

Scot and Julie Schellhorn
47298 Honey Farm Rd.
Gays Mills, WI 54631

CITY OF MILWAUKEE

2019 MAR 18 P 1:49

CITY CLERK'S OFFICE

March 12, 2019

Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee, WI 53202

RECEIVED
OFFICE OF CITY ATTORNEY

MAR 19 2019

3:45 A.M./P.M.

RE: C.I. File No. 1029-2018-2583

Milwaukee City Clerk,

As per instruction in the letter dated February 27, 2019 (enclosed) and on advice of counsel, we are notifying you that we appeal the decision to deny our claim. We also request that the narrative below satisfy the requirement of a "hearing" due to the fact we are both employed and the 350 mile roundtrip is an unnecessary burden to us, if this is possible. If our appearance is mandatory, we will wait to be informed of the hearing date.

APPEAL NARRATIVE

The costs incurred by us are the costs we have paid to date for the damage sustained to our vehicle by a speed hump and speed sign in the City of Milwaukee. Culpability is the issue and this clearly rests with the City of Milwaukee.

The two factors that were the direct result of the damage sustained to our vehicle are: 1) the speed hump was in violation of normally accepted height requirements; and 2) the posted speed limit was excessive.

The city's action AFTER the incident is a tacit admission of guilt (negligence). The speed hump was lowered and speed limit was lowered from 15 mph to 5 mph. A photo of the speed sign indicates that the city simply taped over the 1 so 15 became 5 (note the offset of the 5 on the sign). Please accept your responsibility for your negligence when you signed off on the original speed hump and the excessive speed limit sign.

As stated in a previous correspondence, we are seeking the amount of \$2,217.60, the cost to fix our 2005 Volkswagen Passat. The vehicle was fixed and driven off the premises of Foreign Motors on November 25, 2018. On December 17, 2018, we decided to trade the 2005 Volkswagen Passat for another vehicle at Foreign Motors as other issues developed.

In the denial letter, questions regarding the tow bill, reasons why the vehicle is inoperative, and why the automotive technicians at 2 Brothers were unable to fix the vehicle were asked. The tow bill does indicate that the car "went over speed hump and vehicle cut off." An itemized receipt has been requested from Foreign Motors and will be sent under another cover when received.

Please send a copy of Mr. Baldwin's, Investigator Adjustor, findings of this claim to the address above.

Sincerely,

A handwritten signature in cursive script that reads "Scot and Julie Schellhorn". The signature is written in dark ink and is positioned above the typed contact information.

Scot and Julie Schellhorn
schell@mwt.net
Cell phone (608)-306-1508

Henry Schellhorn

(608) 306-1531 ▪ hank.schellhorn@gmail.com
3027 Aldrich Avenue South | Minneapolis, MN 554

December 7, 2018

Greetings:

I am submitting a claim regarding the damages caused to my 2005 Volkswagen Passat. On Friday, November 9, 2018, at approximately 1:00 PM, I was driving south on N 28th Street between W Clybourn St and West Saint Paul Ave. At the time of the incident I drove over the speed hump located on the street at the designated speed of 15 miles per hour only for my car to bottom out, resulting in a large crack in my oil pan that ruined my engine.

The speed hump had a sign stating the speed limit was 15 miles per hour. However, after returning to the sign a week after the incident on November 16, 2018, I noticed the 1 had been covered for the sign to now read 5 miles per hour (see enclosed image). The DMV also states "National guidelines have set the maximum height of speed humps at three to four inches (although 3.5 inches is now commonly accepted as the maximum height) and a maximum length at 12 feet (although 14 foot and longer are now becoming more common)."¹ The speed hump on N 28th Street between W Clybourn Street and West Saint Paul Ave has a maximum height beyond three to four inches (see enclosed image).

As a result of the improper speed designation and incorrect height of the speed hump, my car bottomed out ruining the engine and needing it to be replaced. I am seeking a repayment of \$2,217 (see enclosed receipts), which included the cost of a new engine and mechanic labor to replace it. This situation was very frustrating, as I was in the City of Milwaukee on November 9, 2018, for the day to attend an interview. I had to leave my car at an auto shop to be fixed and rented a car to return to Minneapolis. The weekend following the incident, I had to return to Milwaukee to retrieve my car, which was very time consuming. I am ensuring adjustments are made to this speed hump so another individual does not encounter a similar incident to mine.

For questions or concerns, I can be reached via phone at (608) 306-1531 or email at hank.schellhorn@gmail.com. My current address is 3027 Aldrich Ave S, Minneapolis, MN 55408.

Very Respectfully,

Henry Schellhorn

¹ http://www.dmgov.org/departments/engineering/pdf/faq9_speed_bumps_and_humps.pdf

February 18, 2019
Scot and Julie Schellhorn
47298 Honey Farm Rd.
Gays Mills, WI 54631

Mr. Baldwin
200 East Wells St. Rm 205
Milwaukee, WI 53202

Dear Mr. Baldwin,

I am writing you concerning Case Number 1029-2018-2583. As legal owners of the vehicle that was involved in the claim, we will be taking over the responsibility of the claim.

As per our discussion on February 18, 2019, I have enclosed the documentation for the towing services that were required. After the accident, employees from 2 Brothers Automotive, 505 N 27th St., Milwaukee, pushed the vehicle into their shop. The employees determined that they could not fix the vehicle; therefore, RC Automotive and Towing LLC, 7419 W Bradley Rd., Milwaukee, towed the vehicle to Volkswagen of Milwaukee North, 1400 West Silver Spring Drive. The employees at this dealership explained that the car could not be scheduled for a work order for approximately three weeks. This extended period prompted my son to call other automotive places for a quicker analysis of the damage to the vehicle. Foreign Motors agreed to take the vehicle and it was towed from the dealership to this location on West Fond Du Lac Avenue, Milwaukee.

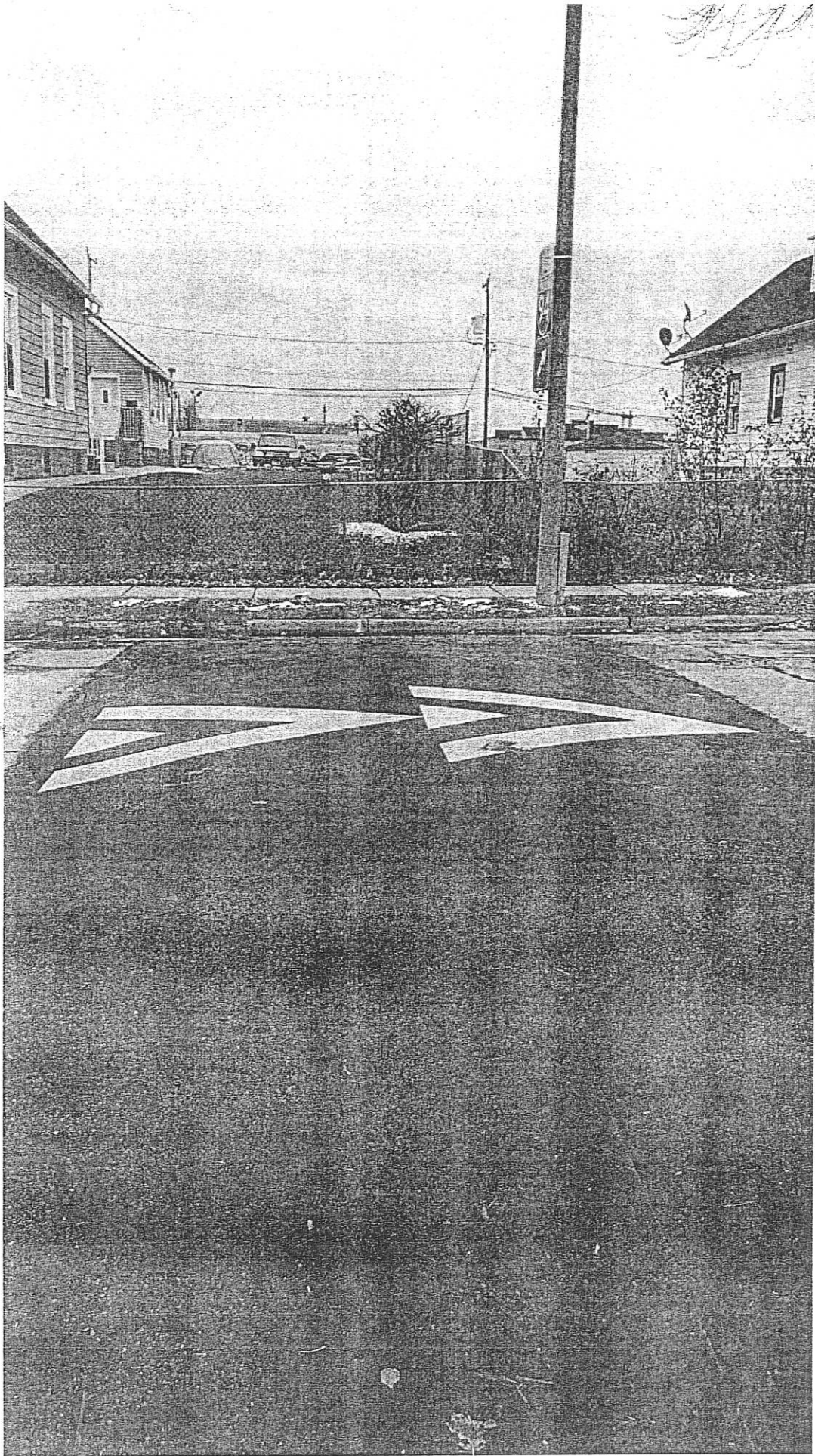
The cost of the repair on the vehicle totaled \$2,217.60. Please see receipts previously provided. We are seeking this amount in this claim.

Thank you for your patience and consideration in this claim.

Sincerely,

Scot and Julie Schellhorn
schell@mwt.net
Cell phone (608)306-1508





R/C TOWING AND AUTO REPAIR
 (414) 388-2523
 7419 W Bradley Rd
 Milwaukee, WI 53222

DATE: 11/19/18 TIME: 3:02 PM REQUESTED BY: (609) 306-1531
 NAME: Henry Schellhorn
 ADDRESS: 47298 Honey Farm Rd
 Gays Mills WI 54631
 LOCATION OF VEHICLE: 505 N 27th St
 YEAR MAKE MODEL: 2005 VW Passat Black
 DRIVER: Anthony
 STATE LIC PLATE NO. WI VA #

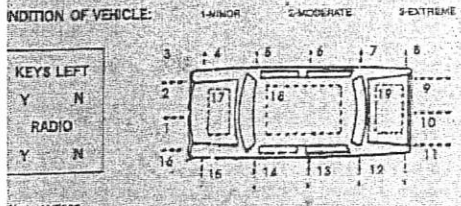
LEASE	SERVICE TIME	EXTRA PERSON
EST	FINISH	FINISH
VRT	START	START
TAL	TOTAL	TOTAL

DESCRIPTION OF WORK

Picked vehicle up from 2 Brothers Automotive, 505 N 27th St
 Towed to
 VW Dealership on 1400 W Silver Spring

<input type="checkbox"/> SLING/HOIST TOW <input checked="" type="checkbox"/> FLAT BED/RAMP <input type="checkbox"/> WHEEL LIFT <input type="checkbox"/>	<input type="checkbox"/> STATE POLICE <input type="checkbox"/> LOCAL POLICE <input type="checkbox"/> OWNER <input type="checkbox"/> DEALER	REASON FOR TOW <input type="checkbox"/> Accident <input type="checkbox"/> Abandoned <input checked="" type="checkbox"/> No Start <input type="checkbox"/> Flat Tire <input type="checkbox"/> Lock Out <input type="checkbox"/> Tow Zone <input type="checkbox"/> Stolen <input type="checkbox"/> Snow Removal <input type="checkbox"/> Breakdown <input type="checkbox"/> Unregistered <input type="checkbox"/> Out Of Gas <input type="checkbox"/> Fire Lane <input type="checkbox"/> No Tires/Spac <input type="checkbox"/> Spac <input type="checkbox"/> Impounded	TOWING CHARGE MILEAGE SERVICE TIME EXTRA PERSON SPECIAL EQUIPMENT STORAGE SECOND TOW SUB-TOTAL TAX TOTAL 50.00
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REMARKS:
 Went over speed hump and vehicle cut off.



DAMAGE RELEASE: Customer's own risk for valance and fiberglass - steering - damage caused by faulty tires - personal property left in vehicle. Towing company will not be held responsible after vehicle has been dropped.

METHOD OF PAYMENT:
 CASH CHECK DRIVER LIC #
 CREDIT CARD EXPLORER
 PAID W/CC

SIGNATURE

0848

Thank You

MICROSOFT OFFICE

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- Inbox** (752)
- Drafts
- Sent** (2)
- Junk
- Trash

(no subject)

Message 5 of 471

From **Hank Schellhorn**
To **schell@mwt.net**
Date **2019-02-20 10:51**

RC AUTOMOTIVE LLC \$50.00
Account2106 50 points

PURCHASED BY Henry Schellhorn

TRANSACTION DATE Friday, Nov 9th, 2018

POST DATE Sunday, Nov 11th, 2018

MERCHANT LOCATION* MILWAUKEE WI 53218

MERCHANT CATEGORY TOWING SERVICES

*The merchant location may not match the physical address where you made your purchase. It is common for merchants to use the address of a central branch, headquarters, etc.

KICO'S TOWING LLC.

3757 E Pulaski Ave, Cudahy WI 53110
Phone: (414) 334-1888

Invoice
Invoice #18-08675

Printed 12/13/2018

Call # 08675
Date/Time Requested 11/9/2018 @ 5:42 PM
Date/Time Completed 11/10/2018 @ 10:34 AM
Contact Henrey Schellhorn (608) 306-1531,

Authorized by PRIVATE CALLS
Tow From 1400 West Silver Spring Drive, Glendale, WI, USA
Tow To Foreign Motors Inc, West Fond Du Lac Avenue,
Milwaukee, WI, USA

Notes At the dealership Audi

Year	Make	Model	Color	VIN	Plate	Odometer
2005	vw	passat 2wd	-	-	-	-

Charge Description	Quantity	Price	Line Total
Loaded/Hooked Mileage	20	\$3.00	\$60.00
Tow/Hook Fee	1	\$65.00	\$65.00
		Subtotal	\$125.00
		Taxes	\$7.00
		Grand Total	\$132.00
		Amount Due:	\$132.00

WE APPRECIATE YOUR BUSINESS!

Signature: _____

USDOT: 2844081



Foreign Motors Inc

foreignmotorsinc@gmail.com

Receipt

Received From
Henry Schellhorn
3027 Aldrich Ave South
Minneapolis, MN 55408

Date: 11/13/2018
Payment Method: Credit Card
Reference No:

Invoice Number	Invoice Date	Due Date	Original Amount	Balance	Payment
1237	11/13/2018	12/13/2018	2217.60	1150.00	1150.00

Memo:

Amount Credited: \$0.00
Total: \$1,150.00

Signature: _____

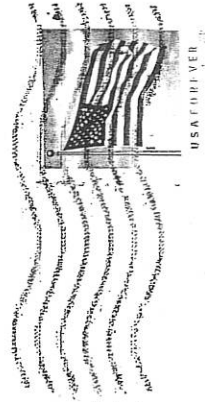
6301 W Euclid
Milwaukee, WI
53219

CITY OF MILWAUKEE

2019 MAR 18 P 1:48

Milwaukee City Clerk
200 E Wells
Room 205
Milwaukee, WI

53202



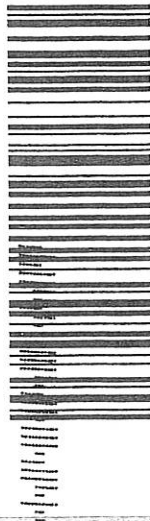
MILWAUKEE WI 530
12 MAR 2019 PM 4 L

53202-357099



Scheithorn
47298 Honey
Grays Mills, WI
54631

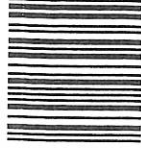
CERTIFIED MAIL



7016 1370 0000 5197 6944



1000



53202

U.S. POSTAGE PAID
FCM LG ENVY
BOSCOBEL, WI
53805
MAR 12, 19

\$4.80

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MAR 12 10 11:49 AM
POST OFFICE

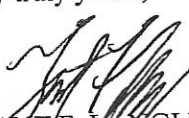
Milwaukee City Clerk
200 East Wells St., Room 205
Milwaukee, WI.

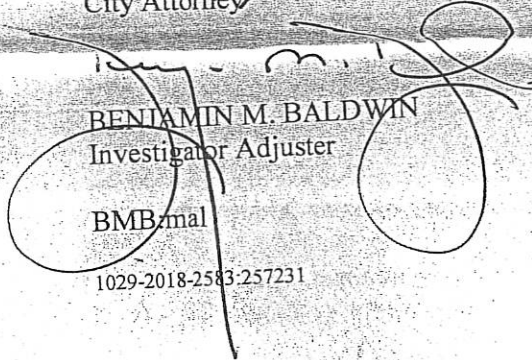
53202

Scott and Julie Schellhorn
February 27, 2019
Page 2

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of 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,


GRANT F. LANGLEY
City Attorney


BENJAMIN M. BALDWIN
Investigator Adjuster

BMB:mal

1029-2018-2583:257231

PRESORTED
FIRST CLASS



Scott and Julie Schellhorn
47298 Honey Farm Road
Grays Mills, WI 54631

CITY OF MILWAUKEE
Office of the City Attorney
OFFICE OF THE CITY ATTORNEY
800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3551

47298 54631

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys

CITY OF MILWAUKEE

Office of the City Attorney

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
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CALVIN V. FERMIN
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ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRENNEL
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SHEILA THOBANI
KATRYNA C. RHODES
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
Assistant City Attorneys

February 27, 2019

Scott and Julie Schellhorn
47298 Honey Farm Road
Gays Mills, WI 54631

Mailed
3/4/19

RE: C.I. File No. 1029-2018-2583
Communication from Henry Shellhorn

Dear Mrs. and Mr. Shellhorn:

We are in receipt of your request to review the claim for damages to your 2005 Volkswagen Passat, in the amount of \$2,217.60, occurring on November 9, 2018 in the vicinity of N. 28th Street between West Clybourn and West Saint Paul, Milwaukee, Wisconsin. The vehicle was being driven by your son, Henry Schellhorn, who initially filed a claim for sustained damages to your vehicle on December 12, 2018.

We conducted our investigation, which included careful review of the materials you submitted in regards to this matter. According to the materials you submitted for our review, you noted in your narrative, accompanied with a copy of the tow bill, that the vehicle in question was picked up by R/C Towing and Auto Repair on November 9, 2018 from 2 Brothers Automotive 505 N 27th, and towed to Umansky Motor Cars, 1400 W. Silver Spring. In your narrative, you state the automotive technicians at 2 Brothers could not fix the vehicle, which prompted the towing of the vehicle to Umansky. Your narrative and accompanied tow bill does not indicate as to what the damages are, reasons why the vehicle in question is inoperative, or why the automotive technicians at 2 Brothers were unable to fix the vehicle.

Your narrative states that due to scheduling issues and to obtain a quicker analysis, the vehicle was towed from Umansky Motors to Foreign Motors on November 10, 2018. A receipt of payment to Foreign Motors dated November 13, 2018 shows a payment from Henry Schellhorn in the amount of \$1,150.00 and another payment on November 25, 2018 in the amount of \$1,067.60. The receipts from Foreign Motors and your narrative do not state as to what the payments are for as to repairs to your vehicle.

Finally, the vehicle in question was sold to Foreign Motors on or about December 10, 2018. We have concluded our investigation into this matter. As titled owners of the 2005 Volkswagen Passat, you have not proven what the damages are that allegedly resulted from the impact with the speed hump in the vicinity of West Clybourn and West Saint Paul on November 9, 2018. Therefore, we are denying your claim.




Scott and Julie Schellhorn

February 27, 2019

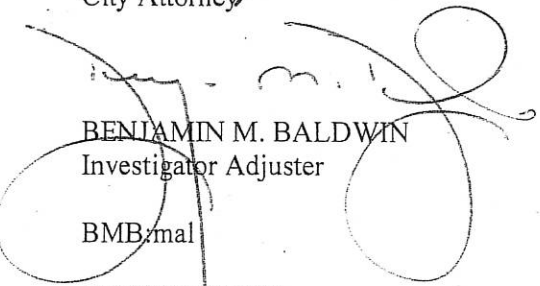
Page 2

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Very truly yours,



GRANT F. LANGLEY
City Attorney



BENJAMIN M. BALDWIN
Investigator Adjuster

BMB:mal

1029-2018-2583:257231

Henry Schellhorn

(608) 306-1531 • hank.schellhorn@gmail.com
3027 Aldrich Avenue South | Minneapolis, MN 55408

RECEIVED
OFFICE OF CITY ATTORNEY

December 7, 2018

CITY OF MILWAUKEE
2018 DEC 12 P 4: 13 11:45 A.M./P.M.
CITY CLERK'S OFFICE

Greetings:

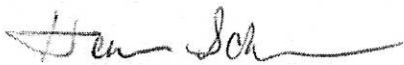
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The speed hump had a sign stating the speed limit was 15 miles per hour. However, after returning to the sign a week after the incident on November 16, 2018, I noticed the 1 had been covered for the sign to now read 5 miles per hour (see enclosed image). The DMV also states "National guidelines have set the maximum height of speed humps at three to four inches (although 3.5 inches is now commonly accepted as the maximum height) and a maximum length at 12 feet (although 14 foot and longer are now becoming more common)."¹ The speed hump on N 28th Street between W Clybourn Street and West Saint Paul Ave has a maximum height beyond three to four inches (see enclosed image).

As a result of the improper speed designation and incorrect height of the speed hump, my car bottomed out ruining the engine and needing it to be replaced. I am seeking a repayment of \$2,217 (see enclosed receipts), which included the cost of a new engine and mechanic labor to replace it. This situation was very frustrating, as I was in the City of Milwaukee on November 9, 2018, for the day to attend an interview. I had to leave my car at an auto shop to be fixed and rented a car to return to Minneapolis. The weekend following the incident, I had to return to Milwaukee to retrieve my car, which was very time consuming. I am ensuring adjustments are made to this speed hump so another individual does not encounter a similar incident to mine.

For questions or concerns, I can be reached via phone at (608) 306-1531 or email at hank.schellhorn@gmail.com. My current address is 3027 Aldrich Ave S, Minneapolis, MN 55408.

Very Respectfully,



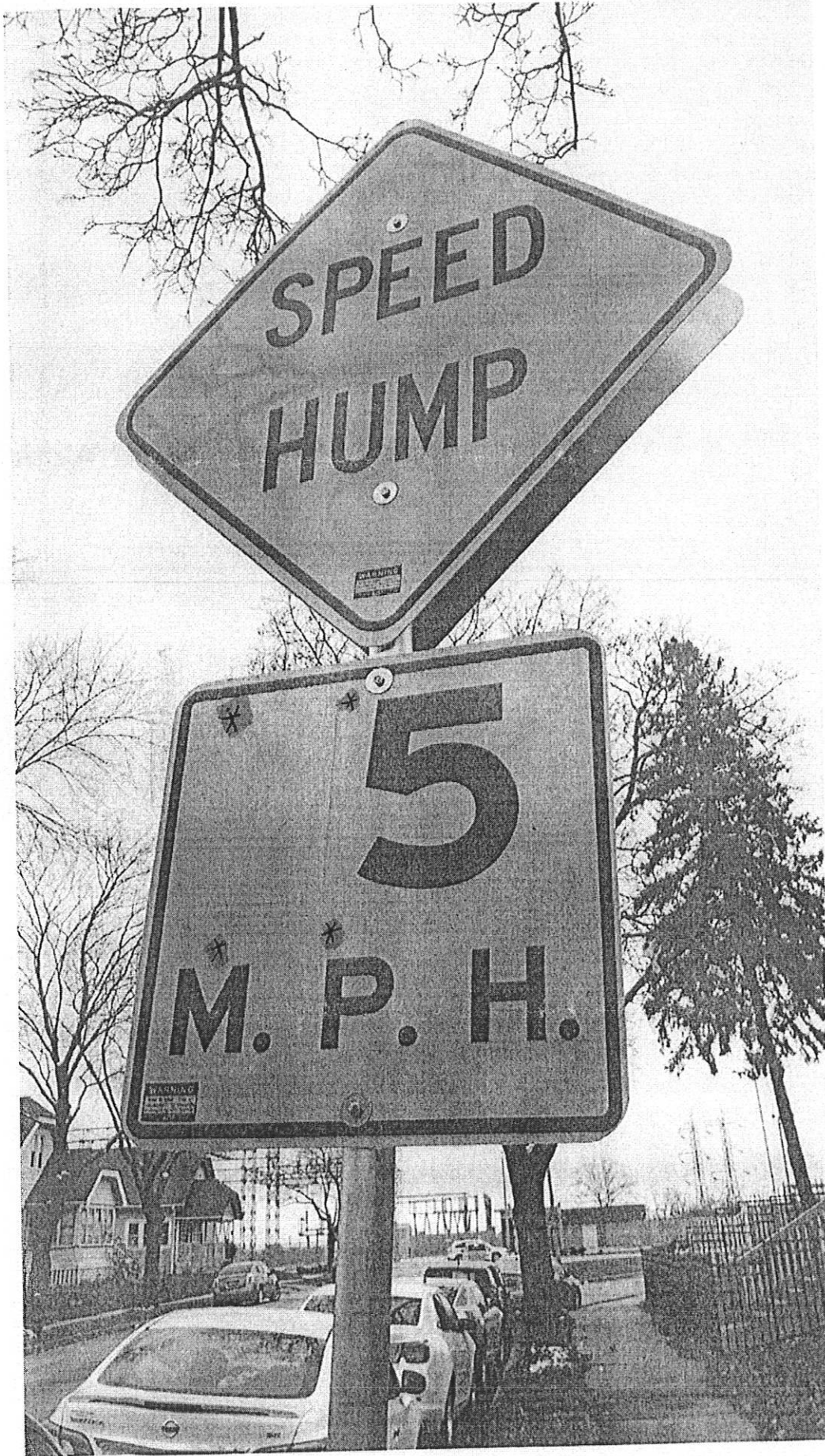
Henry Schellhorn

¹ http://www.dmgov.org/departments/engineering/pdf/faq9_speed_bumps_and_humps.pdf

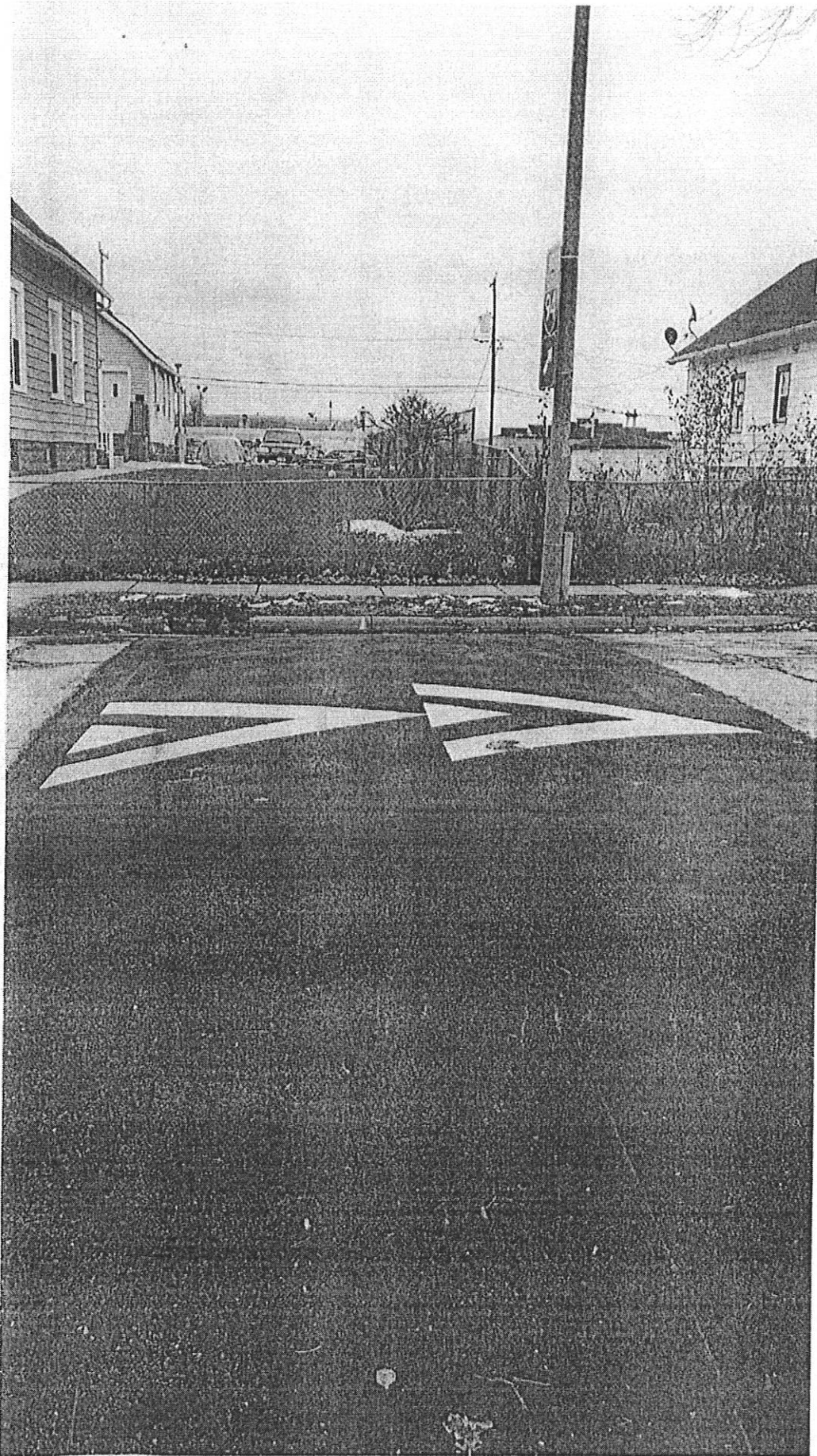
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DEC 14 2018

11:45 A.M./P.M.



* Please note
sticker over the
one (1).



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11:45 (A.M./P.M.)