



LEVERSON LUCEY & METZ s.c.
Attorneys at Law

106 W. Seeboth St., Suite 204-1
Milwaukee, WI 53204
414-271-8500

3030 W. Highland Blvd.
Milwaukee, WI 53208
414-539-4217

January 20, 2015

RECEIVED

JAN 21 2014

**OFFICE OF
CITY ATTORNEY**

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

Re: C.I. File No. 1029-2014-2312

Dear Clerk:

This firm represents Elite Transportation Services, LLC ("Elite") in connection with the above-referenced claim (the "Claim"). The Claim was denied in a letter dated December 29, 2014, jointly signed by the City Attorney and Ms. Kari Gipson, Investigator Adjuster. Elite received that letter on December 31, 2014.

Elite hereby appeals from the denial of the Claim, and requests a hearing. Please send all future correspondence regarding the Claim to my attention at the Highland Blvd. address shown above. Thank you.

Sincerely yours,

Mark L. Metz

**CITY OF MILWAUKEE
2015 JAN 20 PM 2:06
CITY CLERK'S OFFICE**



ELITE TRANSPORTATION SERVICES, LLC

Amanda James
Elite Transportation Services LLC
Milwaukee, WI 53210
P: 414-217-1246
F: 888-501-3110
E: ets12@att.net

RECEIVED

AUG 19 2014

OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
2014 AUG 19 PM 12: 26
CITY CLERK'S OFFICE

Claimant: Elite Transportation Services LLC

Elite Transportation Services LLC is a domestic freight carrier that provides expedited transporting services across the country via 24'-26'ft Straight Trucks or localized freight by Cargo Van. Many of our clients rely heavily on Elite's logistical concepts to ensure that priority freight is shipped and received in a timely manner. Elite Transportation accepts and prepares loads, shipments and deliveries in advanced to ensure that we provide an effective method for fulfilling contracts and satisfying our customers. Majority of our clients who seek our cargo van shipment and delivery services are small business owners in the construction and real estate industry and require expedited or priority services. Elite provides service 24-hours a day, 7-days a week. Our localized Cargo delivery service is available 24-hours a day Monday-Saturday.

On Wednesday, June 18th 2014 at approximately 11:43 AM CST, while driving in Milwaukee, WI. northbound on N. 25th St. between N. Chambers St. and N. Burleigh St., Elite Transportation's Cargo Van carrying materials for delivery, became immobilized due to a unnoticeable sinkhole, after carefully exiting the vehicle Charlie Davis (Driver/Dispatcher) identified that the street had consumed the front right tire and front right bumper, as the street caved beneath the vehicle. The street continued to cave as the other passenger exited. Authorities were notified immediately and an assessment of the damages were taken by a city representative as well as a report filed by Charlie Davis at the Elite Transportation office.

No passengers were injured during this incident, but there were apparent damages to the passenger door and bumper of the vehicle and photos were taken immediately following the immobilization. Other damages were identified during the removal of the van from the sinkhole. These damages consist of the front bumper assembly and passenger door rocker. Mack Towing removed the vehicle and transferred it to a nearby mechanic shop, Young's Auto Garage Services for further inspection. Fees incurred for the

tow were in the amount of \$52.80. Receipts for Mack Towing fee costs are included with this statement to support this claim. All pictures and images have been included with this statement to support this claim. A City Assessor/Representative also took photos of which are not included with this statement.

Following the assessment of a licensed mechanic, the damages resulting from this incident include:

- Mechanical repair of upper control arms passenger door- \$175.00
- Lower control arms passenger door- \$175.00
- Wheel spindle- \$115.00
- Shocks passenger door- \$50.00
- Front bumper- \$175.00
- Labor- \$500.00
- Taxes- \$66.64

Young's Auto total cost for mechanical parts and labor is \$1,256.64. Andrew Chevrolet provided an alternative estimate for mechanical damages in the amount of \$1,885.47.

Elite Transportation Services LLC paid the costs for the mechanical damages out-of-pocket to Young's Auto Garage Service on 06/18/2014. The necessary mechanical work had taken 6-days to complete. A receipt from Young's Auto Garage Services is included for support of this claim.

The damages resulting from this incident also includes the following cosmetic repairs and have not been completed nor paid:

- Paint repair of front bumper assembly
- Lft Front Bumper Extension
- Rt Front Bumper Extension
- Bracket

(*A full list of parts and price itemizations are included with estimate provided by .)

Andrew Ford Chevy Body Shop has provided thorough estimates of cosmetic damages; estimates are included with this statement to support this claim in the amount of \$1,713.29. Fine Lines Auto Customizing provided an additional estimate in the amount of \$1,773.81.

In addition to the company's *Loss of Damages* for the Cargo Van, Elite Transportation Services LLC was also burdened with a *Loss of Performance* for 6-days due to the immobilization of this vehicle and an

inability to complete accepted contracts. In order to satisfy and maintain our clients we were forced to sub-contract out our previously accepted contracts to JH Alliance Trucking. Due to the *Loss of Performance*, as a result of this incident and for subcontractors to complete our deliveries from 6/18/14 to 6/24/14, Elite incurred a loss of \$17,275 in which we are asking to be reimbursed. Itemizations as well as copies of the related invoices have been provided with this statement to support this claim.

Elite Transportation Services LLC is demanding the cost for the total *Loss of Damages* and total *Loss of Performance* in the amount of \$20,297.73. Due to the inability to perform Elite Transportation LLC was also unable to accept any additional contracts from 06/18/14 to 6/24/14 and is demanding additional compensation for the loss of business in the amount of \$5,000. Elite Transportation Services LLC is demanding the total settlement cost for loss in the amount of \$25,297.73.

The statute of limitations requires Elite Transportation Services LLC to file suit in this matter within a 120 days, we look forward to resolving this claim in the near future. Please respond within 14 days of your receipt of this letter.

Signed,

Amanda James
Manager/Administrator

Elite Transportation Services LLC

010337

YOUNG AUTO GARAGE SERVICE

1639 W. HOPKINS STREET
MILWAUKEE, WI 53208
Phone: 264-8058

DATE OF ORDER: 10-18-19
DELIVERY DATE: 10-24-19
TIME PROMISED: _____
PHONE NO.: _____

ESTIMATED PRICE \$ 1,200
LABOR CHARGE
LUBRICATE
CHANGE OIL
CHANGE OIL FILTER
SERVICE BATTERY
SERVICE AIR CLEANER
ROTATE TIRES
CHANGE TRANS. FLUID
ALIGN FRONT END
EMISSION CONTROL SERVICE
WARRANTY IF CHECKED

NAME: Charlie Dats
ADDRESS: 3001 N. 1st St
CITY & STATE: Milwaukee WI
YEAR & MAKE: 2000 Chevrolet
MODEL: Blazer
COLOR: Grey
LICENSE NO.: VL366
SERIAL NO.: 16C12625241132012
ODOMETER: _____
NAME: _____
NO. CALLED: _____
NEW ESTIMATE: _____
GRAND TOTAL: _____

ADDITIONAL WORK AUTHORIZED BY: _____
DATE: _____ TIME: _____ A.M. P.M.
LABOR INSTRUCTIONS: _____
CODE F.C. OPER. NO. _____
DATE: _____ TIME: _____ A.M. P.M.
LABOR INSTRUCTIONS: _____
CODE F.C. OPER. NO. _____

Any warranties on the products sold hereby are those made by the manufacturer. The seller (above named dealership) hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability, or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

QUANT.	PART NO. OR DESCRIPTION	WARRANTY IF CHECKED	SALE
1	Wipers Control Arm	<input checked="" type="checkbox"/>	175.00
1	Wiper Blade	<input checked="" type="checkbox"/>	115.00
1	Spark Plugs	<input checked="" type="checkbox"/>	50.00
1	Front Brake	<input checked="" type="checkbox"/>	175.00
TOTAL PARTS			515.00
SUBLET REPAIRS - TOWING			
TOTAL SUBLET REPAIRS			
Gals. Gas @			
Qts. Oil @			
Lbs. Grease @			
TOTAL GAS, OIL & GREASE			
TOTAL MATERIAL			515.00

DESCRIPTION	AMOUNT
TOTAL LABOR	500.00
TOTAL PARTS	690.00
GAS, OIL & GREASE	
PAINT & BODY MATERIALS	
SUBLET & TOWING	
SUPPLIES	
SUB TOTAL	190.00
SALES TAX	100.00
TOTAL	1200.00

ESTIMATE CHARGE
INTERNAL SUMMARY
ACCT. CHARGE

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I request an estimate in writing before you begin repairs.
2. Please proceed with repairs, but call me before continuing if the price will exceed \$ _____
3. I do not want an estimate.

Do you want the replaced parts you are entitled to? Yes No
Call when vehicle is ready Yes No
Payment will be made by: Cash Credit Card Charge
 This vehicle received without face to face customer contact.

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 HEREBY AUTHORIZE the above repair work to be done along with necessary materials. You and your employees may operate above vehicle for purposes of testing, inspection or delivery at my risk. An express mechanic's lien is acknowledged on above vehicle to secure the amount of repairs thereto. You will not be held responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, accident or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. UNDERSTAND THAT ALL CHARGES ARE DUE WITHIN 30 DAYS FROM BILLING DATE IF PAYMENT IS NOT MADE BY THEN. I HEREBY AGREE TO PAY SIMPLE INTEREST AT THE RATE OF 10% PER MONTH (1.66% PER ANNUM) ON THE DECLINING UNPAID BALANCE UNTIL PAID IN FULL. I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS AGREEMENT.

CUSTOMER SIGNATURE: _____
SHOP REPRESENTATIVE SIGNATURE: _____

PAID RECEIPT COPY - AFTER WORK IS PERFORMED

ANDREW AUTOMOTIVE - BODY REPAIR CENTER
 1621 W. LA SALLE ST.
 MILWAUKEE, WI 53209
 PH: 414-540-2559 FX: 414-228-7420

RECEIVED

AUG 19 2014

OFFICE OF
 CITY ATTORNEY

CD LOG NO 45659-1 DATE 08/07/14

SHOP: ANDREW AUTO BODY REPAIR INSP DATE: 08/07/14
 ADDRESS: 1621 W. LASALLE ST. CONTACT: ANDREW ARNDT
 CITY STATE: GLENDALE, WI PHONE 1: (414) 540-2559
 ZIP: 53209- FAX: (414) 228-7420
 OWNER: DAVIS, CHARLIE WORK PHONE: (414) 795-8877

POINT OF IMPACT: 0

LIC#: STATE: VIN: 1GCGG25R411132042
 BODY COLOR: GREY MILEAGE:
 CONDITION: ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	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

2001 CHEVROLET G25 EXPRESS STD 2DOOR CARGO VAN 8CYL GASOLINE 5.7
 CODE: U6164A/F OPTNS R/24E

OPTIONS:
 TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES
 DUAL AIRBAGS

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
E	0005		BUMPER, FRONT	15075738 GM PART	381.97			1.4	1
E	0011		EXTN, FRONT BUMPER O LT	15970767 GM PART	21.83			INC	1
E	0012		EXTN, FRONT BUMPER O RT	15970768 GM PART	21.83			INC	1
E	0017		BRACKET, LICENSE MTG	15959211 GM PART	47.43			0.2	1
I	0188		PANEL, ROCKER	RT REPAIR				5.0	*1
L	0188	13	PANEL, ROCKER	RT REFINISH				2.0	4
				1.2 SURFACE					
				0.6 TWO STAGE SETUP					
				0.2 TWO STAGE					
I	0208		DOOR SHELL, FRONT	RT REPAIR				3.0	*1
L	0208		DOOR SHELL, FRONT	RT REFINISH				2.9	4
				2.4 SURFACE					
				0.5 TWO STAGE					

2001. CHEVROLET G25 EXPRESS STD 2DOOR CARGO VAN
CD LOG NO 45659-1

RI0264	W/STRIP,BELT OUTER	RT	R&I ASSEMBLY			0.4	1
E 0127	N/PLATE,FRONT DOOR	RT	15551230 GM PART	64.58		0.2	1
RI0228	HANDLE,FRONT DOOR O	RT	R&I ASSEMBLY			0.5	1
I M14	CORROSION PROTECTION		SUBLET REPAIR	10.00*		0.3*	1*
L M17	COVER CAR EXTERIOR		REFINISH	5.00*			4*
N M60	HAZARD. WSTE. REM.		ADDNL LABOR OPERA	3.00*			1*

14 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS						537.64	
OTHER PARTS						8.00	
PAINT MATERIAL						176.40	
PARTS & MATERIAL TOTAL						722.04	
TAX ON PARTS & MATERIAL @				5.600%		40.43	

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	56.00	2.7	8.3	616.00
2-MECH/ELEC	102.00			
3-FRAME	56.00			
4-REFINISH	56.00	4.9		274.40
5-PAINT MATERIAL	36.00			
LABOR TOTAL				890.40
TAX ON LABOR		@	5.600%	49.86
SUBLET REPAIRS				10.00
TAX ON SUBLET		@	5.600%	0.56
TOWING				
STORAGE				

GROSS TOTAL 1,713.29

NET TOTAL 1,713.29

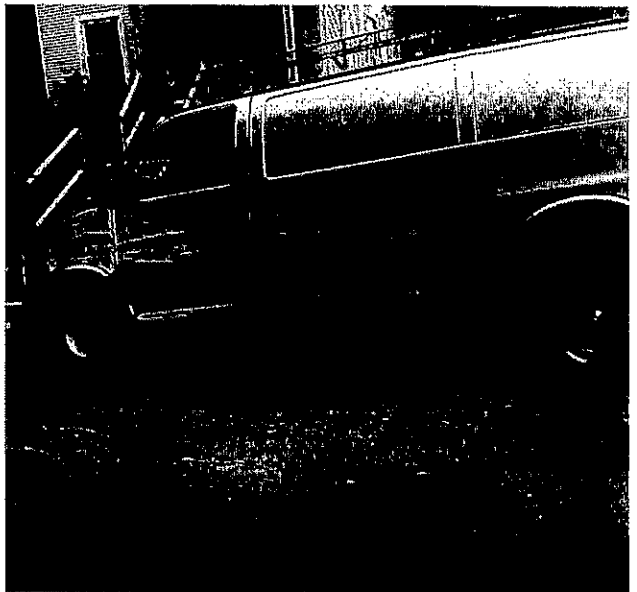
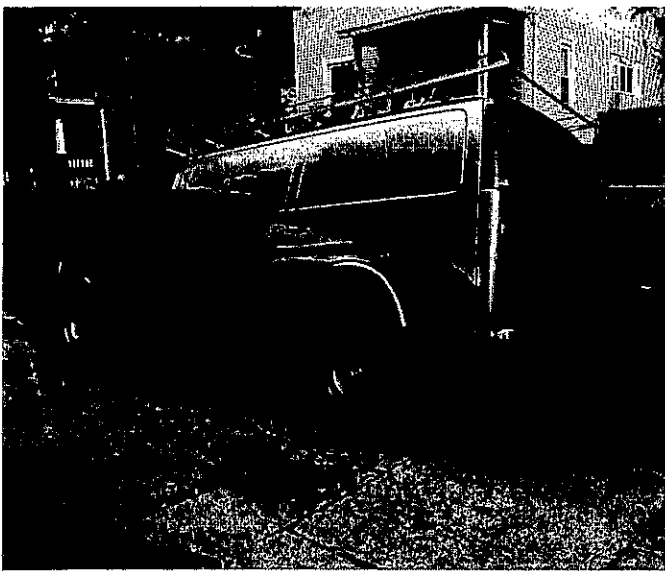
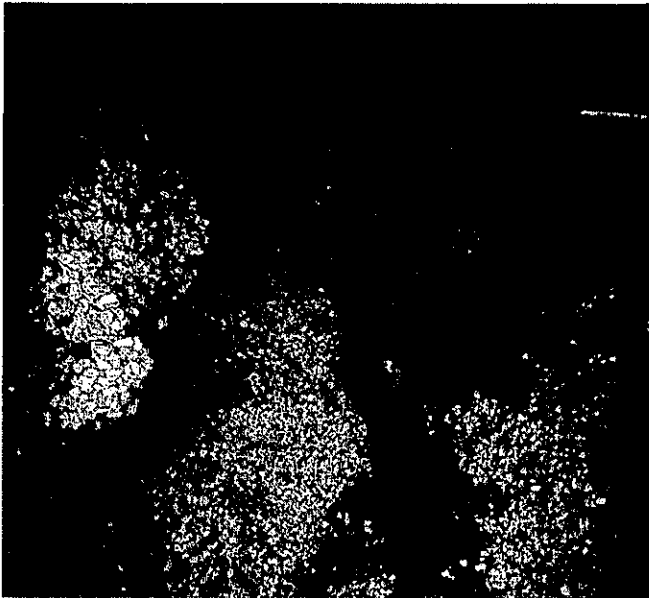
SHOPLINK UG202 ES CD LOG 45659-1 DATE 08/07/14 02:06:34PM R6.37 CD 07/14

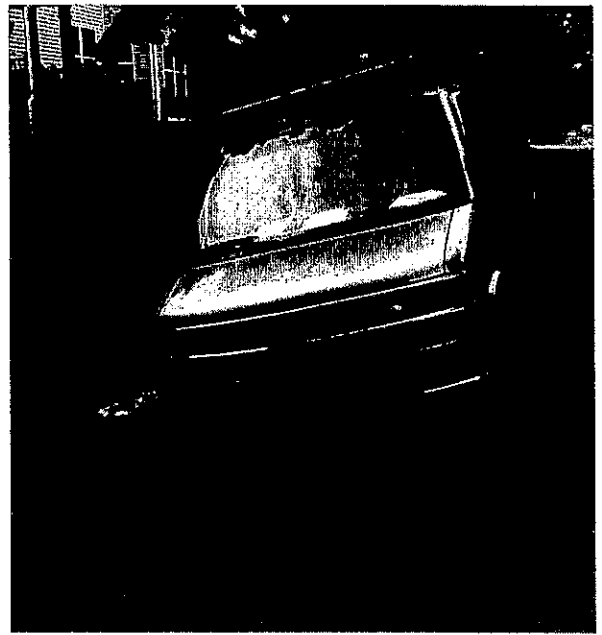
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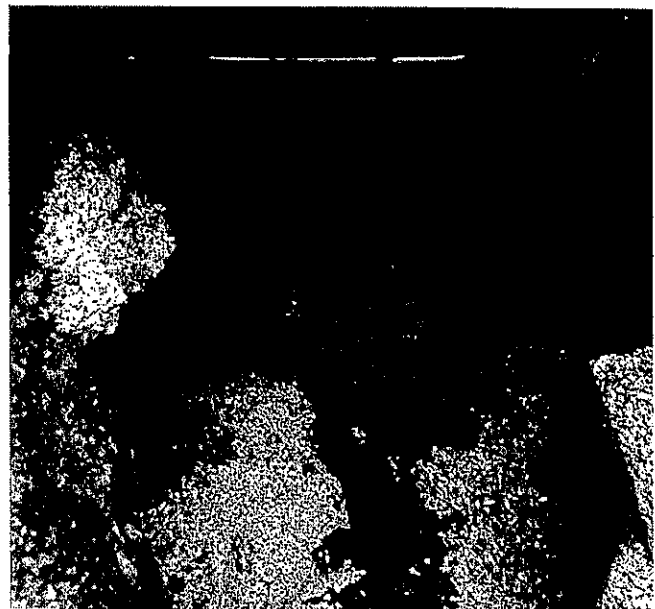
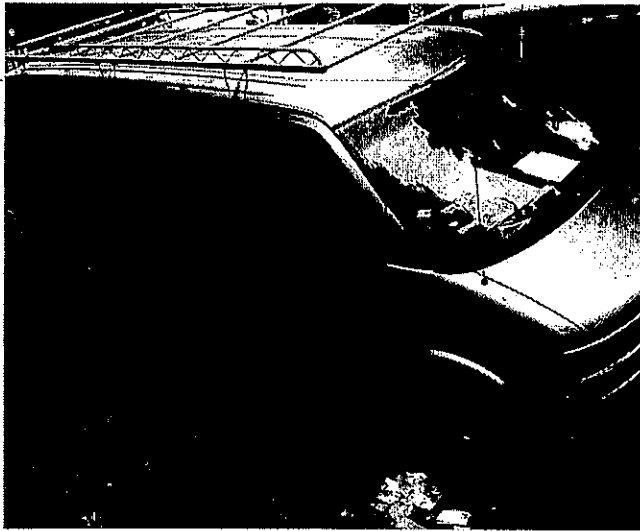
HOST LOG

(C) 1998 - 2008 AUDATEX NORTH AMERICA, INC.

1.3 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.







JH Alliance Trucking LLC

2747 N. 2nd Street
Milwaukee, WI. 53212
Phone: 414-217-1246

RECEIVED

AUG 20 2014

Invoice

OFFICE OF
CITY ATTORNEY

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX12

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/18/14	3897-001	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	2 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	3 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	4-Bx	\$245.35	Dolly req.	\$245.35
Davis Investments	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
Encore Realty	2 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
Encore Realty	2-Bx	\$245.35	Dolly req.	\$245.35
Kid-Tastic LLC	1-Bx	\$245.35	Dolly req.	\$245.35

Subtotal:	\$1,717.45
Tax:	\$32.55
Miscellaneous:	
Balance Due:	\$1,750.00

CLAIM ALREADY
FILED - TO BE
INCLUDED -
ADDITIONAL
INFORMATION

CITY CLERK'S OFFICE
2014 AUG 19 PM 3:45
CITY OF MILWAUKEE

JH Alliance Trucking LLC

Invoice

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX13

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/19/14	3897-002	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	4 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	2-Bxs	\$245.35	Dolly req.	\$245.35
Ideal Investments	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35

Subtotal:	\$1,226.75
Tax:	\$23.25
Miscellaneous:	
Balance Due:	\$1,250.00

JH Alliance Trucking LLC

Invoice

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX14

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/20/14	3897-003	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	6 Pallet; 12 Bxs	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	4-Bxs	\$370.35	Dolly req.	\$370.35
Encore Realty	6-Bxs	\$370.35	Dolly req.	\$370.35
Ideal Investments	1 Pallet	\$420.35	Lift & Belts/Dooly req.	\$420.35
Ideal Investments	1 Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35
Hawthorne Dev.	6-Bxs	\$245.35	Dolly req.	\$245.35
Hawthorne Dev.	6-Bxs	\$245.35	Dolly req.	\$245.35
Davis Investments	3-Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35
Davis Investments	5-Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35

Subtotal:	\$2878.50
Tax:	\$46.50
Miscellaneous:	
Balance Due:	\$2,925.00

JH Alliance Trucking LLC

Invoice

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX15

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/21/14	3897-004	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	4 Pallet; 2 Bxs	\$370.35	Lift & Belts/Dolly req.	\$370.35
NN Construction	1 Pallet	\$370.35	Lift & Belts/Dolly req.	\$370.35
Davis Investments	3 Pallet; 12-Bxs	\$245.35	Lift & Belts/Dolly req.	\$245.35
Davis Investments	4-Bxs	\$420.35	Dolly req.	\$420.35
Encore Realty	1 Pallet	\$520.35	Lift & Belts/Dooly req.	\$520.35
Encore Realty	1 Pallet	\$520.35	Lift & Belts/Dooly req.	\$520.35
Hawthorne Dev.	1 Pallet	\$420.35	Lift & Belts/Dooly req.	\$420.35

Subtotal:	\$2867.46
Tax:	\$32.54
Miscellaneous:	
Balance Due:	\$2,900.00

JH Alliance Trucking LLC

Invoice

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX16

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/23/14	3897-005	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	2-Bxs	\$420.35	Dolly req.	\$420.35
NN Construction	4-Bxs	\$570.35	Dolly req.	\$570.35
Davis Investments	5 Pallet; 3 Bxs	\$370.35	Lift & Belts/Dolly req.	\$370.35
Davis Investments	4-Bxs	\$420.35	Dolly req.	\$420.35
Davis Investments	1 Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35
Davis Investments	2-Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35
Ideal Investments	1 Pallet	\$295.35	Lift & Belts/Dooly req.	\$295.35
Ideal Investments	1 Pallet	\$295.35	Lift & Belts/Dooly req.	\$295.35
Ideal Investments	2 Pallet	\$420.35	Lift & Belts/Dooly req.	\$420.35
Encore Realty	3 Pallet	\$420.35	Lift & Belts/Dooly req.	\$420.35
Encore Realty	2 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35
Hawthorne Dev.	3 Pallet	\$520.35	Lift & Belts/Dooly req.	\$520.35
Hawthorne Dev.	2 Pallet	\$420.35	Lift & Belts/Dooly req.	\$420.35

Subtotal:	\$5,014.55
Tax:	\$60.45
Miscellaneous:	
Balance Due:	\$5,075.00

JH Alliance Trucking LLC

Invoice

Bill To: Elite Transportation Services LLC

Invoice No.: 3897JX17

Customer ID: ETS

Date	Order No.	Rep ID	Delivery	Ship Via	Terms
6/24/14	3897-006	1241	Expedited	Cargo Van	NEO

Vendor	PCS/Weight	Trans. Rate	Description	Total
NN Construction	6-Bxs	\$245.35	Dolly req.	\$245.35
NN Construction	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	1 Pallet	\$245.35	Lift & Belts/Dolly req.	\$245.35
NN Construction	2- Bxs	\$245.35	Dolly req.	\$245.35
NN Construction	2-Bxs	\$245.35	Dolly req.	\$245.35
Encore Realty	1 Pallet	\$245.35	Lift & Belts/Dooly req.	\$245.35
Encore Realty	1 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35
Encore Realty	1 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35
Ideal Investments	3 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35
Hawthorne Dev.	3 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35
Hawthorne Dev.	2 Pallet	\$370.35	Lift & Belts/Dooly req.	\$370.35

Subtotal:	\$3,323.85
Tax:	\$51.15
Miscellaneous:	
Balance Due:	\$3,375.00

