

April 15, 2004

CITY OF MILWAUKEE

2004 APR 19 AM 9:27

Grant F. Langley
City Attorney
City of Milwaukee
200 East Wells Street
Milwaukee, WI 53202

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

DONALD L. LEO
CITY CLERK

RE: C.I. file No.: 03-S-485

Dear Mr. Langley and City Clerk:

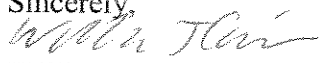
I have received your letter postmarked March 30, 2004.

I am hereby appealing your decision to deny my claim.

Your letter contained several inaccuracies. In fact, as I stated to Robert Overholt on January 27, 2004, I did personally call the Department of Public Works/Milwaukee Water Works on the date of the incident (August 21, 2003). At that time, I described what had happened and how it had resulted in damage to my vehicle. The DPW/MWW representative stated that other citizens had also called to report the water main break and that their crews had been dispatched to the scene. The DPW/MWW representative stated that I would have to go through the normal claims procedure by contacting the City Clerk's office to file a claim (which I subsequently did). At no time was I ever told by DPW/MWW, the City Clerk's office or the City Attorney's that I would need to file any type of separate claim with DPW/MWW.

Your letter also stated that "MWW followed standard procedures regarding the response and subsequent repair of the water main break". *My claim asserted negligence by DPW/MWW prior to the water main break, by failing to properly maintain the infrastructure so as to prevent a break.* As I stated to Robert Overholt on January 27, 2004, at the time of the damage to my vehicle there were no DPW/MWW crews present at the scene. Crews that may have responded were there to repair the water main break *after it occurred.* (As I also stated in my claim, the City was negligent in not closing the street to vehicle traffic so that cars could not be damaged by debris from the water main break.)

I hereby request a hearing on this appeal.

Sincerely,

William Cain
3307 N. 58th Street
Milwaukee, WI 53216
(414) 442-7467

CITY OF MILWAUKEE
RECEIVED
2004 APR 19 PM 4:31
OFFICE OF
CITY ATTORNEY

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

CITY OF MILWAUKEE
103 DEC 18 PM 4:07
CITY CLERK

December 18, 2003

I, William J. Cain, who resides at 3307 N. 58th Street in the City of Milwaukee, Wisconsin, hereby file a monetary claim against the City of Milwaukee for damages to my motor vehicle in the amount of \$723.22.

On August 21st, 2003, I was traveling in my vehicle (2000 Ford Focus) westbound on Center Street between approximately 1:30 and 2:00 in the afternoon. As I approached the corner on 39th Street and Center Street a chunk of what appeared to be road composite and/or cement curb about the size of a softball was projected into the air from the site of a water main break and struck the front right headlight and front right hood of my vehicle causing extensive damage. Estimates from two auto body shops are enclosed: One in the amount of \$763.52 and the other in the amount of \$723.22.

I believe the City of Milwaukee was negligent in not closing the street to vehicle traffic after the water main break had occurred. Furthermore, I believe the City of Milwaukee was negligent in not properly maintaining its infrastructure to assure that water main breaks do not occur in the vicinity of city streets.

Thank you for your attention to this claim.

Sincerely,



William J. Cain
3307 N. 58th Street
Milwaukee, WI 53216
(414) 442-7467

CITY OF MILWAUKEE
03 DEC 18 PM 1:19
WILLIAM J. CAIN
CITY CLERK

UPTOWN LINCOLN/MERCURY
 2111 NORTH MAYFAIR ROAD
 MILWAUKEE, WI 53226
 OFFICE: (414) 777-5732 FAX: (414) 771-8306
 "OFFICIAL BODY SHOP FOR BEST FORD CUSTOMERS"

CD LOG NO 9505-1 DATE 09/03/03

SHOP: UPTOWN MOTORS, INC.	INSP DATE: 09/03/03
ADDRESS: 2111 N. MAYFAIR RD.	CONTACT: CRAIG WIELEPSKI
CITY STATE: MILWAUKEE, WI	PHONE 1: (414)777-5731
ZIP: 53226-	PHONE 2: (414)777-5732
	FAX: (414)771-8306

OWNER: CAIN, WILLIAM	HOME PHONE: (414)442-7467
ADDRESS: 3307 N 58 TH ST	
CITY STATE: MILWAUKEE, WI	
ZIP: 53216-	

LIC#: 432-BTY	STATE: WI	VIN: 3FAHP3135YR173040	
BODY COLOR: BLUE		MILEAGE:	
CONDITION: GOOD		ACCTNG CTL#:	

PROD. DATE: 01/00	PAINT CODE: K7
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*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UC=RECONDITIONED PRT	UM=REMAN/REBUILT PRT
EU=REPLACE SALVAGE	EP=REPLACE PXN	PC=PXN RECONDITIONED
PM=PXN REMAN/REBUILT	TE=PARTL REPL PRICE	ET=PARTL REPL LABOR
IT=PARTIAL REPAIR	I=REPAIR	L=REFINISH
BR=BLEND REFINISH	TT=TWO-TONE	CG=CHIPGUARD
SB=SUBLET	N=ADDITIONAL LABOR	RI=R&I ASSEMBLY
P=CHECK	AA=APPEAR ALLOWANCE	RP=RELATED PRIOR
UP=UNRELATED PRIOR		

2000 FORD FOCUS ZX3 2DOOR HATCHBACK 4CYL GASOLINE 2.0 ZETEC
 CODE: P1572D/A OPTNS B/24H

OPTIONS:
 TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
 HEATED BACK GLASS

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	-----	-----	---	---	-----	---
E	0042		HEADLAMP ASSY,HALOG RT	3S4Z13008CA	198.27			0.8	1
I	0083		PANEL,HOOD	REPAIR				3.0	*1
L	0083	13	PANEL,HOOD	REFINISH				3.8	4
L	M14		CORROSION PROTECTION	REFINISH				0.3	*4*
L	M17		COVER CAR EXTERIOR	REFINISH				0.2	*4*
SB	M60		HAZARD. WSTE. REM.	SUBLET REPAIR	5.00*				4*
I			AIM HEADLAMPS	REPAIR				0.5	*1*

7 ITEMS

MC MESSAGE(S)

2000 FORD FOCUS ZX3 2DOOR HATCHBACK
CD LOG NO 9505-1

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					198.27
PAINT MATERIAL					103.20
PARTS TOTAL					301.47
TAX ON PARTS & MATERIAL @				5.600%	16.88
LABOR	RATE	REPLACE HRS		REPAIR HRS	
1-SHEET METAL	44.00	0.8		3.5	189.20
2-MECH/ELEC	75.00				
3-FRAME	44.00				
4-REFINISH	44.00	4.3			189.20
5-PAINT MATERIAL	24.00				
LABOR TOTAL					378.40
TAX ON LABOR				5.600%	21.19
SUBLET REPAIRS					5.00
TAX ON SUBLET		@		5.600%	0.28
TOWING					
STORAGE					
GROSS TOTAL					723.22
NET TOTAL					723.22

ADP SHOPLINK U1141 ES CD LOG 9505-1 DATE 09/03/03 12:45:28AM R6.3 CD 08/03

PXN: NO GEOCODE

HOST LOG

(C) 1998 - 2003 ADP CLAIMS SOLUTIONS GROUP, INC.

1.1 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

2000 FORD FOCUS ZX3 2DOOR HATCHBACK
CD LOG NO 4337-1

TAX ON PARTS & MATERIAL @			5.600%	25.95
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	44.00	0.8	2.0	123.20
2-MECH/ELEC	70.00			
3-FRAME	48.00			
4-REFINISH	44.00	3.1		136.40
5-PAINT MATERIAL	24.00			
LABOR TOTAL				259.60
TAX ON LABOR		@	5.600%	14.54
SUBLET REPAIRS				
TOWING				
STORAGE				

GROSS TOTAL 763.52

NET TOTAL 763.52

ADP SHOPLINK U2352 ES CD LOG 4337-1 DATE 08/22/03 01:27:49PM R6.25 CD 08/03
PXN:Y/01/00/00/00 CUM:01/00/00/00 HOST LOG
(C) 1998 - 2003 ADP CLAIMS SOLUTIONS GROUP, INC.

1.1 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.