

**PAUL E. PETTERSON**

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March 1, 2022

Sent Via Fax (414) 286-8550 and Via U.S. Mail

Mr. Tearman Spencer  
Ms. Kari Gipson  
Milwaukee City Hall, Suite 800  
200 East Wells Street  
Milwaukee, WI 53202-3551

RE: C.I. File No. 1030-2021-1523

Dear Mr. Spencer & Ms. Gipson:

Please be advised that I represent Patrick Adamek relative to the aforementioned file. My client received your communication denying his claim on February 10, 2022.

The sole basis for your denying his claim is that the Department of Public Works Fleet Division has no record of any damage allegedly caused by one of your vehicles. You went on to say that "Since no City driver reported this damage, we are unable to verify a City vehicle was involved." Your position is predicated upon the assumption that a City employee would have known that the damage occurred while loading refuse into his garbage truck and further assumes that had the driver known that he struck the door, he would have reported it. Consequently, it is not logical to assume that in the absence of a report the damage by a City vehicle did not occur.

The fact of the matter is that the hydraulic unit on the truck slammed the plastic recycling container against my client's aluminum garage door seriously damaging it. The garage door was sensed as part of a home security system. My client heard the crash which immediately triggered the alarm system. He left the home, ran out to the alley and observed the truck within 100 feet of his home. There were no other vehicles in the alley at the time. He attempted to stop the vehicle and ran after it yelling at the driver. However, they simply drove their vehicle away from the scene of the accident. My client looked at the garage, after chasing the truck and saw that his recycling container was empty as its contents had just been loaded onto the recycling truck. The recycling container was in a different position from where he had left it and, as he indicated in his complaint, saw that the damage to the door matched up precisely with the dimensions of the recycling container.

My client has a claim for \$931.46 which is the difference between his insurance payment and the replacement cost of the door in the amount of \$2,760.

Mr. Tearman Spencer  
Ms. Kari Gipson  
March 1, 2022

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Since deductive reasoning based on the facts eliminates other possible causes of this damage, it is quite clear that the recycling truck and its crew were the only possible culprits for the damage incurred.

My client had placed recyclable materials into the recycling bin early in the morning of the accident. The door was undamaged.

My client requires a new garage door because of the damage that occurred to the garage tracks. The insurance company agreed with this assessment and paid him \$1,828.54 out of the total replacement cost of \$2,760. This reduced payment was made based upon his deductible. My client has now incurred an out-of-pocket cost in the amount of \$931.46.

Given the clear negligence of the City crew and the modest size of this claim, I am respectfully requesting that your prior decision be reversed and that my client receive payment in the sum of \$931.46.

Sincerely,  


Paul E. Petterson

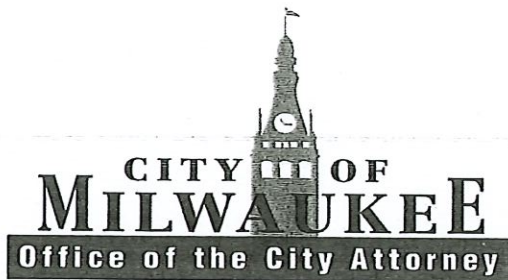
PEP:jas

Cc Mr. Patrick Adamek  
City Clerk, Attention: Claims  
Milwaukee City Hall, Room 205, 200 E. Wells Street, Milwaukee, WI 53202-3567

**TEARMAN SPENCER**  
City Attorney

**CELIA M. JACKSON**  
Special Deputy City Attorney

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January 25, 2022

Mr. Patrick Adamek  
241 South 75th Street  
Milwaukee, WI 53214

*Mailed  
2-2-2022*

RE: Communication from Patrick Adamek  
C.I. File No. 1030-2021-1523

Dear Mr. Adamek,

We have received your claim for the amount of \$931.46 in relation to the property damage you sustained at or near 241 South 75<sup>th</sup> Street.

Our investigation determined that the Department of Public Works Fleet Division has no records relative to your property damage allegedly caused by a City vehicle. Since no City driver reported this damage, we are unable to verify a City vehicle was involved. As such, the City cannot accept liability. Accordingly, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
TEARMAN SPENCER  
City Attorney

  
KARI GIPSON  
Risk Manager

KBG/cdr  
1030-2021-1523/278666



