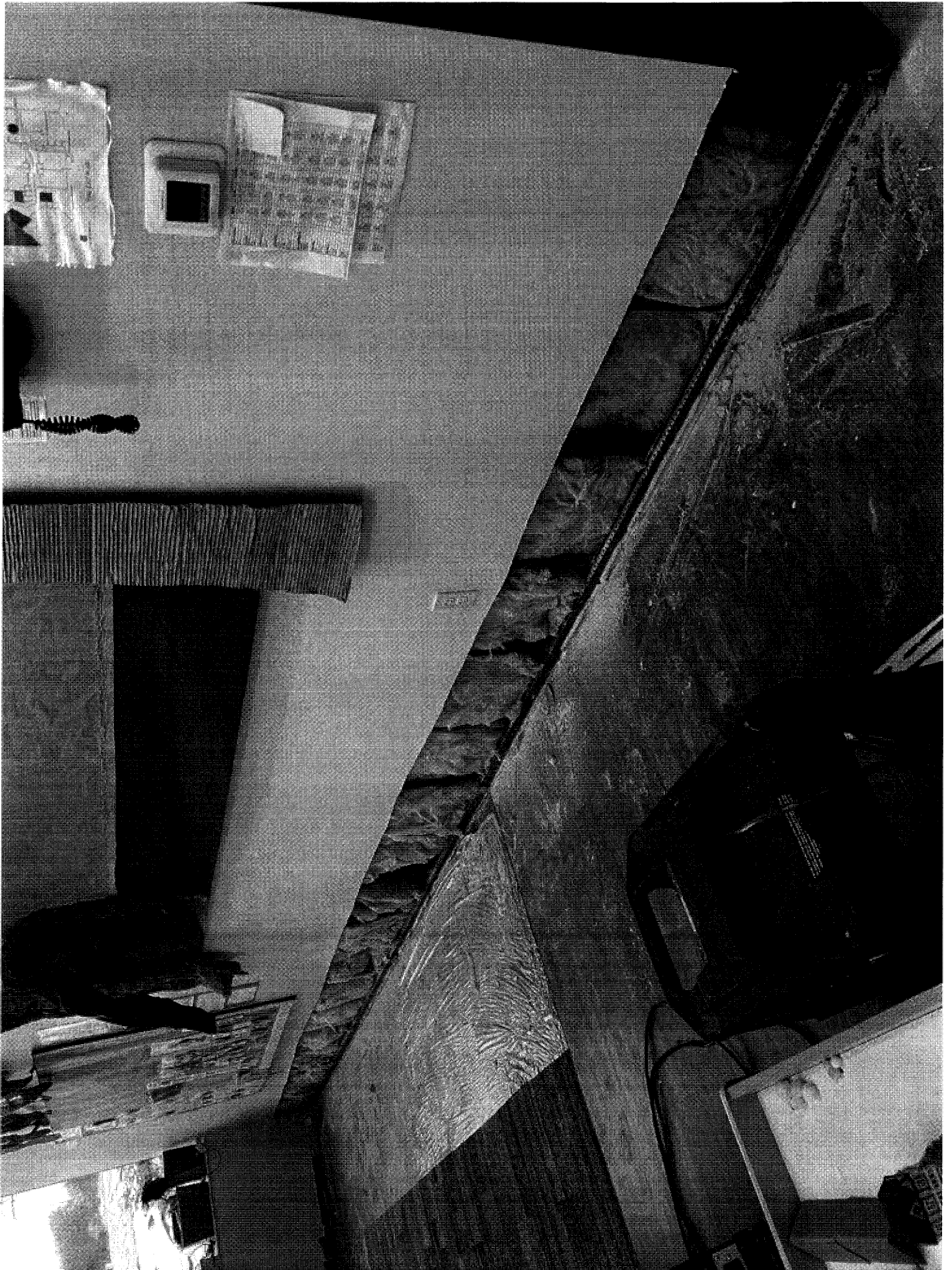
I can do
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I can do

Brown Bear
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Monday
Tuesday
Wednesday
Thursday
Friday
Saturday
Sunday

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20







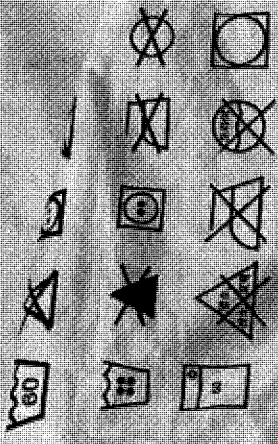


Welcome
In Class
Outside
Walk
Playroom
Quiet Time

- 1. [icon]
- 2. [icon]
- 3. [icon]
- 4. [icon]
- 5. [icon]
- 6. [icon]

You've Got It!
Yogurt

Gift Box



Australler

Machine wash, max 60°C, normal process. Do not bleach. Tumble drying, normal temperature (max 80°C). Do not iron. Do not dryclean.

NIF N03918571

FJÄDRAR

50x50 cm
(20x20")

Made in China



© 1999 IKEA Systems B.V. 1099

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IKKA of Sweden AB
SE-540 61 Almhult



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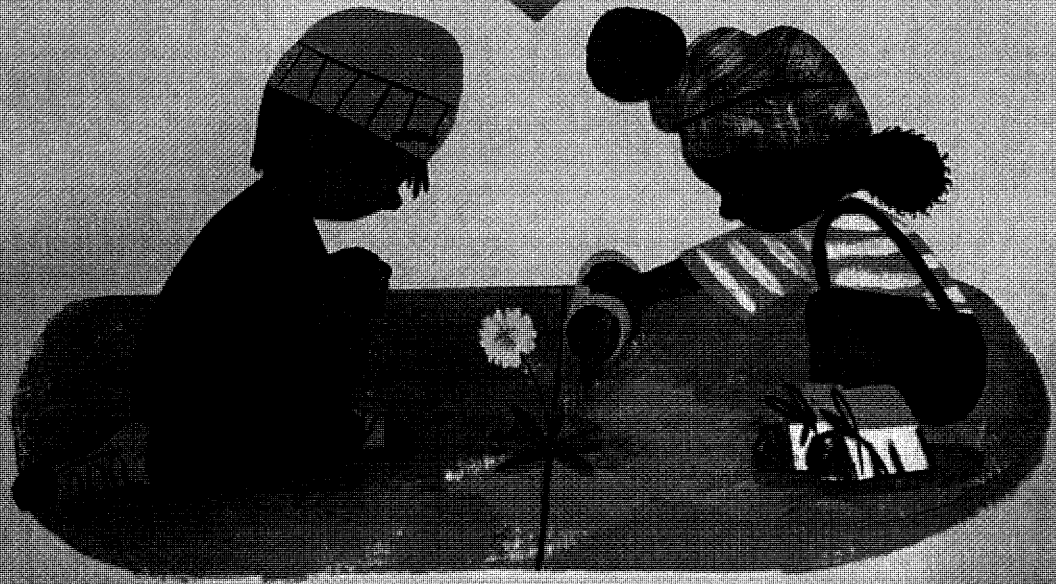
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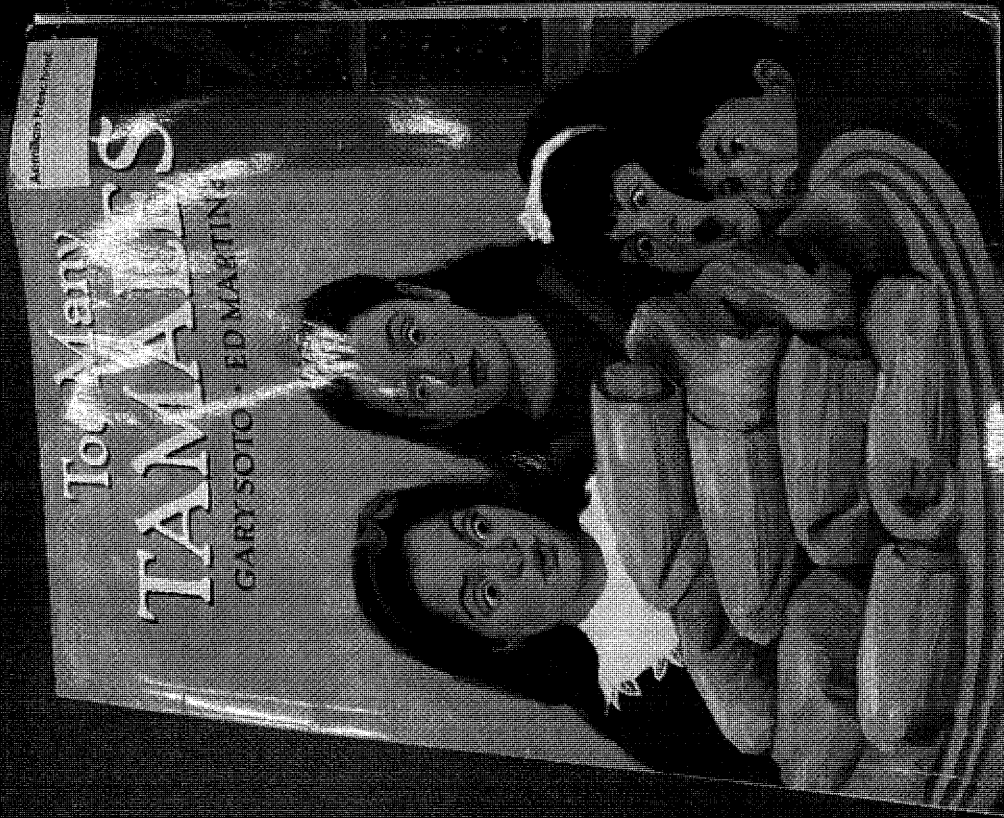
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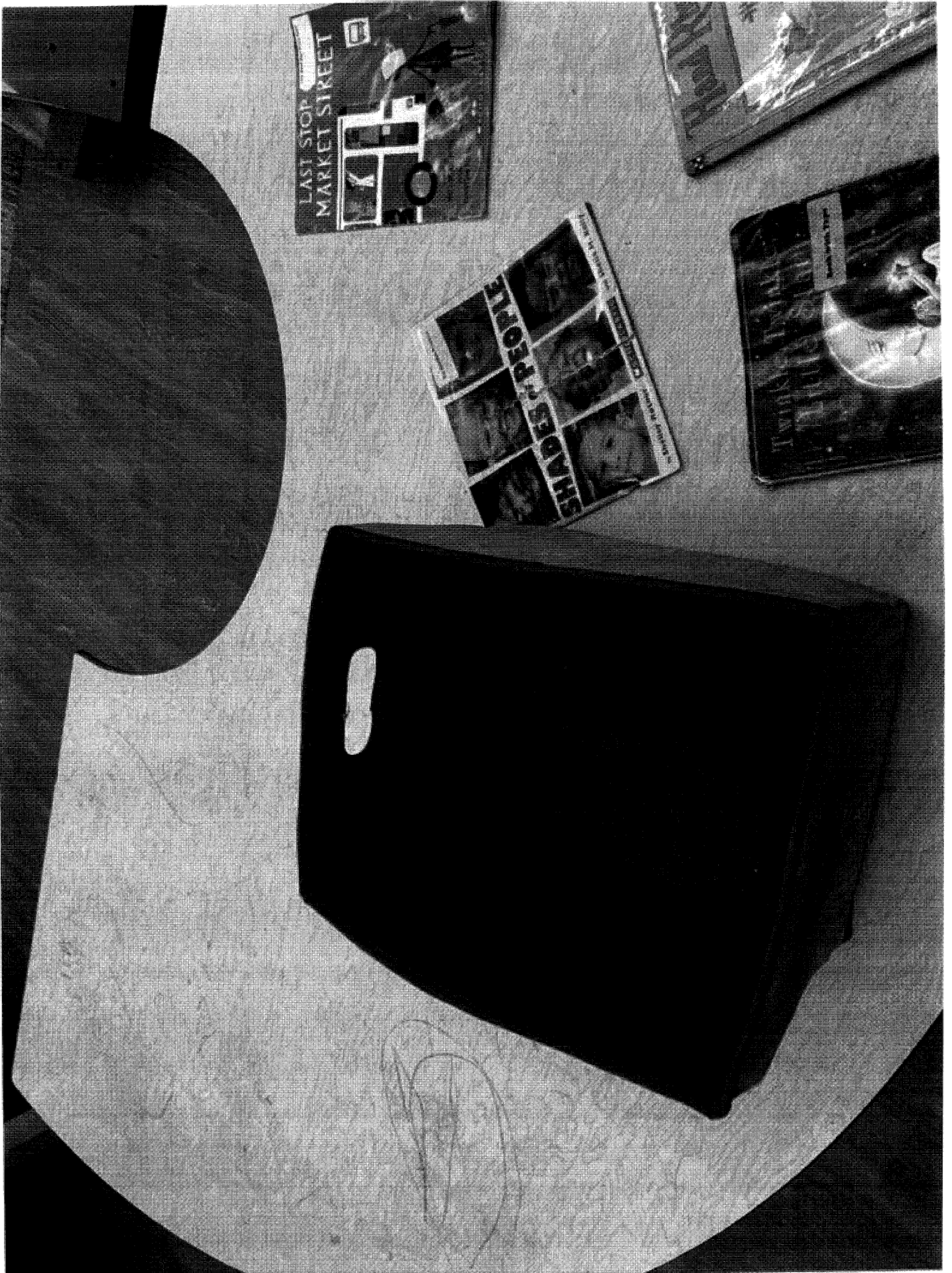
LOVE
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EVERYWHERE

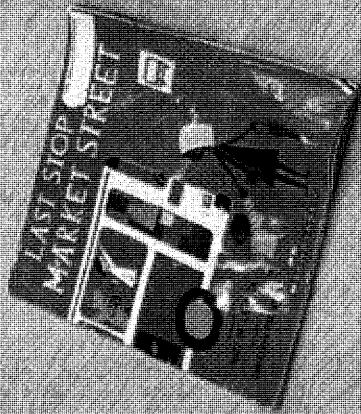
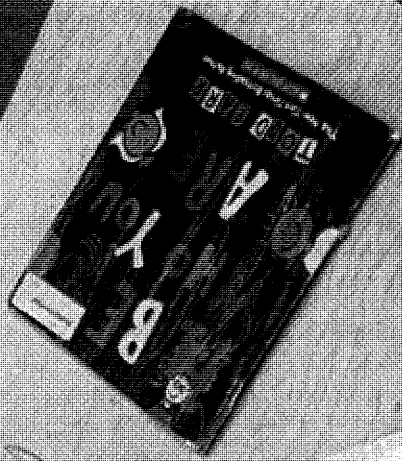


Barry Jimms and Tisha Lee

First
Edition

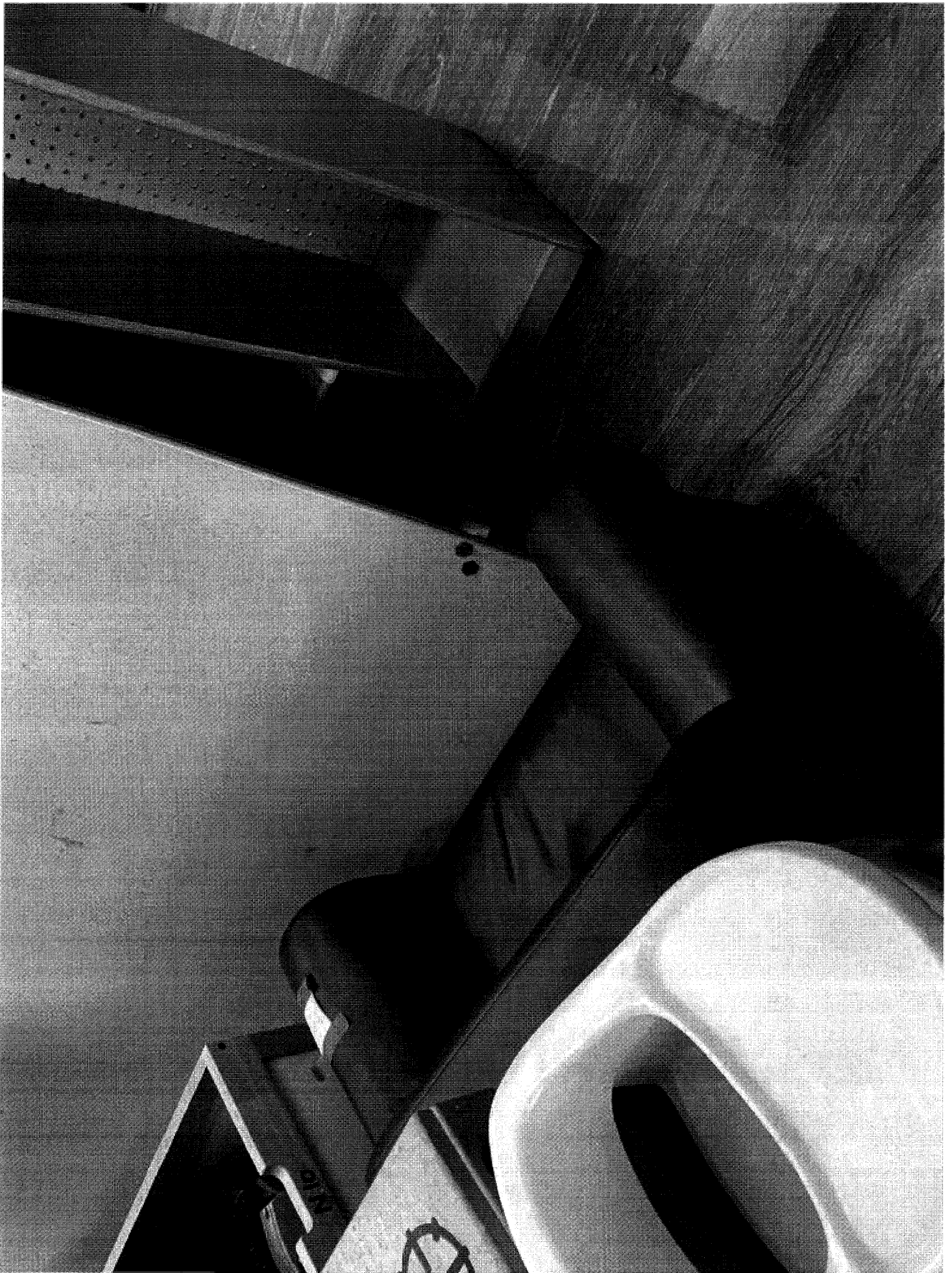














Hand	Eye	Nose	Mouth	Ears	Tools
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parts of a Scientist

