

Arellano & Phebus, S.C.

ATTORNEYS
Victor M Arellano †
Douglas J. Phebus *

* Nationally certified
Civil Trial Advocate

† Former Court Commissioner

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Middleton, WI 53562-3683
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Third Ward

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Milwaukee, WI 53202
Telephone 414.672.7680

www.aplawoffice.com

Direct all mail to the Middleton address.

Yovanini Rubio
Office Administrator

Olivia Ruckstuhl
Litigation/Employment

Elizabeth Zuniga
Worker's Compensation

Nayeli Soto
Criminal/Immigration

December 7, 2017

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

Re: *Ana Maria Marquez Rodriguez and Jairo de Marcos Marquez*
C.I. File Nos. 1032-2017-1739; 1032-2017-1750

Dear Clerk:

Pursuant to the above captioned matter, we are in receipt of Attorney Grant F. Langley's November 16, 2017 correspondence wherein he denies liability on behalf of the Milwaukee Police Department (see attached). We are hereby requesting a hearing to appeal the above stated decision.

Should you have any questions please do not hesitate to contact our office.

Sincerely,

ARELLANO & PHEBUS, S.C.

Douglas J. Phebus

DJP:or

c: Attorney Grant F. Langley
Ms. Ana Marquez

CAO: Our letter was mailed
11-17-17
(INCLUDE)

CITY OF MILWAUKEE
2017 DEC - 8 A 9:37
CITY CLERK'S OFFICE

2017 DEC - 8 PM 2:45

RECEIVED
CITY OF MILWAUKEE

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys

CITY OF MILWAUKEE
Office of the City Attorney

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

November 16, 2017

NOV 20 2017

Arellano & Phebus, S.C.
Douglas J. Phebus, Esq.
1468 North High Point Road, Suite 102
Middleton, WI 53562

RE: C.I. File Nos. 1032-2017-1739 ; 1032-2017-1750
Communication from Attorney Douglas J. Phebus on behalf of
Ana Maria Marquez Rodriguez and Jairo de Marcos Marquez

STUART S. MUKAMAL
JOHN J. HEINER
SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA FRACZEK
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
PATRICK J. LEIGL
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. OENLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GREENELL
Assistant City Attorneys

Dear Attorney Phebus:

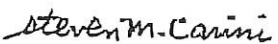
We have now received your notice of claims in the amount of \$500,000.00 from a loss on June 9, 2017.

The Wisconsin Motor Vehicle Accident Report completed as a result of this incident notes that the Milwaukee Police Department squad car was operating as an emergency vehicle with lights and siren activated. It entered the intersection. The car driven by your client failed to yield the right of way to the squad car and was cited for this. The liability for this accident is upon your client. As such, the City cannot accept liability for the damages. Therefore, we are denying your claims.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,


GRANT F. LANGLEY
City Attorney


STEVEN M. CARINI
Investigator Adjuster

SMC:mal

1032-2017-1739-244625



CL-C-2017-0039

**NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
PURSUANT TO WIS. STAT. § 893.80**

BY PERSONAL SERVICE

TO: City Hall
City Clerk Jim Owczarski
200 E. Wells Street
Room 205
Milwaukee, WI 53202

CLAIMANTS: Ana Maria Marquez Rodriguez
Jairo de Marcos Marquez
1924 South 6th Street
Milwaukee, WI 53204

Police Administration
Chief of Police Edward A. Flynn
749 W. State Street
Milwaukee, WI 53233

PLEASE TAKE NOTICE that Ana Maria Marquez Rodriguez and Jairo de Marcos Marquez (DOB 2/16/06) by their attorneys, Arellano & Phebus, S.C. by Attorney Douglas J. Phebus and Attorney Victor M. Arellano, state that the following circumstances give rise to a claim and make the following claims:

On June 9, 2017, Ana Maria Marquez Rodriguez was driving a motor vehicle in Milwaukee in which Jairo de Marcos Marquez was a passenger when their vehicle was in a collision with a vehicle driven by a City of Milwaukee employee Steven Van Erden. Steven Van Erden was then and there negligent.

Both of the claimants were injured in the accident.

Dated this 24th day of August, 2017.

ARELLANO & PHEBUS, S.C.
Attorneys for Claimant

Douglas J. Phebus
State Bar No. 1029524
dphebus@aplawoffice.com
1468 North High Point Road, Suite 102
Middleton, WI 53562
Tel: (608) 827-7680
Fax: (608) 827-7681

- Personal
- Substitute
- Posted
- Corporate

RECEIVED
17 AUG 29 AM 11:47
MILWAUKEE POLICE
PROPERTY SECTION

Process Server: [Signature]
Time: 8:35 Date: 8-28-17
Address of serve: 749 W. State St. 205
Person Served: Police Administration
Chief of Police Edward A. Flynn

*13 Phebus
Administration*

NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
PURSUANT TO WIS. STAT. § 893.80

AUG 29 2017

OFFICE OF
CITY ATTORNEY

BY PERSONAL SERVICE

TO: City Hall
City Clerk Jim Owczarski
200 E. Wells Street
Room 205
Milwaukee, WI 53202

CLAIMANTS: Ana Maria Marquez Rodriguez
Jairo de Marcos Marquez
1924 South 6th Street
Milwaukee, WI 53204

Police Administration
Chief of Police Edward A. Flynn
749 W. State Street
Milwaukee, WI 53233

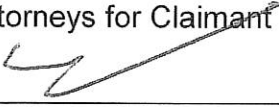
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Both of the claimants were injured in the accident.

Dated this 24th day of August, 2017.

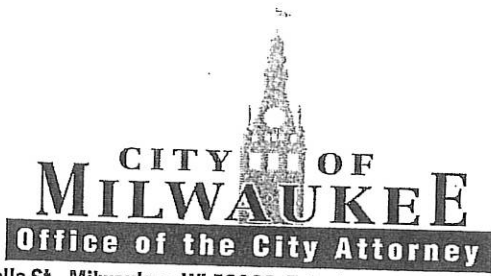
ARELLANO & PHEBUS, S.C.
Attorneys for Claimant


Douglas J. Phebus
State Bar No. 1029524
dphebus@aplawoffice.com
1468 North High Point Road, Suite 102
Middleton, WI 53562
Tel: (608) 827-7680
Fax: (608) 827-7681

CITY OF MILWAUKEE
2017 AUG 28 AM 11:29
CITY CLERK'S OFFICE

Personal Substitute
 Posted Corporate

Process Server: Jim Owczarski
Time: 11:30 AM Date: 8-24-17
Address of serve: 200 E Wells St.
Milwaukee WI
Person Served: City Hall city clerk
Jim Owczarski



800 City Hall, 200 E. Wells St., Milwaukee, WI 53202, Telephone 414-286-2601, Fax 414-286-8550

MEMORANDUM

TO: Receiving City Department
FROM: City Attorney's Office - Claims Section
RE: New Claim Filed

We have received the attached claim. Please review your records and determine if any accident reports were sent to your department from us to bill this loss. If so, please bill this immediately and send it to the Kohn Firm under the protocol.

SMC/cdr

/189516

J9L0N4X4FF
171601387

Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

J9L0N4X4FF

Document Number Override		Primary Crash Document #		Agency Crash Number		Investigating Officer/Deputy A. LIESKE	
Crash Date 06/09/2017		Crash Time 12:23 PM		Date Arrived 06/09/2017		Time Arrived 12:51 PM	
Date Notified 06/09/2017		Time Notified 12:51 PM		Total Units 02		Total Injured 02	Total Killed 00
<input checked="" type="checkbox"/> On Emergency	<input type="checkbox"/> Hit and Run	<input checked="" type="checkbox"/> Lane Closure	<input type="checkbox"/> Work Zone		<input type="checkbox"/> Trailer or Towed		
<input type="checkbox"/> Government Property	<input type="checkbox"/> Active School Zone		School Bus Related No		Tags		
<input checked="" type="checkbox"/> Reportable	Crash Type DT4000 (Standard Crash)			<input type="checkbox"/> Amended	<input type="checkbox"/> Secondary Crash		

Description

<p>Diagram</p>	Reconstruction By
	Photos By ID CRUZ CITY OF MILWAUKEE 59 PICTURES
	Additional Information Photos

Narrative: I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.

ON DATE AND TIME LISTED AT LOCATION

UNIT 2 WAS TRAVELING EAST BOUND IN THE 500 BLOCK OF W LAPHAM BLVD. UNIT 2 WAS A MARKED BLACK AND WHITE CITY OF MILWAUKEE POLICE CAR, WITH EMERGENCY LIGHT AND SIREN ACTIVATED, RESPONDING TO A CALL FOR SERVICE. UNIT 2 ENTERED THE INTERSECTION ON A GREEN LIGHT.

UNIT 1 WAS TRAVELING ON S 5TH ST SOUTH BOUND APPROACHING A RED LIGHT AT THE INTERSECTION.

UNIT 2 FAILED TO STOP FOR THE RED LIGHT AND FAILED TO GIVE RIGHT AWAY TO THE EMERGENCY VEHICLE COLLIDING WITH THE EMERGENCY VEHICLE.

WITNESS STATED, THAT HE WAS TRAVELING EAST BOUND ON LAPHAM BLVD WAS ENTERING THE INTERSECTION ON A GREEN LIGHT THEN HEARD AND SAW THE SQUAD CAR WITH EMERGENCY LIGHT ACTIVATED . HE THEN STOPPED HIS VEHICLE HALF WAY IN THE INTERSECTION . THE SQUAD CAR WAS IN THE INTERSECTION WHEN UNIT 1 WAS SOUTH ON S 5TH ST WENT THROUGHT LIGHT AND HIT THE SQUAD.

UNIT 1 AND 2 HAD COMPLAINTS OF INJURIES DUE TO THE CRASH

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Wisconsin Motor Vehicle
Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
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SQUAD CAR IS EQUIPPED WITH A CAMERA.
UNIT ONE, DRIVER DID NOT HAVE A DRIVERS LICENSE ISSUED, NO PROOF OF INSURANCE AND EXPIRED REGISTRATION
UNIT TWO WAS A VALID DRIVER, AND REGISTRATION AND PROOF OF INSURANCE AND
MFD WAS ON SCENE RED SHIFT, ENGINE ONE AND MED 15 TRANSPORTED UNIT 2

Location

INTERSECTION ON S 5TH ST AT W LAPHAM BLVD IN THE CITY OF MILWAUKEE IN MILWAUKEE COUNTY	Latitude	Longitude
	43.014160043	-87.916683587
	X Coordinate	Y Coordinate
	425299.5625	4762795
	Structure Type	

Crash Scene

First Harmful Event Motor Veh In Transport		First Harmful Event Location On Roadway	
Manner of Collision 08--Front To Side		Light Condition Daylight	
Road Surface Condition(s) Dry		Roadway Factor(s) None	
Environment Factor(s) None			
Weather Condition(s) Clear			
Animal Type		Relation To Trafficway Trafficway - On Road	
Crash Classification - Location Public Property		Crash Classification - Jurisdiction No Special Jurisdiction	
Tribal Land		Access Control Full Control	Special Study
Within Interchange Area NO	Junction Location Intersection	Intersection Type Four-Way Intersection	
Closure Type Full closure		Reasons for Closure	
Date Initial Lane/Road Closed Friday, 06/09/2017	Time Initial Lane/Road Closed 12:57 PM	Law Enforcement	
Date Scene Cleared Friday, 06/09/2017	Time Scene Cleared 12:59 PM	Date All Lanes Open Friday, 06/09/2017	Time All Lanes Open 01:55 PM

Unit Summary

UNIT	Unit Status In Transit	Vehicle Operating As Classification D CLASS		Unit Type Automobile		
	Vehicle Type Passenger Car			Operating As Endorsements		
	Total Occs 2	Train/Bus # Injured	Total # Citations Issued 3	Total Trailers 0	Total HazMat Types 0	
	Insurance? NO	Direction Of Travel Southbound	<input type="checkbox"/> Pre CrashTire Mark	Speed Limit 20	Total Lanes 5	
	Most Harmful Event: Collision With Motor Veh In Transport		Special Function No Special Function		Emergency Motor Vehicle Use Not Applicable	
	Traffic Way Divided Hwy W/O Traffic Barrier		Traffic Control Traffic Signal		Traffic Control Inoperative/Missing NO	
	Surface Type Blacktop (Bituminous)		Road Curvature Straight		Road Grade Level	
	Truck Bus or HazMat No			Reporting Threshold No		

Vehicle

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Wisconsin Motor Vehicle
Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

01	UNIT	VEHICLE	License Plate Number 243MEV	Plate Type AUT - Automobile	St WI	Country of Issuance UNITED STATES
			Vehicle Identification Number 3FAFP31371R171089	Make FORD	Year 2001	Model FOCUS ZX3
			Color BLU - Blue	Body Style 2H - HATCHBACK 2 DOOR	Bus Use Not A Bus	
			Initial Contact Point Non-Collision	Vehicle Damage		
01	UNIT	VEHICLE	Extent Of Damage Disabling Damage	12--Front		
			Towed Due To Damage Towed Due To Disabling Damage	Vehicle Removed By CHI TOWING		
01	UNIT	VEHICLE	What Driver Was Doing Going Straight	Vehicle Factors		
			Driver Prior Action Other	Not Applicable		
			Driver Actions Failed To Yield Right-Of-Way			
			Driver Distractions Unknown If Distracted			
Vehicle Owner						
01	UNIT	VEHICLE OWNER	Individual ANA MARQUEZ (414) 334-3735	Address 1924 S 6TH ST MILWAUKEE, WI 53204 , US		
			Sequence Of Events			
01	UNIT	VEHICLE	Event Motor Veh In Transport			
			Event			
			Event			
			Event			

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Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

UNIT		INDIVIDUAL	
01	001	Individual	
		Driver ANA M MARQUEZ (414) 334-3735	Citations Issued 3
		Date of Birth 07/20/1981	Sex Female
01	001	Address 1924 S 6TH ST MILWAUKEE, WI 53204 , US	Driver License Number M6220138176003 State: Wisconsin Country: UNITED STATES
		Equipment On Duty Crash	Safety Equipment
		Seat Position 1--Front Seat-Left Side (Driver/Motorcycle/Bicycl	Shoulder & Lap Belt
01	001	Helmet Use	Helmet Compliance
		Eye Protection	Tint Compliance
		Injury Injury Severity No Apparent Injury	Airbag Deployed-Front
01	001	Ejected Not Ejected	Ejection Path Not Ejected/Not Applicable
		Medical Transport Not Transported	Trapped/Extricated Not Trapped
		Hospital	EMS Agency Identifier
01	001		EMS Run #
			Date of Death
			Time of Death
01	001	Non Motorist Striking Unit #	Prior Action
		Action	Location
			To/From School
01	001	Action Other	
		Drug & Alcohol	<input type="checkbox"/> Suspected Alcohol Use
			<input type="checkbox"/> Suspected Drug Use
01	001	Alcohol Test Given Test Not Given	Alcohol Test Type
			Alcohol Test Results
		Drug Test Given Test Not Given	Drug Test Type
01	001		Drug Test Results
		Drug Type	
		Individual Condition Appeared Normal	

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Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

UNIT		INDIVIDUAL					
01	002	Individual					
		Passenger JAIRO P MARCOSMARQUEZ (414) 334-3735	Citations Issued 0	Sex Male			
		Date of Birth 02/16/2004	Race WHITE				
01	002	Address 1924 S 6TH ST MILWAUKEE, WI 53204 , US	Driver License Number				
		Equipment On Duty Crash	Safety Equipment				
		Seat Position 2--Front Seat-Middle	Shoulder & Lap Belt				
01	002	Helmet Use	Helmet Compliance				
		Eye Protection	Tint Compliance				
		Injury Injury Severity Possible Injury	Airbag Deployed-Front				
01	002	Ejected Not Ejected	Ejection Path Not Ejected/Not Applicable	Trapped/Extricated Not Trapped			
		Medical Transport EMS Ground	EMS Agency Identifier 6000990	EMS Run # 5			
		Hospital ST MARYS MEDICAL CENTER	Date of Death	Time of Death			
01	002	Non Motorist	Striking Unit #	Prior Action	Location	To/From School	
		Action					
		Action Other					
01	002	Drug & Alcohol	<input type="checkbox"/> Suspected Alcohol Use	<input type="checkbox"/> Suspected Drug Use			
		Alcohol Test Given Test Not Given	Alcohol Test Type		Alcohol Test Results		
		Drug Test Given Test Not Given	Drug Test Type		Drug Test Results		
Drug Type							
Individual Condition Appeared Normal							
Violations							
01	02	UTC Number S465793	Issue To? 001	Statute Number 346.19(1)	Seq Num 001	Description FAIL/YIELD TO STOP FOR EMERGENCY VEHICLE	
		UTC Number S465794	Issue To? 001	Statute Number 344.62(1)	Seq Num 001	Description OPERATE MOTOR VEHICLE W/O INSURANCE	
		UTC Number S465795	Issue To? 001	Statute Number 343.05(3)(A)	Seq Num 002	Description OPERATE W/O VALID LICENSE	

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171601387

Wisconsin Motor Vehicle
Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

Unit Summary

02	Unit Status On Emergency		Vehicle Operating As Classification D CLASS		Unit Type Automobile	
	Vehicle Type Police Emergency				Operating As Endorsements	
UNIT	Total Occs 1	Train/Bus # Injured	Total # Citations Issued 0	Total Trailers 0	Total HazMat Types 0	
	Insurance? YES	Direction Of Travel Eastbound	<input type="checkbox"/> Pre CrashTire Mark	Speed Limit 30	Total Lanes 4	
	Most Harmful Event: Collision With Motor Veh In Transport		Special Function Police		Emergency Motor Vehicle Use Emergency Operation, Emergency Ligh	
	Traffic Way Two-Way, Not Divided, With A Continuous Left Tur		Traffic Control Traffic Signal		Traffic Control Inoperative/Missing NO	
	Surface Type Blacktop (Bituminous)		Road Curvature Straight		Road Grade Level	
	Truck Bus or HazMat No			Reporting Threshold No		

Vehicle

02	VEHICLE	License Plate Number E3240	Plate Type OFF - Municipal Official	St WI	Country of Issuance UNITED STATES	
		Vehicle Identification Number 2FABP7BV7AX140383	Make FORD	Year 2010	Model CROWN VIC	
UNIT	VEHICLE	Color BLK - Black	Body Style 4D - 4DR		Bus Use Not A Bus	
		Initial Contact Point 9--Left Side Middle	Vehicle Damage			
02	VEHICLE	Extent Of Damage Disabling Damage	12--Front			
		Towed Due To Damage Towed Due To Disabling Damage	Vehicle Removed By OWNER			
		What Driver Was Doing Going Straight	Vehicle Factors			
		Driver Prior Action Other	Not Applicable			
UNIT	VEHICLE	Driver Actions No Contributing Action				
		Driver Distractions Not Distracted				

Vehicle Owner

02	VEHICLE OWNER	Government CITY OF MILWAUKEE (414) 933-4444	Address 749 W STATE ST MILWAUKEE, WI 53210 , US
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Sequence Of Events

01	Event Motor Veh In Transport
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Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

UNIT	02	Event
	03	Event
	04	Event
	Policy Holder	
	Insurance Company	Government
	SELF-INSURED	CITY OF MILWAUKEE

J9L0N4X4FF
171601387

Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

UNIT		INDIVIDUAL				
02	003	Individual Driver STEVEN JOHN VAN ERDEN (414) 933-4444	Citations Issued 0	Sex Male		
		Address 749 W STATE ST MILWAUKEE, WI 53210 , US	Date of Birth 03/14/1969	Race WHITE		
		Driver License Number V5637906909406 State: Wisconsin Country: UNITED STATES				
02	003	Equipment On Duty Crash Police	Safety Equipment			
		Seat Position 1--Front Seat-Left Side (Driver/Motorcycle/Bicycl	Shoulder & Lap Belt			
		Helmet Use	Helmet Compliance			
		Eye Protection	Tint Compliance			
UNIT	INDIVIDUAL	Injury Injury Severity Possible Injury	Airbag Non Deployed			
		Ejected Not Ejected	Ejection Path Not Ejected/Not Applicable	Trapped/Extricated Not Trapped		
		Medical Transport Not Transported	EMS Agency Identifier	EMS Run #		
		Hospital	Date of Death	Time of Death		
		Non Motorist Striking Unit #	Prior Action	Location	To/From School	
02	003	Action				
		Action Other				
UNIT	INDIVIDUAL	Drug & Alcohol	<input type="checkbox"/> Suspected Alcohol Use		<input type="checkbox"/> Suspected Drug Use	
		Alcohol Test Given Test Not Given	Alcohol Test Type	Alcohol Test Results		
		Drug Test Given Test Not Given	Drug Test Type	Drug Test Results		
		Drug Type				
		Individual Condition Appeared Normal				
Witness						
WITN ESS	01	Individual JAMES A LEBRON (414) 902-0346		Address 6534 SPRING HILLS DR MOUNT PLEASANT, WI 53406 , US		
				Date of Birth 06/12/1977		