

**R.L. McNEELY, PH.D., J.D.**  
3909 N. Sherman Boulevard  
Milwaukee, WI 53216-2448  
Telephone: (414) 442-3775  
Facsimile: (414) 442-5522  
Email: [rlmatty@execpc.com](mailto:rlmatty@execpc.com)  
**October 31, 2003**

CITY OF MILWAUKEE

2003 NOV -5 AM 8:06

RONALD D. LEONHARDT  
CITY CLERK

Milwaukee City Clerk  
200 E. Wells Street  
Room 205  
Milwaukee, Wisconsin 53202

**Re: C.I. File No: 03-S-315**

Dear Representative:

I am in receipt of a 10/22/03 correspondence from the Office of the City Attorney indicating that the above-captioned claim, my claim, has been denied. I am writing to indicate that I wish to appeal this decision and, also, that I wish to schedule a hearing. Please know, additionally, that it will be desirable to set the time and the date of said hearing, mutually. If the date is set unilaterally by a hearing examiner or other scheduling entity, it is very likely that the time and date will need to be re-scheduled. I thank you for your attention to this matter.

031029-313003

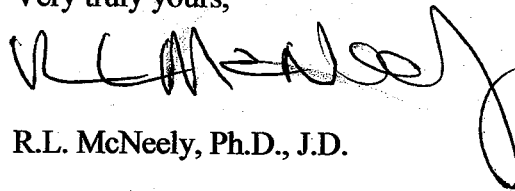
ENCL:

2003 NOV 05 11:48 AM

CITY OF MILWAUKEE

OFFICE OF THE CITY ATTORNEY

Very truly yours,



R.L. McNeely, Ph.D., J.D.

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
03 NOV -5 PM 3:27

**R.L. McNEELY, PH.D., J.D.**  
**ATTORNEY AT LAW**  
3909 N. Sherman Boulevard  
Milwaukee, WI 53216-2448  
Telephone: (414) 442-3775  
Facsimile: (414) 442-5522  
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Webpage: [www.execpc.com/~rlmatty](http://www.execpc.com/~rlmatty)  
**July 30, 2003**

S

CITY OF MILWAUKEE

2003 AUG -1 PM 2: 23

RONALD D. LEONHARDT  
CITY CLERK

City Clerk's Office  
Attn: Claims  
200 E. Wells Street  
Milwaukee, WI 53202

**Re: Tow # 1162118**

Dear Representative:

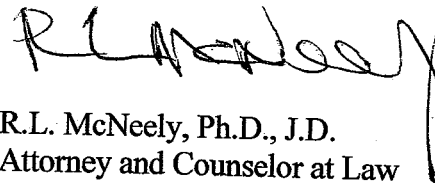
Enclosed, please find a copy of a complaint that was executed on 7/11/02. The chronology of events leading to the complaint is as follows:

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
03 AUG -4 PM 1: 18

- On 7/9/03, my 4 dr. Volvo 740 GLE automobile was towed to 3811 W. Lincoln Ave. from the 1300 block of E. Locust (also listed as 1615 E. Locust).
- At about 10:30 a.m., on 7/10/03, I paid \$115.00 for the car to be released. I then went outside of the building and waited for about fifteen minutes for my car to be brought to the parking area.
- It was raining when the car was brought to the parking lot, and the attendant parked the front of the car flush to fencing that separated towed cars from the parking area. Due to the rain, and how the car was situated when parked, neither the person I was with, Beverly Blackmon, nor I, saw that the driver's side fog light was hanging.
- I drove the car directly to my home and when I got out of the car, and while walking to the front of it in order to exit my garage, I saw the hanging fog light.
- I immediately called 3811 W. Lincoln, at 11:15 a.m., and talked with Operator 5, reporting the damaged fog light. I also talked to Operator 10 (Carolyn) at 11:25 a.m., also reporting the damage to her, and she entered my call on the tow lot's computer system.
- On 7/11/03, I went to 3811 W. Lincoln, to fill out the enclosed "Complaint and Investigation Form" and to have photos of the fog light taken.

The fog light was damaged because the car was towed with a frontally-situated chain, despite the fact that Volvos should be towed with flat bed trucks. Additionally, the chain was placed directly under the fog light, thereby disengaging it from its assembly. Please see the accompanying affidavit, and "To Whom This Concerns" statements. The damage I am due is \$224.93 (see enclosed billing statement).

Very truly yours,



R.L. McNeely, Ph.D., J.D.  
Attorney and Counselor at Law

City of Milwaukee Tow Lot

COMPLAINT AND INVESTIGATION FORM

<p><b>- CITY USE ONLY -</b> TOW# 1102118</p>	<p>TOW LOT LOCATION</p>	<p>DATE: ID# 7/11/03</p>
<p>NAME: RL McNeely ADDRESS: 3909 N. Sherman PHONE NO: (414) 442-3775</p>	<p>CITY OF MILW TOW LOT ***** VEHICLE TOWING</p>	<p>DATE ISSUED: 1ST. CITIZEN COMPLAINT <input checked="" type="checkbox"/> 2ND. CITIZEN COMPLAINT <input type="checkbox"/></p>

**CIRCLE THOSE THAT APPLIES:**

COMPLAINT \* VEHICLE MISSING ITEMS \* DAMAGES TO VEHICLE

(FOR MISSING ITEMS OR DAMAGES TO VEHICLE, ALSO COMPLETE THE OTHER SIDE OF THIS PAGE)

**CITIZEN'S STATEMENT**

Fog Light Disengaged From Assembly

RL McNeely  
SIGNATURE

7/11/03  
DATE

<p><b>- CITY USE ONLY -</b></p>	<p><b>INVESTIGATION RESULTS</b></p>
<p> </p> <p> </p> <p> </p> <p> </p> <p> </p> <p> </p>	
<p>SIGNATURE</p>	<p>DATE</p>



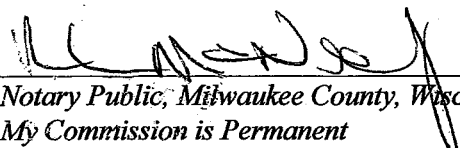
**AFFIDAVIT OF ANTHONY FRANK COFFARO**

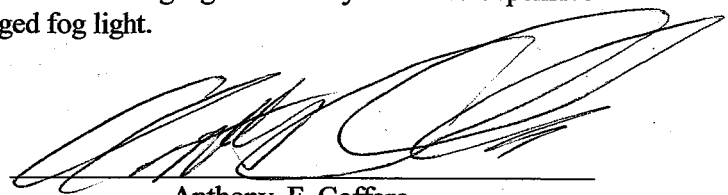
**STATE OF WISCONSIN**        )  
  ) SS.  
**MILWAUKEE COUNTY**        )

I, Anthony F. Coffaro, being first duly sworn on oath, depose and state as follows:

1. I am a licensed mechanic, and I am the owner of Mobile Car Care, which is located at 3434 N. Holton, Milwaukee, WI 53212 (Tel: 963-2120.)
2. I have been a mechanic in the Milwaukee area for thirty-five (35) years.
3. On 7/11/03, Mr. McNeely brought his 1988 Volvo vehicle to my shop, and I observed the driver's side fog light, which had been ripped from its anchoring in the bumper.
4. In that the fog light was hanging by its electrical wiring, I snipped the electrical wiring and placed the damaged light into Mr. McNeely's trunk.
5. I looked under the car and observed a tow chain mark on the undercarriage of the car.
6. The angle of the tow chain mark on the car's undercarriage indicated that the tow chain had been placed under the spoiler, in the front of the car, in which the fog light is situated.
7. The tow chain mark under the car also indicated that the car had been towed with the tow chain having been placed directly under the spoiler where the fog light is situated.
8. It was obvious that the fog light had been ripped from its anchoring due to the car having been towed. Further, the car was improperly towed because Volvos of the make and model of Mr. McNeely's car require flatbed towing: They are not to be chain towed.
9. After ordering the proper parts, I made the necessary fog light repairs to Mr. McNeely's car. A new fog light assembly would have cost \$400.00, approximately. However, I was able to obtain a used fog light assembly for \$125.00. The installation cost was \$88.00, and the tax was \$11.53, for a total of \$224.93.
10. The cost (\$224.93) to purchase and install a used fog light assembly was less expensive than it would have cost to repair and install the tow-damaged fog light.

*Subscribed and sworn to before me*  
*This 25<sup>th</sup> day of July, 2003*

  
\_\_\_\_\_  
*Notary Public, Milwaukee County, Wisconsin*  
*My Commission is Permanent*

  
\_\_\_\_\_  
Anthony F. Coffaro  
Mobile Car Care

MOBILE CAR CARE  
 No Jobs Too Big or Too Small • Complete Service on Wheels  
 CARS, TRUCKS, VANS - Foreign or Domestic  
 3434 N. HOLTON MILWAUKEE, WI 53212  
 Ask for TONY COFFARO 963-2120

MOBILE CAR CARE  
 No Jobs Too Big or Too Small • Complete Service on Wheels  
 CARS, TRUCKS, VANS - Foreign or Domestic  
 3434 N. HOLTON MILWAUKEE, WI 53212  
 Ask for TONY COFFARO 963-2120

NAME: R.L. McNealy  
 ADDRESS: 3909 N. Sherman  
 CITY & STATE: MILWAUKEE, WIS  
 YEAR & MAKE: 1988 Volvo 740 GLE  
 LICENSE NO.: WIS 207544  
 MOD. OR ODOMETER SERIAL NO.: 0 NMS

ADDITIONAL WORK AUTHORIZED BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ A.M. / P.M. NO. CALLED: \_\_\_\_\_  
 CODE F.C. OPER. NO. LABOR INSTRUCTIONS: \_\_\_\_\_  
 GRAND TOTAL: \_\_\_\_\_ NEW ESTIMATE: \_\_\_\_\_

DATE	TIME	A.M.	P.M.	NO. CALLED	NEW ESTIMATE
ALC					
Repair Left Fog Lamp					
Write Damage Estimate from Tow					
Rattle under car					
Run on Idle Repair Idle					

OK-020605

ESTIMATE CHARGE	INTERNAL SUMMARY		FACTORY CLAIMS		DESCRIPTION	AMOUNT
	ACCT. CHARGE	COST	CHARGE	COST		
TOTAL LABOR						
TOTAL PARTS						
GAS, OIL & GREASE						
PAINT & BODY MATERIALS						
SUBLET & TOWING						
SUPPLIES						
SUB TOTAL						319.95
SALES TAX						39.53
TOTAL						359.48

BY AUTHORIZING the above repair work to \_\_\_\_\_ along with necessary materials. You and employees may operate above vehicle for \_\_\_\_\_ of testing, inspection or delivery at any risk. \_\_\_\_\_ mechanic's lien is acknowledged on vehicle to secure the amount of repairs \_\_\_\_\_ You will not be held responsible for loss or to vehicle or articles left in vehicle in case of it, accident or any other cause beyond your or for any delays caused by unavailability of delays in parts shipments by the supplier or \_\_\_\_\_ I UNDERSTAND THAT ALL CHARGES \_\_\_\_\_ IN FULL IS NOT MADE BY THEN. I AGREE TO PAY SIMPLE INTEREST AT THE RATE OF 1 1/2% PER MONTH (1 1/2% PER ANNUM) ON UNPAID BALANCE UNTIL PAID IN FULL. I ACKNOWLEDGE RECEIPT OF A COPY OF STATEMENT.

Signature: \_\_\_\_\_  
 SHOP REPRESENTATIVE SIGNATURE

OFFICE COPY

