

August 2, 2004

Re: Tristam Drager
C.I. File No: 04-S-215

CITY OF MILWAUKEE
2004 AUG -3 PM 3:01
RONALD G. LEONHARDT
CITY CLERK

Milwaukee City Clerk
Attn: Claims
Room 205
200 E. Wells St.
Milwaukee WI 53202

Dear Sir or Madame,

In response to your letter of 7/13/04, I would like to appeal the decision to NOT reimburse me for the damage to my car suffered on 6/11/04 (see the attachment).

I have re-visited the site of the incident, and there is a manhole cover on southbound 35th St., midway between St. Paul and Michigan, and about four feet to the east of the curb. This manhole cover was ajar from its base when I struck it.

Perhaps the cover was knocked back into place when I struck it; I really don't know. I was on my way to work and after my tire was destroyed I had to pull over, change the tire, and then hurry on my way to get to work. I didn't have a convenient way to call the City, nor would I have known whom to call.

I believe that the City is responsible for the damage to my vehicle, and I would like to pursue reimbursement for \$190.

Sincerely,



Tristam Drager
8222 Jackson Park Blvd
Wauwatosa WI 53213
Cell Phone #: 414-510-7778

Attachments

CITY OF MILWAUKEE
RECEIVED
2004 AUG -4 PM 3:03
CITY CLERK

June 23, 2004

Milwaukee City Clerk
Attn: Claims
Room 205
200 E. Wells St.
Milwaukee WI 53202

CITY OF MILWAUKEE
RECEIVED

'04 JUN 25 PM 2:12

OFFICE OF
CITY ATTORNEY

Dear Sir or Madame,

I would like to submit a claim for damages suffered to my car on June 11, 2004. Here are the specifics:

- At approximately 10:00 AM I was traveling south in the inner lane on N. 35th St
- Roughly midway between Michigan and St. Paul Ave, a manhole cover was sticking up from its base by several inches
- There was a D.P.W. truck parked about 40 feet farther south of the manhole cover, although there were no signs or barriers or indications that the area was being worked on
- I did not have enough time to completely avoid the protruding manhole cover, and while my right front tire struck the cover a glancing blow, the right rear tire hit the cover full-on
- The impact immediately tore a five-inch gash in the sidewall of the right rear tire, and bent the rim in two places.
- The tire was destroyed, and the rim is unusable. Since the tire had @38,000 miles on it, its estimated value is only \$10. A replacement rim cost \$80.
- The attached invoices shows the costs of the repairs and replacement parts. I'm looking to be compensated for:
 - \$10 (tire)
 - \$ 80 (rim)
 - \$ 20 (mounting/balancing/new valve stem: I took the cost for four tires and divided by four)
 - \$80 (wheel alignment)
 - **\$190 total**

Please let me know if I need to take any further steps.



Sincerely,

Tristam Drager
8222 Jackson Park Blvd
Wauwatosa WI 53213
Cell Phone #:414-510-7778

OFFICE OF
CITY ATTORNEY
MILWAUKEE, WI
JUN 25 2004

Dependable Auto Service

8107 West North Avenue
 Wauwatosa, WI 53213
 414-257-3160

DATE	INVOICE #
6/18/2004	13091

Drager, Tristan
 8222 Jackson Park Blvd
 Wauwatosa Wi 53213

HOME PHONE: 771-7778
 WORK #/CELL #: 510-7778

YEAR	MAKE/MODEL	VIN #	LICENSE #	MILEAGE
1998	Mazda Protege	JM1BC1421W0235968	VGB 763	38795

ITEM CODE	QTY	DESCRIPTION	AMOUNT
56064711	1	Complaint: Install Tires, Exhaust Leak, Flush coolant used wheel	80.00T
Balance Tire	4	Rim bent on right rear tire. Replace rim. Mount and balance all tires. Customer supplied tires.	40.00T
242AF	1	1Gallon Anti Freeze	10.00T
Flush		Coolant Flush	39.85T
31374	1	gasket	5.89T
31596	1	gasket	14.67T
46993	1	resonator pipe	154.37T
LABOR	1	Service performed: Replace resonator pipe assembly.	57.00T
		NOTE: There is also a slight exhaust leak up near the exhaust manifold.	
		TAX	22.50

**Hubcap confirmed*

Thank you for your business.	Total	\$424.28
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Statement of Disclaimer
 The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items.

Start Wheel Alignment

5729 W. LISBON AVE. MILWAUKEE, WIS. 53210 PHONE 442-1350

NAME: CURIS DRAGER
 ADDRESS:
 CITY:

QTY	PARTS #	DESC	PRICE

DATE: 6-22-04 | P# 835968 | 27106
 PHONE: 510 7778 | EXT: SILVER | DATE PROMISED:
 YEAR: 78 | MAKE: PLYMOUTH | MODEL: 4DR
 LICENSE: VGB 763 | MILEAGE: 38,917

SHOP REPRESENTATIVE

LABOR	WARRANTY # CHECKED	WORKED BY	PRICE
WHEEL ALIGNMENT	<input checked="" type="checkbox"/>		21.76
BALANCE WHEELS			
REPACK BEARINGS			
WHEEL BEARINGS			
BALL JOINTS			
IDLER			
DRAG LINK			
TIE ROD ENDS			
STRUT BUSHINGS			
UPPER INNER			
LOWER INNER			
PITMAN ARM			
S. LINK KITS			
SPRING BLOCKS			
KING PINS			
BRAKE LININGS			
CYLINDER KITS			
BRAKE FLUID			
GREASE FITTINGS			
BOLTS & NUTS			
SHOCKS			
ROTATE TIRES			
SUBTOTAL LABOR			
PARTS TOTAL			

ESTIMATE ALTERNATIVES:

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I REQUEST AN ESTIMATE IN WRITING BEFORE YOU BEGIN REPAIRS.
2. PLEASE PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING IF THE PRICE WILL EXCEED \$ _____.
3. I DO NOT WANT AN ESTIMATE.

ESTIMATE:

THIS VEHICLE RECEIVED WITHOUT FACE TO METER CON- NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE BEYOND OUR CONTROL.

Signature: *8000*

SIGN X

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH THE NECESSARY MATERIAL, AND HEREBY GRANT YOU AND/OR YOUR EMPLOYEES PERMISSION TO OPERATE THE CAR OR TRUCK HEREIN DESCRIBED ON STREETS, HIGHWAYS OR ELSEWHERE FOR THE PURPOSE OF TESTING AND/OR INSPECTION. AN EXPRESS MECHANIC'S LEND IS HEREBY ACKNOWLEDGED ON ABOVE CAR OR TRUCK TO SECURE THE AMOUNT OF REPAIRS THERETO.

REPLACED PARTS WILL BE RETURNED TO YOU IF YOU REQUEST THEM WHEN THE REPAIRS ARE ORDERED (YOU MAY INSPECT THOSE PARTS WHICH MUST BE RETURNED TO THE MANUFACTURER) CHECK ONE:

PLEASE RETURN REPLACED PARTS. I DO NOT WANT REPLACED PARTS.

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE. ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON 53708-8911."

ABOVE LABOR		
SUB TOTAL LABOR		
PARTS		
ESTIMATE CHARGE		
TAX		
TOTAL AMOUNT		