

Jim and Jackie Wheelock
6319 W Chambers Street
Milwaukee WI 53210

January 7th 2024

City Attorney's Office c/o Evan Goyke
RE: Fence Damage Case 1030-2024-1636

New information has come to light regarding this matter and I will be upfront in admitting to the mistake. The incident of the truck hitting our fence occurred on May 28th, not April 2 as stated in the original claim. While I don't normally subject people to my ills and woes I did have a medically complicated year last year. Shoulder surgery, post surgical fracture, diagnosed with afib. Went through two treatments of afib, and put on a other nasty drug for afib. Recalling events when it came time to submit the claim was iffy at best. My sincerest apologies for my mistakes. I hope the city can find it in its heart to do right by this and settle the claim.

To review, on 5/28/24 a city supervisor came to my door and handed me a sheet of paper on how to submit a claim. My memory is clearer because this occurred after my surgery and I was still in a sling when I answered the door. He, the supervisor, also told me he took pictures of what had happened. Since I had just got up I asked what had happened. He told me a sanitation truck struck our fence causing damage.

Its, to me, important to note that the city worker came to my door and reported what had happened. That we didn't just find damage and assume it was a city truck. Thats essentially, admitting fault. The other thing to note is that 8/2 when we submitted the claim was well within the 120 days. Why did we state 4/2 as the incident date? To be honest, I'm not sure. Given we felt under pressure to get the quotes and get the claim in, along with dealing with my medical issues, and 4/2 was chosen. However, I do remember telling Patricia that that date might be wrong, that it could be as much as a week off. no consideration was given to that. In the end, the meta data on the photos that we took indicate that they were taken 5/28 on my wife's camera (the day it happened) and 5/29 on my camera. The day after. This makes sense as it happened after my surgery, and trash is collected on Tuesdays.

Again, my apologies for my mistake. The fence was less than a year old when this happened and costs us \$30,000 for that design. Were anxious to have the fence looking good again.

Thank you

Jim Wheelock



More Info

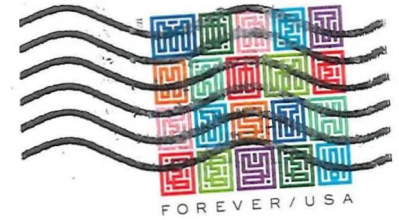
General Exif TIFF

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Brightness Value **1.974**
Color Space **Uncalibrated**
CompositelImage **2**
Date Time Digitized **May 28, 2024 at 6:19:...**
Date Time Original **May 28, 2024 at 6:19:...**
Exif Version **2.3.2**
Exposure Bias Value **0**
Exposure Mode **Auto exposure**
Exposure Program **Normal program**
Exposure Time **1/60**

Wheelock
6319 W Chambers St
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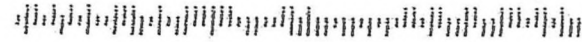
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Administrative Review Appeals Board
City Hall, Rm. 205
200 E. Wells St
Milwaukee, WI 53202
414-286-3926

Claim

53202-950155



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Assistant City Attorneys

November 12, 2024

Mailed
12-10-24

Jim and Jackie Wheelock
6319 West Chambers Street
Milwaukee, WI 53210

RE: Communication from Jim and Jackie Wheelock
C.I File No. 1030-2024-1636

Dear Mr. and Ms. Wheelock:

This office is in receipt of your claim in the amount of \$1,340.06, in regards to damage to a fence on your property, allegedly occurring as a result of a garbage cart being pulled and dragged across it on April 2, 2024.

This notice of claim was filed on August 2, 2024. Wis. Stat. § 893.80(1d)(a) requires that a notice of circumstances of the claim be filed within 120 days after the happening of the event given rise to the claim. This service of notice is untimely.

We have completed our investigation into this matter with the Department of Public Works (DPW) – Support Services Division. Their records indicate they did not have knowledge of the above referenced incident until receipt of the subject claim. A DPW supervisor was dispatched to your residence on September 24, 2024, where he observed damage to your fence and took pictures.

There is no evidence that the City of Milwaukee is liable for damages in this case. Therefore, we are denying your claim. If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of

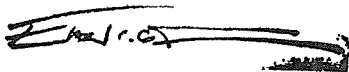
CC COPY



Jim and Jackie Wheelock
November 12, 2024
Page Two

the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



EVAN C. GOYKE
City Attorney



PATRICIA KLOSIEWSKI
Investigator/Adjuster

ECG/PK/cdr

1030-2024-1636/294743