

# CITY OF MILWAUKEE

Form CA-43

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**PATRICIA A. FRICKER**  
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**GREGG C. HAGOPIAN**  
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**DONALD L. SCHRIEFER**  
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**MARYNELL REGAN**  
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Assistant City Attorneys

January 16, 2003

Stupar, Schuster & Cooper, S.C.  
Attn: Jeffrey S. Schuster  
633 West Wisconsin Avenue, Suite 1800  
Milwaukee, WI 53203-1955

RE: C.I. File Nos. 02-S-344; 02-S-344-1  
Your Clients: Richard A. Kubczak; Helen V. Hand

Dear Mr. Schuster:

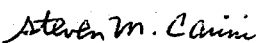
This office is in receipt of your claims on behalf of your clients relating to damages allegedly sustained by them on October 1, 2002 when their motorcycle struck a hole in the roadway in the 2200 block of West Clybourn Street.

Our investigation reveals that the Infrastructure Services Division indicates that the City had no work in that area at that time. The Milwaukee Metropolitan Sewerage District did have work in that vicinity. Their address is 260 West Seeboth Street and their phone number is 272-5100. As such, the City would not be liable. Accordingly we are denying your clients' claims.

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,

  
**GRANT F. LANGLEY**  
City Attorney

  
**STEVEN M. CARINI**  
Investigator Adjuster  
SMC:beg  
1029-2002-3200:62656

# STUPAR, SCHUSTER & COOPER, S.C.

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Jeffrey A. Cooper  
Thomas M. Bartell, Jr.  
Herbert Levine

Todd R. Korb  
Jonathan D. McCollister  
George S. Peek  
Jill Packman

January 30, 2003

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

Re: C.I. File Nos. 02-S-344; 02-S-344-1  
My Clients: Richard A. Kubczak; Helen V. Hand

Dear Clerk:

This letter is to serve as a request for a hearing and appeal of the decision in the attached correspondence dated January 16, 2003, to my law firm regarding the above file numbers and my clients, Richard A. Kubczak and Helen V. Hand. This request for a hearing in no way waives Richard A. Kubczak's or Helen V. Hand's right to exclusivity of the procedures set forth under § 893.80, Stats.

If you have any questions or concerns, please feel free to give me a call.

Very truly yours,



Todd R. Korb

TRK/clt

Enclosure

2003 FEB -3 AM 8:47  
CITY OF MILWAUKEE  
RONALD D. LEONHARDT  
CITY CLERK

2003 FEB -3 PM 3:27  
CITY OF MILWAUKEE  
CITY ATTORNEY

may appeal to the county board of the county in which the highway or bridge is situated, by notice in writing served on the chairperson or chairpersons of the town or towns. For the purpose of this section all highways on town lines, which shall have been apportioned between towns, shall be considered as wholly within the town to which such part of said highway or bridge is apportioned. In case of town highways which are upon county lines and which have not been apportioned for the purpose of maintenance, the appeal may be made to the county board of either county. When it is appealed to, the county board shall, at the next regular meeting, either by a majority of its members or by a committee of not less than 3, examine such highway or bridge, and if they determine that it ought to be put in reasonable condition for travel or ought to be repaired, the county board shall thereupon appropriate therefor sufficient funds to defray the estimated cost of opening or repairing the highway or building or repairing the bridge, and the chairperson of the county board shall cause the highway to be opened and put in reasonable condition for travel or cause the bridge to be repaired or built, and shall keep an accurate account of the expense thereof, and such expense when audited and allowed by the county board shall be charged to the town and added to the next county tax apportioned thereto and collected therewith.

(2) If any county fails to aid in putting in reasonable condition for travel any county line highway, the adjoining county may, after not less than 20 days' notice in writing given to the county clerk of such county, put such highway in reasonable condition for travel and keep an accurate account of the expense thereof. Such expense when audited and allowed by the county board, shall be prorated and charged to the county whose duty it is to keep the highway in condition for travel. Such county may then charge the expense to the town whose duty it is to keep the highway in repair and add it to the next county tax, apportion it thereto and collect it therewith.

(3) In case the highway was laid out by commissioners upon reversing the decision of supervisors and an appeal is taken as provided in this section, the county board shall at the next regular meeting appropriate sufficient funds to defray the estimated costs and expense, of opening and putting such highway in reasonable condition for travel, and the chairperson of the county board shall immediately after said meeting cause the highway to be put in reasonable condition for travel, keep an accurate account of the expense thereof; and such expense when audited and allowed by the county board, shall be charged to the towns, in such amounts and in such proportion as the county board shall determine and added to the next county tax apportioned thereto and collected therewith. No highway laid out by commissioners, or for which appeal for the opening thereof has been taken to the county board, as provided in this section, shall be discontinued prior to the time said highway is actually opened for public travel.

(4) In case of a county line highway which has not been apportioned between towns for the purpose of maintenance, and where an appeal may be taken to the county board of any county bounded by said highway, the expense incurred in opening and putting in reasonable condition for travel such highway, or in repairing it, or in building or repairing any bridge thereon, shall be paid primarily by the county to which the appeal is taken, and by said county apportioned among all of the counties which are bounded in whole or in part by such highway, and the proportionate share of such costs and expense shall be paid by the other counties to the county to which the appeal is taken, upon presentation of a proper claim therefor, and when such expense has been paid by the counties liable therefor it shall be charged by the respective counties to their proper towns and added to the next county tax apportioned to such towns and collected therewith.

History: 1983 a. 192 s. 303 (2); 1993 a. 184.

The duty to keep highways passable is made mandatory by ss. 81.01 and 81.03, when read together. Section 81.14 applies to mere repairs that are in the discretion of the board, subject to appeal under that section. *State ex rel. Cabott, Inc. v. Wojcik*, 47 Wis. 2d 759, 177 N.W.2d 828 (1970).

**81.15 Damages caused by highway defects; liability of town and county.** If damages happen to any person or his or her property by reason of the insufficiency or want of repairs of any highway which any town, city or village is bound to keep in repair, the person sustaining the damages has a right to recover the damages from the town, city or village. If the damages happen by reason of the insufficiency or want of repairs of a highway which any county by law or by agreement with any town, city or village is bound to keep in repair, or which occupies any land owned and controlled by the county, the county is liable for the damages and the claim for damages shall be against the county. If the damages happen by reason of the insufficiency or want of repairs of a bridge erected or maintained at the expense of 2 or more towns the action shall be brought against all the towns liable for the repairs of the bridge and upon recovery of judgment the damages and costs shall be paid by the towns in the proportion in which they are liable for the repairs; and the court may direct the judgment to be collected from each town for its proportion only. The amount recoverable by any person for any damages so sustained shall not exceed \$50,000. The procedures under s. 893.80 shall apply to the commencement of actions brought under this section. No action may be maintained to recover damages for injuries sustained by reason of an accumulation of snow or ice upon any bridge or highway, unless the accumulation existed for 3 weeks.

History: 1977 c. 285; 1979 c. 323 s. 33; 1981 c. 63.

Oral notice to the chief of police, who said he would file a report and contact and negotiation with the city's insurer within 120 days, was sufficient compliance to sustain the action. *Harte v. Eagle River*, 45 Wis. 2d 513, 173 N.W.2d 683.

A spouse's action for loss of consortium is separate and has a separate dollar limitation from the injured spouse's claim for damages. *Schwartz v. Milwaukee*, 54 Wis. 2d 286, 195 N.W.2d 480.

Shoveling of snow from a sidewalk to create a mound along the curb does not create an unnatural or artificial accumulation so as to render a city liable. *Kobelinski v. Milwaukee & Suburban Transport Corp.* 56 Wis. 2d 504, 202 N.W.2d 415.

Ice resulting from improper drainage of runoff water is an artificial accumulation outside the 3-week limitation. An insurance policy did not waive the recovery limitation under this section. *Samba v. Brookfield*, 66 Wis. 2d 296, 224 N.W.2d 582.

A city's standard of care regarding snow and ice on sidewalks is discussed. *Schattschneider v. Milwaukee & Suburban Transport Corp.* 72 Wis. 2d 252, 240 N.W.2d 182.

The allegedly negligent placement of an arterial stop sign by a city does not constitute a highway defect within the meaning of this section. *Weiss v. Milwaukee*, 79 Wis. 2d 213, 255 N.W.2d 496.

When the plaintiff fell due to a depression in a street enclosed as a temporary sidewalk, the city, not the indemnitor contractor, is primarily liable, since the contractor did no excavation in the street nor did its enclosing of the street cause the defect. *Webster v. Klug & Smith*, 81 Wis. 2d 334, 260 N.W.2d 686.

Failure to warn of a rubble pile beyond the dead end of road was not actionable under this section. *Foss v. Town of Kronenwetter*, 87 Wis. 2d 91, 273 N.W.2d 901 (Ct. App. 1978).

An insurance policy was construed to waive the recovery limitations under ss. 81.15 and 895.43, 1971 stats. *Stanhope v. Brown County*, 90 Wis. 2d 823, 290 N.W.2d 711 (1979).

Recovery limitations under ss. 81.15 and 895.43 (2), 1965 stats., are constitutional. *Samba v. City of Brookfield*, 97 Wis. 2d 356, 293 N.W.2d 504 (1980).

Section 81.15 does not impose liability for failure to cut roadside vegetation. *Estridge v. City of Eau Claire*, 166 Wis. 2d 684, 480 N.W.2d 513 (Ct. App. 1991).

Immunity under this section does not exist for injuries resulting from ice on a streetway connecting 2 sidewalks. *Henderson v. Milwaukee County*, 198 Wis. 2d 748, 543 N.W.2d 544 (Ct. App. 1995).

If a plaintiff's injuries occurred by reason of insufficiency or want of repairs of any highway, a governmental entity is not afforded immunity under s. 393.80(4). *Morris v. Juneau County*, 218 Wis. 2d 544, 579 N.W.2d 690 (1998).

As used in this section, "highway" includes the shoulder of the highway. *Morris v. Juneau County*, 218 Wis. 2d 544, 579 N.W.2d 690 (1998).

**81.17 Highway defects; liability of wrongdoer; procedure.** Whenever damages happen to any person or property by reason of any defect in any highway or other public ground, or from any other cause for which any town, city, village or county would be liable, and such damages are caused by, or arise from, the wrong, default or negligence thereof and of any person, or private corporation, such person or private corporation shall be primarily liable therefor; but the town, city, village or county may be sued with the person or private corporation so primarily liable; and the town, city, village or county denies its primary liability and proves upon whom such liability rests the judgment shall be against all the defendants shown by the verdict or finding to be

liable for the damages; but judgment against the town, city, village or county shall not be enforceable until execution has been issued against the party found to be primarily liable and returned unsatisfied in whole or in part; on such return being made the defendant town, city, village or county shall be bound by the judgment. The unpaid balance shall be collected in the same way as other judgments.

This section must be read in conjunction with s. 81.15 and applies only to highway defects. A tunnel under a street is not a highway defect. *Armour v. Wisconsin Gas Co.* 54 Wis. 2d 302, 195 N.W.2d 620.

This section creates a secondary liability on a municipality or county for highway defects that cause damage only when the act or default of another tortfeasor also contributes to the creation of the defect. *Dickens v. Kensmoe*, 61 Wis. 2d 211, 212 N.W.2d 484.

**81.35 Tunnel under highway by landowner.** The owner of land on both sides of a town highway may construct a tunnel under the highway, and the necessary fences for the passage of stock, and other purposes, in such manner as will not interfere with or endanger travel on the highway. The tunnel shall not be less than 25 feet in length and shall be maintained by the owner. The owner shall be liable for all damages which may be occasioned by failure to keep the tunnel in repair. The electors of the town at an annual town meeting may authorize the construction of any designated tunnel not less than 16 feet in length. The chairperson of the town shall see that all tunnels in the town are made in accordance with this section and that they are kept in good repair.

History: 1989 a. 56, 359.

**81.36 Engines upon highways; regulations; damages.**

(1) The owner of any engine, or any person who propels or causes such an engine to be propelled or otherwise moved or used along or upon any town highway, shall be liable for all damages that may be caused thereby to such highway, or any sluiceway, culvert or bridge thereon, or to any person or corporation by reason of the propelling or otherwise moving or using the same upon any such highway in the following cases:

(a) When such engine with its equipments and attachments and whatever it may be moving upon the highway shall weigh more than 10 tons.

(b) When any such engine shall be set up or used within the limits of any highway, for any other purpose than to be propelled or otherwise moved along or upon it.

(c) When any such engine shall be left unattended within the limits of any highway.

(d) When any such engine shall be in a highway, whether standing or moving, and the person in charge shall not signal and stop it when it is approached within 15 rods in either direction by any team or any person riding or driving any animal, and desiring to pass such engine, or when the person or persons in charge of such engine shall neglect or refuse to render all proper assistance within their power to enable such team or persons to pass in safety.

(e) When the person in charge of any engine shall neglect to span any bridge or culvert having a plank floor before crossing the same, with hardwood planks, at least 2 inches thick and 12 inches wide, or other sound planks of like width, at least 3 inches thick, so that the engine wheels shall rest thereon in crossing such bridge or culvert.

(2) The amount recovered by any town under the provisions of this section, shall, when collected, be credited to the town highway fund.

(3) Any person in charge of any engine having mud lugs on the drive wheels thereof, who shall neglect to span any bridge or culvert before crossing the same with planks of the kind and in the manner as provided in sub. (1) (e), shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$5 nor more than \$25, or by imprisonment in the county jail not exceeding 20 days.

**81.38 Town bridges or culverts; construction and repair; county aid.** (1) When any town has voted to construct

or repair any culvert or bridge on a highway maintainable by the town, and has provided for such portion of the cost of such construction or repair as is required by this section, the town board shall file a petition with the county board setting forth said facts and the location of the culvert or bridge; and the county board, except as herein provided, shall thereupon appropriate such sum as will, with the money provided by the town, be sufficient to defray the expense of constructing or repairing such culvert or bridge, and shall levy a tax therefor, which tax when collected shall be disbursed on the order of the chairperson of the county board and the county clerk, when the town board and county highway committee files a written notice with the clerk that the work has been completed and accepted. The county board of any county which has never granted aid under this section may in its discretion refuse to make any appropriation.

(2) The county shall pay the cost in excess of \$750 up to \$1,500. The town and county shall each pay one-half of the cost of construction or repair above \$1,500. In determining the cost of construction or repair of any culvert or bridge, the cost of constructing or repairing any approach not exceeding 100 feet in length shall be included.

(3) Whenever the construction or repair of any such culvert or bridge must be made without delay, the town board may file its petition with the county clerk and the county highway committee, setting forth the facts respecting the necessity for immediate construction or repairs. It shall then be the duty of the town board and the county highway committee to make such construction or repairs with the least possible delay. The town board is authorized to borrow the entire cost of the work, and to include the town's share of such cost in the next tax levy. The construction or repair of a culvert or bridge performed and accepted pursuant to this subsection shall entitle the town to the same county aid that the town would have been entitled to had it filed its petition with the county board as provided in sub. (1).

(4) The county highway committee and the town board shall have full charge of letting, inspecting and accepting the work, but the town board may leave the matter entirely in the hands of the county highway committee.

(5) No county order may be drawn under sub. (1) for the construction of an arch, culvert or bridge unless it is constructed in a workmanlike manner and built of creosoted wood or timber, steel, stone or concrete or a combination thereof, and the design and construction comply with requirements under s. 84.01 (23).

(6) Any village, by a resolution adopted by a two-thirds majority vote of all members of the village board, may elect to become subject to all of the provisions of this section. Such election shall be effective when a certified copy of such resolution is filed with the county board and approved by a majority vote of the members of the county board representing towns and representing villages which have become subject to the provisions of this section as provided in this subsection; and thereafter, until such village ceases to be subject to the provisions of this section, the words "town" and "town board" as used in this section shall also apply respectively to such village and its village board. A village which has become subject to the provisions of this section as provided in this subsection may cease to be subject to such provisions only by the adoption of a resolution and its approval by the county board in the same manner and by the same procedure by which a village may become subject to such provisions as provided in this subsection.

(7) Except as provided in sub. (6) and s. 84.14 (3), nothing herein contained shall authorize the levy of a tax upon the property in any city or village which is required to maintain its own bridges.

History: 1977 c. 190; 1981 c. 296; 1983 a. 192 s. 303 (2); 1983 a. 532.

**81.39 Special town tax for repair of bridges.** The town board may levy a tax for the purpose of rebuilding or repairing bridges and culverts which the town is required to maintain and which do not come within s. 81.38. But no such tax shall exceed

The authorization shall conform to any statute covering the disbursement of the funds. A public depository is fully warranted and protected in making payment in accordance with the latest authorization filed with it.

(7) No order may be issued by a county, city, village, town, special purpose district, school district, cooperative education service agency or technical college district clerk in excess of funds available or appropriated for the purposes for which the order is drawn, unless authorized by a resolution adopted by the affirmative vote of two-thirds of the entire membership of the governing body.

**History:** 1971 c. 154; 1971 c. 211 s. 124; 1977 c. 142, 225; 1979 c. 318; 1981 c. 20; 1983 a. 145; 1983 a. 189 s. 329(21); 1983 a. 192 s. 303(2); 1983 a. 368, 538; 1985 a. 91, 225; 1989 a. 36 s. 258; 1993 a. 399; 1999 a. 150 s. 109; Stats. 1999 s. 66.0607.

**66.0609 Financial procedure; alternative system of approving claims.** (1) The governing body of a village or of a city of the 2nd, 3rd or 4th class may by ordinance enact an alternative system of approving financial claims against the municipal treasury other than claims subject to s. 893.80. The ordinance shall provide that payments may be made from the city or village treasury after the comptroller or clerk of the city or village audits and approves each claim as a proper charge against the treasury, and endorses his or her approval on the claim after having determined that all of the following conditions have been complied with:

(a) That funds are available for the claim pursuant to the budget approved by the governing body.

(b) That the item or service covered by the claim has been duly authorized by the proper official, department head or board or commission.

(c) That the item or service has been actually supplied or rendered in conformity with the authorization described in par. (b).

(d) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of proof to support the claim as the officer considers necessary.

(2) The ordinance under sub. (1) shall require that the clerk or comptroller file with the governing body not less than monthly a list of the claims approved, showing the date paid, name of claimant, purpose and amount.

(3) The ordinance under sub. (1) shall require that the governing body of the city or village obtain an annual detailed audit of its financial transactions and accounts by a public accountant licensed under ch. 442 and designated by the governing body.

(4) The system under sub. (1) is operative only if the comptroller or clerk is covered by a fidelity bond of not less than \$5,000 in villages and 4th class cities, of not less than \$10,000 in 3rd class cities, and of not less than \$20,000 in 2nd class cities.

(5) If an alternative procedure is adopted by ordinance in conformity with this section, the claim procedure required by ss. 61.25 (6), 61.51, 62.09 (10), 62.11 and 62.12 and other relevant provisions, except s. 893.80 is not applicable in the city or village.

**History:** 1971 c. 108 ss. 5, 6; 1971 c. 125 s. 523; 1977 c. 285 s. 12; 1979 c. 323; 1985 a. 29; 1991 a. 316; 1999 a. 150 s. 113; Stats. 1999 s. 66.0609.

**66.0611 Political subdivisions prohibited from levying tax on incomes.** No county, city, village, town, or other unit of government authorized to levy taxes may assess, levy or collect any tax on income, or measured by income, and any tax so assessed or levied is void.

**History:** 1999 a. 150 s. 562; Stats. 1999 s. 66.0611.

**66.0613 Assessment on racing prohibited.** Notwithstanding subch. V of ch. 77, no county, town, city or village may levy or collect from any licensee, as defined in s. 562.01 (7), any fee, tax or assessment on any wager in any race, as defined in s. 562.01 (10), or on any admission to any racetrack, as defined in s. 562.01 (12), except as provided in s. 562.08.

**History:** 1987 a. 354; 1991 a. 39; 1999 a. 150 s. 564; Stats. 1999 s. 66.0613.

**66.0615 Room tax; forfeitures.** (1) In this section:

(a) "Commission" means an entity created by one municipality or by 2 or more municipalities in a zone, to coordinate tourism promotion and development for the zone.

(am) "District" has the meaning given in s. 229.41 (4m).

(b) "Hotel" has the meaning given in s. 77.52 (2) (a) 1.

(c) "Motel" has the meaning given in s. 77.52 (2) (a) 1.

(d) "Municipality" means any city, village or town.

(dm) "Sponsoring municipality" means a city, village or town that creates a district either separately or in combination with another city, village, town or county.

(e) "Tourism" means travel for recreational, business or educational purposes.

(f) "Tourism entity" means a nonprofit organization that came into existence before January 1, 1992, and provides staff, development or promotional services for the tourism industry in a municipality.

(g) "Transient" has the meaning given in s. 77.52 (2) (a) 1.

(h) "Zone" means an area made up of 2 or more municipalities that, those municipalities agree, is a single destination as perceived by the traveling public.

(1m) (a) The governing body of a municipality may enact an ordinance, and a district, under par. (e), may adopt a resolution, imposing a tax on the privilege of furnishing, at retail, except sales for resale, rooms or lodging to transients by hotelkeepers, motel operators and other persons furnishing accommodations that are available to the public, irrespective of whether membership is required for use of the accommodations. A tax imposed under this paragraph is not subject to the selective sales tax imposed by s. 77.52 (2) (a) 1. and may not be imposed on sales to the federal government and persons listed under s. 77.54 (9a). A tax imposed under this paragraph by a municipality shall be paid to the municipality and may be forwarded to a commission if one is created under par. (c), as provided in par. (d). Except as provided in par. (am), a tax imposed under this paragraph by a municipality may not exceed 8%. Except as provided in par. (am), if a tax greater than 8% under this paragraph is in effect on May 13, 1994, the municipality imposing the tax shall reduce the tax to 8%, effective on June 1, 1994.

(am) A municipality that imposes a room tax under par. (a) is not subject to the limit on the maximum amount of tax that may be imposed under that paragraph if any of the following apply:

1. The municipality is located in a county with a population of at least 380,000 and a convention center is being constructed or renovated within that county.

2. The municipality intends to use at least 60% of the revenue collected from its room tax, of any room tax that is greater than 7%, to fund all or part of the construction or renovation of a convention center that is located in a county with a population of at least 380,000.

3. The municipality is located in a county with a population of less than 380,000 and that county is not adjacent to a county with a population of at least 380,000, and the municipality is constructing a convention center or making improvements to an existing convention center.

4. The municipality has any long-term debt outstanding which it financed any part of the construction or renovation of a convention center.

(b) 1. If a single municipality imposes a room tax under par. (a), the municipality may create a commission under par. (c). The commission shall contract with another organization to perform the functions of a tourism entity if no tourism entity exists in that municipality.

2. If 2 or more municipalities in a zone impose a room tax under par. (a), the municipalities shall enter into a contract under s. 66.0301 to create a commission under par. (c). If no tourism entity exists in any of the municipalities in the zone that have formed a commission, the commission shall contract with another

**NOTICE OF CIRCUMSTANCES OF CLAIM**

TO: City Clerk  
City of Milwaukee  
200 East Wells Street  
Milwaukee, WI 53202

City Attorney's Office  
City of Milwaukee  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
02 NOV -8 PM 3:21

RE: Richard A. Kubczak  
7765 North Chadwick Road  
Glendale, WI 53217

**PLEASE TAKE NOTICE** that Richard A. Kubczak, the above-named claimant, sustained injuries and damages under the following circumstances that give rise to his claim against the City of Milwaukee pursuant to Section 893.80(1)(a) of the Wisconsin Statutes.

That on, or about, the 1st day of October, 2002, at approximately 2:10 a.m., Richard A. Kubczak was driving a motorcycle proceeding in a westerly direction in the 2200 block of West Clybourn Street in the City of Milwaukee, County of Milwaukee, State of Wisconsin. That the right and left lane of traffic on west bound West Clybourn Street were under construction. That warning signs and caution barrels were not properly placed in the west bound lanes of West Clybourn Street to divert traffic away from the area under construction. That at the above stated time and place, Richard A. Kubczak traveled on his motorcycle into the area under construction, striking a deep hole, causing he and his motorcycle to fall. That the failure to properly warn and properly divert traffic away from the area under construction on West Clybourn Street directly led to his being involved in such accident. That said construction work was done by the City of Milwaukee.

As a direct result of the acts of the City of Milwaukee, Ronald A. Kubczak sustained property damage to his motorcycle and personal injuries necessitating medical attention.

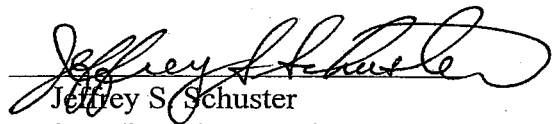
CITY OF MILWAUKEE  
02 NOV -7 PM 8:47  
RONALD D. LEONHARDT  
CITY CLERK

Claimant will file a Claim for Damages pursuant to Section 893.80(1)(b) of the Wisconsin Statutes once he has completed his course of medical treatment.

Dated at Milwaukee, Wisconsin this 6 day of November, 2002.

STUPAR, SCHUSTER & COOPER, S.C.  
Attorneys for Claimant

By:



Jeffrey S. Schuster  
State Bar No. 1013670

P.O. ADDRESS:

Suite 1800  
633 West Wisconsin Avenue  
Milwaukee, WI 53203-1955  
(414) 271-8833

**NOTICE OF CIRCUMSTANCES OF CLAIM**

TO: City Clerk  
City of Milwaukee  
200 East Wells Street  
Milwaukee, WI 53202

City Attorney's Office  
City of Milwaukee  
200 East Wells Street  
Milwaukee, WI 53202

CITY OF MILWAUKEE  
CITY ATTORNEY  
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RECEIVED

RE: Helen V. Hand  
6171 North Apple Blossom Lane  
Glendale, WI 53217

**PLEASE TAKE NOTICE** that Helen V. Hand, the above-named claimant, sustained injuries and damages under the following circumstances that give rise to her claim against the City of Milwaukee pursuant to Section 893.80(1)(a) of the Wisconsin Statutes.

That on, or about, the 1st day of October, 2002, at approximately 2:10 a.m., Helen V. Hand was a passenger on a motorcycle proceeding in a westerly direction in the 2200 block of West Clybourn Street in the City of Milwaukee, County of Milwaukee, State of Wisconsin. That the right and left lane of traffic on west bound West Clybourn Street were under construction. That warning signs and caution barrels were not properly placed in the west bound lanes of West Clybourn Street to divert traffic away from the area under construction. That at the above stated time and place, Helen V. Hand traveled on said motorcycle into the area under construction, striking a deep hole, causing her to fall off the motorcycle. That the failure to properly warn and properly divert traffic away from the area under construction on West Clybourn Street directly led to her being involved in such accident. That said construction work was done by the City of Milwaukee.

As a direct result of the acts of the City of Milwaukee, Helen V. Hand sustained personal injuries necessitating medical attention.

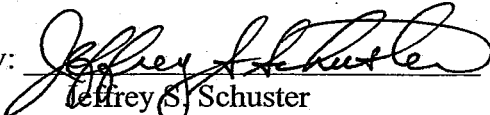
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RONALD D. LEONHARDT  
CITY CLERK



Claimant will file a Claim for Damages pursuant to Section 893.80(1)(b) of the Wisconsin Statutes once she has completed her course of medical treatment.

Dated at Milwaukee, Wisconsin this 6 day of November, 2002.

STUPAR, SCHUSTER & COOPER, S.C.  
Attorneys for Claimant

By:   
Jeffrey S. Schuster  
State Bar No. 1013670

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