

May 6th, 2007
Laura Marshall
File No. 07-S-57

CITY OF MILWAUKEE

CITY OF MILWAUKEE
RECEIVED

2007 MAY -8 PM 3:59 2007 MAY -9 PM 2:41

RONALD LEONHARDT
CITY CLERK

OFFICE OF
CITY ATTORNEY

Dear Milwaukee City Clerk

department. I am writing this letter to appeal the decision made denying my claim. After reading the letter sent to me it sounded like the investigator, Robert M. Overholt did not believe the damage done to my car was the City's responsibility. How does he know that the snow plow truck followed standard plowing procedures? Now after waiting nine weeks for a reply they are going to tell me a different plowing company may be at fault. This is telling me that they are not sure. If a different company would be involved they would have known sooner after they received my letter indicating where this happened.

I was driving on Layton Avenue. There was alot of traffic as this is a very busy street. The chunk of ice was left in the driving lane on Layton Avenue. I do not believe that another plowing company would push a huge chunk of ice onto a busy

2-14-07

CITY OF MILWAUKEE

Attention City Clerks Claim Department,
 Wednesday February 14th I was traveling
 on Layton, there was alot of traffic on
 road. It was 12:50 p.m., I was going
 875 West Layton, Sensia Healthcare. I had
 blinker on to turn right into the lot on
 8th and Layton. There was a huge chunk of
 ice and snow left in the driving lane. You could
 tell it was from a plow because of its size.
 I tried to avoid hitting it as much as
 possible without causing an accident with
 the other cars around me. I hit it with the
 right front end of my car. When I hit it, it
 sounded like I hit a wall. I continued to
 try and get into the parking lot when I heard
 on thinking sound like I had a flat tire.
 I got out and looked at my car. The right
 front bumper and shield splash was cracked
 and I had a piece of the plastic bumper
 wedged in my tire.

I went in to Sensia Health Care
 where my appointment was and I told them
 what happened and asked if I could use
 their phone. I called my employer (Greendale
 High School) and I asked if they could send

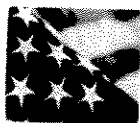
CITY OF MILWAUKEE

Someone from maintenance out to change my tire. Someone did come out, they put my spare on for me. (the smaller donut tire) I had to drive 35 mph all the way home. ...

I am asking to be reimbursed for the damages to my car which could have been avoided if the plow hadn't left the huge snow/ice block in the middle of the lane.

I am sending you a copy of my receipt for my tire & balance fee, and I have the estimate for the damage to my car attached.

Thank you,
Sincerely, Dana Marshall
262-757-0897



Mr. David J. Marshall
417 W. Chestnut St.
Burlington, WI 53105

I am asking for \$57.51 for the tire, and ~~\$~~ \$742.86 for the repair on my car. The total is \$800.37, or the second estimate I got was \$683.79 for the repairs and \$57.51 for the tire. The total on that would be \$741.30.

Thank you

02/21/2007 at 04:16 PM
12850

Job Number:

LYNCH COLLISION REPAIR CENTER
Federal ID #:390883933
2300 BROWNS LAKE DR.
BURLINGTON, WI 53105
(262)763-7500x2952 Fax: (262)763-3192

PRELIMINARY ESTIMATE

Written By: MARK PETERSEN
Adjuster:

Insured: LAURA MARSHALL
Owner: LAURA MARSHALL
Address: 417 W CHESTNUT ST
BURLINGTON, WI 53105
Day:
Evening:

Claim #
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact:

Inspect
Location:

Insurance
Company:

Days to Repair

2004 CHEV CLASSIC MALIBU 4-2.2L-FI 4D SED MAROON Int:

VIN: 1G1ND52F44M633004 **Lic:** **Prod Date:** **Odometer:** 57000

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Intermittent Wipers	Keyless Entry
Dual Mirrors	Clear Coat Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Mirrors	Power Trunk/Tailgate	AM Radio
FM Radio	Stereo	CD Player
Driver Air Bag	Passenger Air Bag	Cloth Seats
Bucket Seats	Automatic Transmission	Overdrive

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		FRONT BUMPER				
2**	Repl	A/M Bumper cover	1	211.00	1.4	3.0
3		Add for Clear Coat				1.2
4		FENDER				
5	Repl	RT Liner extension	1	27.01	0.2	
6#	Subl	Hazardous Waste Disposal	1	5.00 T		
Subtotals ==>				243.01	1.6	4.2

PRELIMINARY ESTIMATE

2004 CHEV CLASSIC MALIBU 4-2.2L-FI 4D SED MAROON Int:

Parts			238.01
Body Labor	1.6 hrs @ \$ 50.00/hr		80.00
Paint Labor	4.2 hrs @ \$ 50.00/hr		210.00
Paint Supplies	4.2 hrs @ \$ 28.00/hr		117.60
Sublet/Misc.			5.00

SUBTOTAL		\$	650.61
Sales Tax	\$ 650.61 @ 5.1000%		33.18

GRAND TOTAL		\$	683.79
ADJUSTMENTS:			
Deductible			0.00

CUSTOMER PAY		\$	0.00
INSURANCE PAY		\$	683.79

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.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR1CP97 Database Date 01/2007, CCC Data Date 01/2007, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recon. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

02/21/2007 at 04:16 PM
12850

Job Number:

PRELIMINARY ESTIMATE

2004 CHEV CLASSIC MALIBU 4-2.2L-FI 4D SED MAROON Int:

ALTERNATE PARTS SUPPLIERS

2 A/M Bumper cover	Part No.	GM1000540N	Price \$211.00
Fond Du Lac Bumper Exchange		(800)236-2570	
1285 MORRIS STREET		(414)921-2570	
FOND DU LAC, WI 54935			

aprk

WARREN'S AUTO BODY INC
548 DUTTON STREET
BURLINGTON, WI 53105-2060
262-763-2116 FAX: 262-763-9891
TAX ID: 39-1725558

*** PRELIMINARY ESTIMATE ***

02/16/2007 01:16 PM

Owner:

Owner: DAVID MARSHALL
Address: 417 W CHESTNUT STREET
City State Zip: Burlington, WI 53105
Work/Day: (262)757-0897
FAX:

Control Information

Loss Date/Time: 02/14/2007
Deductible: Unknown
Ins. Company: American Family Insurance Co
Insured: DAVID MARSHALL
Loss Type: Collision

Inspection

Inspection Date: 02/16/2007 01:16 PM
Inspection Location: Shop
City State Zip: Burlington, WI 53105
Primary Impact: Right Front Corner
Driveable: Yes
Appraiser Name: Lynnea Rutkowski
Inspection Type: Drive In
Contact:
FAX:
Secondary Impact:
Rental Assisted:
Appraiser License #:

Repairer

Target Complete Date/Time:
Days To Repair: 2

Remarks

THANK YOU FOR CHOOSING WARRENS AUTO BODY FOR YOUR ESTIMATING!

Vehicle

2004 Chevrolet Classic STD 4 DR Sedan
4cyl Gasoline 2.2
4 Speed Automatic

Lic.Plate: 59-JYE
Lic Expire:
Prod Date: 02/2004
Veh Insp#:
Condition:
Ext. Color: BERRY RED EFFECT
Ext. Refinish: Two-Stage
Ext. Paint Code: 811K/87
Lic State: WI
VIN: 1G1ND52F44M633004
Mileage: 57,000
Mileage Type: Actual
Code: U2633A
Int. Color:
Int. Refinish:
Int. Trim Code:

Air Conditioning
Cruise Control
Center Console
Digital Clock
Compact Disc Player
Dual Airbags

Intermittent Wipers	Keyless Entry System	Lighted Entry System
Power Brakes	Power Door Locks	Power Mirrors
Power Steering	Power Windows	Rear Window Defroster
Rem Trunk-L/Gate Release	Tachometer	Theft Deterrent System
Tilt Steering Wheel	Tinted Glass	Velour/Cloth Seats

Damages

Item #	QTY	Part #	Description	Part #	Part Name	Rate	Unit	Code
1	EP	6	Cover,Front Bumper	Replace PXN		\$245.00		3.2 SM
2	L	6 13	Cover,Front Bumper	Refinish				3.7 RF
3	E	112 46	Shield,Front Splash RT	22610204 GM Part		\$27.01		INC SM

3 Items

13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE
46	PRINTABLE ALTERNATE PARTS COMPARE

Estimate Total & Entries

Gross Parts		\$27.01
Other Parts		\$245.00
Paint Materials		\$103.60
Parts & Material Total		\$375.61
Tax on Parts & Material	@ 5.100%	\$19.16

Part #	Rate	QTY	Unit	Total
Sheet Metal (SM)	\$48.00	3.2		\$153.60
Mech/Elec (ME)	\$48.00			
Frame (FR)	\$48.00			
Refinish (RF)	\$48.00	3.7		\$177.60
Paint Materials	\$28.00			

Labor Total		6.9 Hours	\$331.20
Tax on Labor	@ 5.100%		\$16.89
Gross Total			\$742.86
Less: Deductible			Unknown 500.00
Net Total			\$742.86 + tire, wheel liner clips

Alternate Parts Y/02/01/00/01/01 CUM 02/01/00/01/01 Zip Code: 53105 Geo 53105

Recycled Parts NOT REQUESTED

Audatex Estimating 4.0.469 ES 02/16/2007 01:21 PM REL 4.0.469 DT 01/01/2007 DB 02/08/2007

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1.1 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

DAMAGE ASSESSED FOR AMERICAN FAMILY INSURANCE. FOR QUESTIONS CONCERNING THE VEHICLE REPAIR STATUS, PLEASE CONTACT SOLERA, (888) 776-5372.

EXPLANATION

* = User-Entered Value E = Replace OEM NG = Replace NAGS

Claim #:

EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = RECYCLED PART
TE = Partial Replace Price	PM = Replace PXN Reman/Rebit	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



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1901 MILWAUKEE AVENUE
 BURLINGTON, WI 53105 US
 (262)767-9520

Service Order:



485700 11362

See cashier for goodyear registration card or visit
 www.goodyear.com to register your tires

DATE 02-15-2007	NAME MARSHALL, DAVID	, WI		PHONE # (262)757-0897
YEAR 2004	MAKE CHEVROLET	MODEL MALIBU	COLOR Maroon	
LICENSE *****	ODOMETER 56153	CUSTOMER ARRIVAL TIME 2007-02-15 04:46 PM	SERVICE COMPLETED TIME 2007-02-15 05:06 PM	

Service Description	Service
N/C WIPER BLADE INST - Wiper - Driver (Replace) - REPLACED	0.00
N/C WIPER BLADE INST - Wiper - Psngr (Replace) - REPLACED	0.00
NEW TIRE Whitewall - IN - Tire Pressure - CHECKED, Ft.30 R.0 - Valve Stem - Install - COMPLETE	0.00
N/C MOUNT ONLY - Tire Service Accepted - Valve Stem Optional - NO ACTION	0.00
ONE-TIME BALANCE - Balance (Required) - COMPLETE	5.00
TIRE HAULER FEE - Dispose of Old Tire Accepted - COMPLETE	1.50
LUG TORQUE Passenger Front 100 FT-LB	
TREAD DEPTH Passenger Front - 0/32	

\$57.51 fee for tire & balance

Merchandise Description	Quantity	Unit Price	Merchandise
20IN WIPER BLA	1	4.27	4.27
18IN WIPER BLADE	1	4.27	4.27
P205/65R15 BW X-TRAC	1	50.76	50.76
VALVE STEM TR-414	1	1.75	1.75
Total (Excluding Tax)			67.55

THIS PRICE FOR THE AUTHORIZED REPAIRS WILL NOT BE EXCEEDED IF THE MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN 5 DAYS.
 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.

I do agree and fully understand that my motor vehicle had a low oil level when I brought it to Wal-Mart for an oil change. This was pointed out to me, that I willingly requested Wal-Mart to change the oil. I will not hold Wal-Mart responsible for any damage to my motor vehicle by the low oil level.

Customer Comments
BAD TIRE IS IN TRUNK PUT WHERE SPARE IS

Technician Comments
*WAL-MART
 2/15/07
 JIMMIE*

DISCLAIMER
 I hereby authorize the stated repair work to be done along with the necessary material, and hereby grant Wal-Mart permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.
 WAL-MART IS NOT RESPONSIBLE FOR LOSS OR DAMAGE TO VEHICLES OR ARTICLES LEFT IN VEHICLES IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE BEYOND WAL-MART'S CONTROL.

DM
 02-15-2007
 CUSTOMER SIGNATURE DATE

SIGNED _____
 DATE _____
 QUALITY CONTROL TECH: DOUGLAS 102
 SERV WRTR/GREETER: REBECCA 1353
 TIRE TECHNICIAN: JIMMIE 1040

HAVE YOUR LUG NUTS RETORQUED AFTER THE FIRST 50 MILES.

WAL*MART®

ALWAYS LOW PRICES.

Always.

WAL*MART
WE SELL FOR LESS
MANAGER C FLOERKE
(262) 767 - 9520
BURLINGTON, WI

ST# 3488 OP# 00001262 TE# 95 TR# 09719

.....TLE ITEMS FOLLOW.....

ORDER NUMBER 0048570011362

WIPER BLADE 003757705506 4.27.X

WIPER BLADE 003757705505 4.27.X

XTRAC.....074131708777.....50.76.X

TR-414.....007874231025.....1.75.X

TIRE BALANCE 068113143632.....5.00.X

TIRE FEE.....000003700848.....1.50.T

.....TLE ITEMS COMPLETE.....

.....SUBTOTAL.....67.55..

.....TAX 1...5.100%.....3.45..

.....TOTAL.....71.00..

.....DEBIT..TEND.....71.00..

.....CHANGE DUE.....0.00..

EFT DEBIT.....PAY FROM PRIMARY

ACCOUNT.....0016

...71.00..TOTAL PURCHASE

REF.# 704600115354

NETWORK ID 0090 APPR CODE 391646.....

.....02/15/07.....17:12:21.....

**** DUPLICATE RECEIPT ****

ITEMS SOLD 6

....TC# 6972.4237.4668.7484.5123.....



New! Olay Definit am. & Cleansers

.....02/15/07.....12:22.....

57.57 no due

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 on the reverse side 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.
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.

