

LAW OFFICES OF JACQUES MANN  
*Attorney and Counselor at Law*

Jacques Mann, Esquire  
*Admitted in WI and PA*  
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December 5, 2008

Office of the City Clerk  
City of Milwaukee  
200 East Wells Street, Room 205

CITY OF MILWAUKEE  
RECEIVED  
2008 DEC -5 PM 4: 03  
OFFICE OF  
CITY ATTORNEY

Re: Claimant/Our Client: Frankie L. Barnes  
City Investigation File No.: 07-V-37-2  
Date of Accident: 01-28-2007

Dear City Clerk:

By this letter, I am requesting a hearing per the attached copy of the November 18, 2008 letter that I received from City Attorney Grant F. Langley and City Investigator Adjuster Robert M. Overholt.

Very truly yours,



Jacques Mann, Esquire

c: Grant F. Langley, City Attorney  
Robert M. Overholt, City Investigator Adjuster

~~CITY OF MILWAUKEE  
08 DEC -4 PM 6: 34  
RONALD D. LEONHARDT  
CITY CLERK~~

RONALD D. LEONHARDT  
CITY CLERK

2008 DEC -5 AM 9: 55

CITY OF MILWAUKEE

COPY

**NOTICE OF INJURY AND CLAIM  
OF FRANKIE L. BARNES, CLAIMANT**

3-22-07  
9:09 AM  
[Signature]

**TO: CITY OF MILWAUKEE  
CLERK OF THE CITY OF MILWAUKEE  
CHAIRPERSON OF THE CITY OF MILWAUKEE COMMON COUNCIL  
OFFICE OF THE CITY ATTORNEY OF THE CITY OF MILWAUKEE  
MILWAUKEE WATER WORKS  
STEPHAN MALONE**

**NOTICE OF CIRCUMSTANCES, INJURY & CLAIM**

1. You are hereby notified that the Claimant, *Frankie L. Barnes*, is an adult resident of the City and County of Milwaukee and State of Wisconsin, residing at 5415 North 37<sup>th</sup> Street.

2. That on January 28, 2007, in Milwaukee, Wisconsin, at approximately 8:40 PM, the Claimant was a passenger in a 1992 Cadillac DeVille owned and operated by Hollis Jones, 3212 North 7<sup>th</sup> Street, Milwaukee, WI, traveling in the right-hand lane heading northbound on 35<sup>th</sup> Street in the intersection with West Fond du Lac Avenue when a collision occurred with a Backhoe, owned by the City of Milwaukee and/or Milwaukee Water Works and operated by Milwaukee Water Works employee Stephan Malone, which had been heading southbound on 35<sup>th</sup> Street and, at the moment of impact, was attempting to make a left turn in order to head eastbound on West Fond du Lac Avenue.

3. That the above collision was caused by the negligence of the City of Milwaukee, Milwaukee Water Works, and by the negligence of its employee Stephan Malone, separately, or in the alternative, jointly and severally with Hollis Jones in that Stephan Malone and Hollis Jones:

failed to maintain proper lookout and observation;

failed to operate their vehicles at a safe and reasonable speed under the

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CITY ATTORNEY

circumstances;

- c) failed to use proper caution and attention, and keep a proper lookout for traffic;
- d) failed to manage and control their vehicles;
- e) failed to timely apply their brakes and steering mechanisms
- f) failed to obey the rules of the road.

4. That the collision was also caused by the City of Milwaukee and Milwaukee Water Works fault and negligence in failing and neglecting to provide adequate training supervision for their employees in the proper handling and operation of equipment on the highway, and in the following of the rules of the road.

5. That as a direct and proximate result of the above described negligence, Claimant sustained serious personal injuries to his head, jaw, neck, back and torso, some of which may prove permanent in nature; that he has in the past and may in future be caused to receive medical care and attention; that he has in the past and may in the future be caused to expend monies for the care and treatment of such injuries; that he has in the past and may in the future be caused to suffer a great deal of pain, suffering and discomfort; that he has in the past and may in the future be caused to suffer loss of income.

6. That by virtue of the employer/employee relationship between Stephan Malone and the City of Milwaukee and/or Milwaukee Water Works and by virtue of the laws of the State of Wisconsin, all are liable to the Claimant for his injuries and damages.

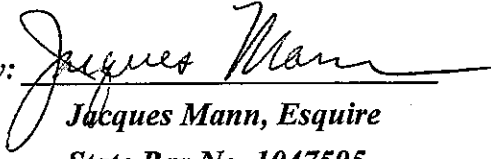
7. That because of said injuries and damages, Claimant has been damaged in the sum of \$50,000.00 for past and future pain and suffering and any permanent disability, past and future medical

expenses, past and future wage loss, and satisfaction is claimed thereof from you.

8 That the undersigned attorney is duly licensed to practice law in the State of Wisconsin and wherein he maintains offices as indicated below; that he is the attorney for Claimant and has been duly authorized to do so; that the information in the above Notice is true to his knowledge according to the records and information in his file and that he believes it to be true.

Dated this 20<sup>th</sup> day of March, 2007.

*Attorney for Claimant*

By:   
*Jacques Mann, Esquire*  
*State Bar No. 1047595*

**229 East Wisconsin Avenue, Suite 1102  
Milwaukee, WI 53202  
(414) 702-9701**