

GRANT F. LANGLEY
City Attorney

LINDA ULISS BURKE
VINCENT D. MOSCHELLA
DANIELLE M. BERGNER
MIRIAM R. HORWITZ
Deputy City Attorneys

Appeal

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

STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
MARYNELL REGAN
KATHRYN Z. BLOCK
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
MARY L. SCHANNING
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
LA KEISHA W. BUTLER
Assistant City Attorneys

July 10, 2015

RECEIVED

JUL 28 2015

OFFICE OF
CITY ATTORNEY

Ms. Maria Garcia
2732 W. Hayes Avenue
Milwaukee, WI 53215

Re: C.I. File No. 1029-2015-1767
Communication from MARIA GARCIA

Dear Ms. Garcia:

The City of Milwaukee is in receipt of the claim for damages you incurred as a result of a defect in a sidewalk or street on or near South 35th Street and West Burnham Street.

Based on 2011 Wisconsin Act 132, Wisconsin municipalities are immune from liability for any damage that occurs on or after April 5, 2012 due to a defect in a sidewalk or street. Although the city is immune from liability for damages, the city takes any report of defective streets or sidewalks seriously. Therefore, your claim has been forwarded to the Department of Public Works so city staff may inspect the area in question and repair any defect as promptly as possible.

For the reasons stated above, we are denying your claim. 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,

CITY CLERK'S OFFICE

2015 JUL 27 A 10:11

CITY OF MILWAUKEE



RECEIVED

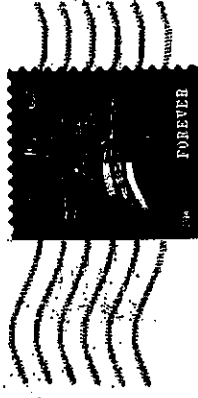
JUL 28 2015

OFFICE OF
CITY ATTORNEY

Maria Garcia
2732 W HAYES AV
MILWAUKEE, WI
53215

MILWAUKEE WI 530

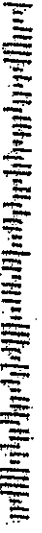
23 JUL 2015 PM 7 L



200 East Wells Street, Room 205,
MILWAUKEE, WISCONSIN

53202

53202359155



To: Milwaukee County

On May 8th, I, MARIA GARCIA, was driving at 8:30 AM on 35th + Burnham with my Dodge Caravan (2005).

My Rear passenger tire went into an unmarked pothole. Although there was construction in the area, this pothole was not marked by any barricades or cones.

This resulted in damage to my rear passenger tire and rim in the amount of \$380 - ~~\$900~~ (Receipts for the estimates are attached)

Due to failure to provide warning that county workers were repairing this pothole, I would like Milwaukee County to pay for the repair of my rear passenger tire and rim.

MARIA GARCIA
2732 W. Hayes Ave
Milwaukee, WI, 53215
414-647-0244 home
414-517-8503 * (preferred # FRIDAYS any time)

Attestamente
Maria Garcia
A.T. Manuaguan

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JUL 7 - 2015
OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
JUL 7 - 7 A 8:08
CIVIL RIGHTS OFFICE

Att
Mett



Schlossmann's Dodge City Chrysler Jeep PQ38225
19100 W. Capitol Dr. • Brookfield, WI 53045
Phone: (262) 790-9000 • Fax: (262) 790-9190
Parts Direct: (262) 790-9133 • Parts Fax: (262) 790-9121
www.1dodgecity.com

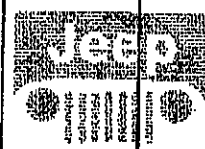
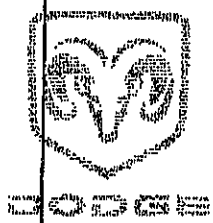
PQ38225

CUST NO	TAX EXEMPT NUMBER	CUST. P. O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE NO
10003	456-1026202981-03 414-328-3500		DEL	CHARGE	TB	05/29/15	PQ38225 CHW

SCHLOSSMANN'S HONDA CITY
3450 S 108TH ST
GREENFIELD, WI 53227

SHIP TO

SHIP QTY	P. O. QTY	PART NUMBER + DESCRIPTION	BIN	LIST	NET	AMOUNT
1	0	1TA06PAK-AB WHEEL ALU 22001005 5B165243	261B	909.00	599.50	599.50
						SUBTOTAL 599.50
						RESTOCK CHARGE 0.00
						TAX 0.00
						FREIGHT 0.00
						PAY THIS AMOUNT 599.50



ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS INVOICE. NO RETURNS ON ELECTRICAL OR SPECIAL ORDER PARTS. NO RETURNS AFTER 30 DAYS. 10% RE-STOCK CHARGE ON ALL RETURNED PARTS. THE SELLER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EITHER EXPRESS OR IMPLIED, INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR THE PARTICULAR PURPOSE, AND THE SELLER NEITHER ASSUMES NOR AUTHORIZES ANY OTHER PERSON TO ASSUME FOR IT ANY LIABILITY IN CONNECTION WITH THE SALE OF THESE PARTS.

CUSTOMER COPY

Thank
You
for
Your
Business!

** PRICE QUOTE **
16:53:05 PAGE 1 OF 1
NET524



0101GPQ38225

PARTS INVOICE



0101GPQ38225

PARTS INVOICE

PQ38225

PQ38225

CUST NO	TAX EXEMPT NUMBER	CUST. P. O. NO.	SHIP VIA	PAY	SOLD BY	INVOICE DATE	INVOICE NO
10003	456-1026202981-03 414-328-3500		DEL	CHARGE	TB	05/29/15	PQ38225 CHW

SCHLOSSMANN'S HONDA CITY
3450 S 108TH ST
GREENFIELD, WI 53227

SHIP TO

SHIP QTY	P. O. QTY	PART NUMBER + DESCRIPTION	BIN	LIST	NET	AMOUNT
1	0	1TA06PAK-AB WHEEL ALU 22001005 5B165243	261B	909.00	599.50	599.50
						SUBTOTAL 599.50
						RESTOCK CHARGE 0.00
						TAX 0.00
						FREIGHT 0.00
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CUSTOMER SIGNATURE

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JUL 7 - 2015

OFFICE OF
CITY ATTORNEY

Thank
You
for
Your
Business!

** PRICE QUOTE **
16:53:05 PAGE 1 OF 1
NET524



Schlossmann's Dodge City Chrysler Jeep
19100 W. Capitol Dr. • Brookfield, WI 53045
Phone: (262) 790-9000 • Fax: (262) 790-9190
Parts Direct: (262) 790-9133 • Parts Fax: (262) 790-9121
www.1dodgecity.com

SUBARU P 1/1

2627909121 >>

SCHLOSSMANN'S DODGE

2015-05-29 20:45

For Remittance and Remittance Company, ERMINTYDE, SFSB71402 D, (05/14)

QUOTE
2759741
06/02/2015

FIRESTONE COMPLETE AUTO CARE
3534 S 27TH ST
MILWAUKEE, WI. 53221-1302

SERVICE ADVISOR:
04 DAVE
414.282.7150

GARCIA, MARIA
2732 W HAYES AVE
MILWAUKEE, WI 53215
414.647.0244

2005 DODGE CARAVAN SXT
3.3L V6 FI GAS VIN R OHV
LIC # VIN #
IN 01/01/70 12:00AM EST. MILEAGE 0

Store # 010278

QUOTE

Description	Article Number	T#	Qty	Part	Labor	Extended Price	Job Total
FIRESTONE TIRE PACKAGE							
048136 FR710 BL 215/65R16 98T 65,000 Mile Limited Warranty	048136		1	91.99		91.99	125.82
LIFETIME NEW TIRE WHEEL BALANCE LABOR	7013627		1		14.99	14.99	
LIFETIME RUBBER VALVE	7024341		1	3.00		3.00	
7097782 ROAD HAZARD PROTECTION	7097782		1	13.34		13.34	
SCRAP TIRE RECYCLING FEE	7075078		1		2.50	2.50	
TIRE INSTALLATION	7015016		1		N/C	N/C	
WHEELS							
5 SPOKE SILVER WHEEL	7000620	04	1	282.99		282.99	282.99

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Prices valid for 30 days.

Summary	
Parts	391.32
Labor	17.49
Shop Supplies	0.90
Sub	409.71
Tax	22.95
Total	432.66

"MOTOR VEHICLE REPAIR PRACTICES REGULATED BY WISCONSIN STATUTES, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION, P. O. BOX 8911, MADISON, WISCONSIN 53708-8911"

GOODYEAR AUTO SERVICE CENTER

**ESTIMATE
033224**

A DIVISION OF THE GOODYEAR TIRE & RUBBER COMPANY
3514 S 27TH ST
MILWAUKEE, WI 53221
FEDERAL TAX ID# 340253240
(414)281-6300 HOURS 7-7MON-FRI, 7-6SAT, 9-5SUN
www.GoodyearAutoService.com



PAGE: 01

PRICE ESTIMATE**DO NOT PAY***

BILL TO: MARIA GARCIA
2732 W HAYES AVE
MILWAUKEE, WI 53215

PHONE 1..... (414)202-3545 EXT.
PHONE 2.....
RETURN PARTS.. NO
PRIOR INVOICE. **NEW CUSTOMER**
DATE REQUESTED 06/01/15

VEH YEAR/MAKE. 05 DODGE-RAM TRUCK
VEHICLE MODEL. GRAND CARAVAN
VEHICLE COLOR.
LICENSE/STATE.
TIME REQUESTED

ODOMETER IN/OUT120000 / NA
VEHICLE IN....06/01/15 05:50 PM
VEHICLE OUT...06/01/15 05:50 PM
TERR/NONSIG...6836/906836
SALESMAN..... 025 / 025

RECEIVED
JUL 7 - 2015
OFFICE OF
GOODYEAR AUTOMOTIVE

ACCOUNT # COB TC CUST# TYPE/STATE
683600001 2 01 07543 0 WI

<u>SLS TECH</u>	<u>PRODUCT CODE</u>	<u>BC</u>	<u>QTY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>LBR/EXCISE</u>	<u>LINE TOTAL</u>
025	046-377	R	1	COURTESY TIRE AND MAINTENANCE INSPECTION	.00	.00	FREE
025	078-000	R	1	CHECK VEHICLE FOR ALIGNMENT	.00	.00	FREE
025	047-200 12345	R	1 1.00	NEW ALLOY RIM 16 INCH NEW ALLOY RIM	.183.00	.00	183.00
025	407-016-374-0	R	1	215/65R16 98T SL ASSURANCE ALL-SEASON	99.99	.00	99.99
025	041-263 VS1R	R	1 1.00	NEW VALVE STEM / TIRE VALVE	3.25	.00	3.25
025	044-375	R	1	WHL BALANCE-AUTO-LIFETIME W/FLAT REPAIR	7.45	12.50	19.95
025	071	R	1	SCRAP TIRE DISPOSAL AUTO	3.25	.00	3.25
025	078-000	R	1	CHECK VEHICLE FOR ALIGNMENT	.00	.00	FREE
025	092-209 QTY. 1 NO	R	1	ROAD HAZARD PROTECTION (FREE REPLACMNT)	20.00	.00	20.00

This is your list of Road Hazard Registration No(s).
You MUST Present this invoice when requesting Road Hazard Protection Service.
FREE TIRE REPLACEMENT & FREE FLAT REPAIRS FOR THE LIFE OF THE ORIGINAL TREAD
UP TO A MAX OF 36 MONTHS FROM THE DATE OF PURCHASE. CALL 1-800-445-2146 FOR
ASSISTANCE. PLEASE SEE THE TERMS AND CONDITIONS FOR COMPLETE DETAILS.

CONTINUED NEXT PAGE

GOODYEAR AUTO SERVICE CENTER

**ESTIMATE
033224**

A DIVISION OF THE GOODYEAR TIRE & RUBBER COMPANY
3514 S 27TH ST
MILWAUKEE, WI 53221
FEDERAL TAX ID# 340253240
(414)281-6300 HOURS 7-7MON-FRI,7-6SAT,9-5SUN
www.GoodyearAutoService.com



PAGE: 02

PRICE ESTIMATE**DO NOT PAY***

SLS TECH	PRODUCT CODE	BC QTY	DESCRIPTION	UNIT PRICE	LBR/EXCISE	LINE TOTAL
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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, WISCONSIN 53708-8911.
TECHNICIAN(S) / SUBCONTRACTOR(S) _____

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JUL 7 - 2015

OFFICE OF
CITY ATTORNEY

SUMMARY:

PARTS TOTAL.....	316.94
LABOR TOTAL.....	12.50
TAXABLE AMOUNT	342.25
SHOP SUPPLIES *	12.81
SUB TOTAL.....	342.25

.....
CUSTOMER AUTHORIZATION FOR TOTAL

ESTIMATE TOTAL \$361.42

SALES TAX(5.600%) 19.17

PRICE EXPIRATION DATE 09/29/15

Thank you for your business! If you are not 100% satisfied,
please contact the store manager, Thomas Grohall, at (414)281-6300
or contact our district manager via email at ken.davis@goodyear.com

SALES ASSOC(S): 025 DANIEL V.
TECHNICIAN(S):

ALL PARTS ARE NEW UNLESS OTHERWISE SPECIFIED

*SHOP SUPPLY FEES COVER MISC MATERIALS USED IN SERVICING YOUR VEHICLE THAT DO NOT APPEAR ELSEWHERE ON THIS INVOICE AND FOR PROFIT
SEE REVERSE SIDE FOR IMPORTANT SAFETY WARNING AND WARRANTY INFORMATION



OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed at the bottom of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.
3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk
ATTN: CLAIMS
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

893.80 Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.