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***ALSO ADMITTED IN FLORIDA
****ALSO ADMITTED IN MASSACHUSETTS

December 11, 2006

VIA FACSIMILE, ORIGINAL MAIL

Ronald D. Leonhardt
City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee, WI 53202

RE: Progressive Insurance Company and Brian D. Johnson v. Elisha Henry, Jr.
CI File No. 05-V-100
Client's File No. B78903
Claim No. 055921573
Our File No. 1222-0047

Dear Clerk:

I represent Progressive Northern Insurance Company in regard to its claim for monetary damages arising out of a May 25, 2005 motor vehicle accident that occurred at or near the intersection of South 35th Street and West Mitchell Street, located in Milwaukee, Wisconsin. Kindly set this matter for a hearing and advise me of the same.

Thank you for your attention to this matter. If you have any questions, comments or concerns, please advise.

Very truly yours,

PETERSON, JOHNSON & MURRAY, S.C.

Werner Erich Scherr
WES:pc

2006 DEC 12 PM 5:30
CITY OF MILWAUKEE
RONALD D. LEONHARDT
CITY CLERK

2006 DEC 13 PM 3:02
CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY



PROGRESSIVE³

Correspondence Address:
P.O. Box 89440
Cleveland, OH 44101
Phone: (877) 818-0139
Fax: (888) 792-5922

OUR INSURED: JOHNSON, BRIAN D

DATE OF LOSS: MAY 25 05

LOSS LOCATION: 35TH ST & MITCHELL ST

YOUR DRIVER: HENRY, ELIJAH

FACTS OF LOSS: LIA: IV WAS NB ON 35TH STREET AT MITCHELL (35TH IS 2 LANES IN EACH DIRECTION). THE INSD WAS IN THE RIGHT LANE AT A STOP LIGHT. THE CV WAS IN THE LEFT LANE. THE LIGHT WAS RED AND THE INSD WAS STOPPED THEN CHANGED TO GREEN. THE CV WAS BEHIND A VEHICLE IN THE LEFT LANE THAT WAS WAITING TO MAKE A LEFT TURN. THE CV ATTEMPTED TO GO AROUND THIS VEHICLE AND IN DOING SO THE CV STRUCK THE IV IN THE LEFT REAR. BOTH VEHICLES STOPPED.

2005 JUN -9 AM 11:57
MAIL ROOM
CITY CLERK
ELIJAH HENRY

CITY OF CLEVELAND
OFFICE OF THE CITY ATTORNEY

2005 JUN 10 PM 3:41

OFFICE OF
CITY ATTORNEY

FAX TRANSMITTAL

June 03, 2005

To: TORT CLAIMS
Company: CITY CLERK
Our Insured: JOHNSON, BRIAN D
Our Claim#: 055921573
Date Of Loss: MAY 25 05
Your Insured: CITY OF MILWAUKEE
Your Claim/Policy#: N/A

**P.O. Box 89440
Cleveland, OH 44101**

Fax: 888-792-5922

Total Subrogation Balance: \$ 3,334.00 . This includes our insured's \$500.00 deductible.
We are seeking reimbursement at 100 %, for a total of \$ 3,334.00 .

Please take this as formal notice of our subrogation rights with regards to the above captioned claim. We have completed our investigation into the facts of the above captioned loss and find that your insured was the proximate cause of the accident.

Please make draft payable to "PROGRESSIVE NORTHERN INSURANCE as Subrogee of JOHNSON, BRIAN D", in the amount stated above and mail it to the attention of the undersigned.

All supporting documentation is enclosed. I have diaried my file ahead fifteen (15) days. Thank you for your anticipated, prompt attention to this matter.

PROGRESSIVE NORTHERN INSURANCE
Subrogation Representative
CHUCK JULIANA
440-603-7487

****PLEASE INCLUDE OUR CLAIM # ON ANY AND ALL
CORRESPONDENCE****

PROGRESSIVE[®]

Not what you'd expect from an insurance company.SM

AUTO • MOTORCYCLE • WATERCRAFT • RV • COMMERCIAL VEHICLE

Date: 5/26/2005 02:40 PM
 Estimate ID: 05-5921573-01
 Estimate Version: 0
 Committed
 Profile ID: Milw:all_part_types

PROGRESSIVE
 175 N. CORPORATE DRIVE SUITE 110 BROOKFIELD, WI 53045
 (262) 879-7153
 Fax: (262) 879-0371

Damage Assessed By: JUSTIN YAHNKE

Appraised For: JUSTIN YANKE
 (262) 879-7153

Type of Loss: Auto
 Date of Loss: 5/25/2005
 Contact Date: 5/26/2005
 Deductible: 500.00
 Policy No: 46543184-004

Claim Number: 05-5921573-01

Insured: BRIAN JOHNSON
 Address: 7920 W BARNARD AVE GREENFIELD, WI 53220
 Telephone: Home Phone: (414) 282-3681

Mitchell Service: 918529

Description: 2002 Chrysler Sebring LXI
 Body Style: 4D Sed
 VIN: 1C3EL56R22N103625
 Mileage: 63,698
 OEM/ALT: A
 Color: BLUE
 Options: Alum/Alloy Wheels, Air Conditioning, Power Steering, Power Brakes, Power Windows, Power Door Locks, Tilt Steering Wheel, Cruise Control, Electric Defogger, Power Sunroof, Automatic Transmission, Power Driver Seat, AM-FM Stereo/CDPlayer(Single), Fog Lights, Passenger-Front Air Bag, Power Remote Mirror, V6 Engine, 4-Door, Driver-Front Air Bag.

Vehicle Production Date: 07/01
 Drive Train: 2.7L Inj 6 Cyl 4A FWD
 License: 412GLL WI
 Search Code: BROOKFIELD

Line Number	Entry Number	Labor Type	Operation	Line Item Description	Part Type/Part Number	Dollar Amount	Labor Units
1	000060	BDY	REMOVE/REPLACE	FRONT SUSPENSION			
2				REPLACE WHEEL	Used/Recycled	150.00*	0.3
3				jantz 800554-4770 quote 42914			
				LINE MARKUP *20.00			
				REAR DOOR		30.00	
4	000142	BDY	REMOVE/REPLACE	L REAR REPLACE DOOR ASSY			
5	AUTO	REF	REFINISH	L REAR DOOR	Used/Recycled	225.00*	1.1
6	AUTO	REF	REFINISH	L REAR ADD FOR JAMES & INTERIOR			C 1.6
7				smart parts s/w jim quote 270134			C 1.0
8				LINE MARKUP *20.00			
9				*** END OF ATG SECTION ***		45.00	
				FRONT DOOR			
10	800776	REF	BLEND	L FRT DOOR OUTSIDE			
11	800790	BDY	REMOVE/INSTALL	L FRT DOOR MIRROR			C 0.9
12	801530	BDY	REMOVE/INSTALL	L FRT DOOR REAR WINDOW FRAME MLDG			0.2 #
13	801608	BDY	REMOVE/INSTALL	L FRT OTR BELT MOULDING			0.3
14	800798	BDY	REMOVE/INSTALL	L FRT DOOR ADHESIVE MOULDING			0.3
15				add .3 for clean and retape	Existing		0.2 *
16		BDY	ADD'L LABOR OP	L FRT DOOR ADHESIVE MOULDING			0.3 *

ESTIMATE RECALL NUMBER: 5/27/2005 09:20:20 05-5921573-01

Mitchell Data Version: MAY_05_A
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Date: 5/26/2005 02:40 PM
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 Committed
 Profile ID: Milw:all_part_types

17	800814	BDY	REMOVE/INSTALL	L FRT OTR DOOR HANDLE			
				REAR DOOR			0.5 #
18	800878	REF	REFINISH	L REAR DOOR MOULDING			
19	801532	BDY	REMOVE/INSTALL	L REAR DOOR REAR WINDOW FRAME MLDG			C 0.5
20	800880	BDY	REMOVE/INSTALL	L REAR UPR DOOR MOULDING			0.3
21				add .3 for clean and retape			0.1
22		BDY	ADD'L LABOR OP	L REAR UPR DOOR MOULDING			
23	800886	BDY	REMOVE/INSTALL	L REAR DOOR TRIM PANEL			0.3 *
24	800898	BDY	REMOVE/INSTALL	L REAR OTR DOOR HANDLE			INC

Progressive Insurance - Estimate

25	801426	BDY	REMOVE/INSTALL	L REAR DOOR OPENING WEATHERSTRIP	Existing				
				SIDE BODY				0.6	*
26	801911	BDY	REPAIR	L DOOR OPENING PANEL ASSY	-S	Existing			
27				partial refinish, full clear				4.0	*
28		REF	REFINISH/REPAIR	L DOOR OPENING PANEL ASSY	-S				
29	801885	BDY	REMOVE/REPLACE	L QUARTER OUTER PANEL		5018845AB	C	1.8	*
30		REF	REFINISH	L QUARTER PANEL OUTSIDE			310.00	15.5	#
31		REF	REFINISH	L QUARTER PANEL EDGE				C	1.5
32		REF	REFINISH	L ADD FOR PILLAR				C	0.5
33	802221	BDY	REPAIR	L QUARTER WHEELHOUSE PANEL				C	0.5
				REAR BUMPER	Existing				3.5
34	801187	BDY	REMOVE/INSTALL	REAR BUMPER COVER					
35	801191	BDY	REPAIR	REAR BUMPER COVER	Existing			INC	#
36				partial refinish, full clear coat					0.5
37		REF	REFINISH/REPAIR	REAR BUMPER COVER					
				ADDITIONAL OPERATIONS				C	1.4
38		REF	ADD'L OPR	CLEAR COAT					
				SPECIAL ENTRY					3.1
39			ADD'L COST	PAINT/MATERIALS					
40			ADD'L COST	HAZARDOUS WASTE DISPOSAL			340.60		*
41	900500	MCH*	ADD'L LABOR OP	MOUNT & BALANCE, VALVE STEM & DISP FEE				12.00	*
42	900500	REF*	REFINISH/REPAIR	CORROSION PROTECTION - MINOR REPAIR	Sublet			12.00	*
43	900500	BDY*	REPAIR	TOWING	Sublet			0.00	*
					Sublet			130.00	*

* - Judgement Item
 # - Labor Note Applies
 C - Included in Clear Coat / Three Stage Calc

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Date: 5/26/2005 02:40 PM
 Estimate ID: 05-5921573-01
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 Profile ID: Milw:all_part_types

I. Labor Subtotals						II. Part Replacement Summary		
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals			Amount
Body	28.5	46.00	0.00	130.00	1,441.00	Taxable Parts		685.0
Refinish	13.1	46.00	0.00	0.00	602.60	Parts Adjustments		75.0
Mechanical	0.0	55.00	0.00	12.00	12.00	Sales Tax @ 5.600%		42.5
Taxable Labor					2,055.60	Total Replacement Parts Amount		
Labor Tax @ 5.600%					115.11	802.5		
Labor Summary					41.6	2,170.71		
III. Additional Costs					Amount	IV. Adjustments		
Taxable Costs					341.60	Insurance Deductible		
Sales Tax @ 5.600%					19.13	500.0		
Total Additional Costs					360.73	Customer Responsibility		
						500.0		

I. Total Labor:	2,170.7
II. Total Replacement Parts:	802.5
III. Total Additional Costs:	360.7
Gross Total:	3,334.0
IV. Total Adjustments:	500.0
Net Total:	2,834.0

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Inspection Site: Hub South
Address: Hwy 100
West Allis, WI
Inspection Date: 5/26/2005

ESTIMATE RECALL NUMBER: 5/27/2005 09:20:20 05-5921573-01

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Profile ID: Milw:all_part_types

THIS IS A DAMAGE ASSESSMENT ONLY--NOT AN AUTHORIZATION TO REPAIR - BASED ON DAMAGE VISIBLE OR CERTAIN AT THE TIME IT WAS WRITTEN.

IF FRAME OR UNIBODY REPAIR IS INCLUDED ON THIS ESTIMATE, THE AMOUNT SHOWN INCLUDES TIME OR ALLOWANCES FOR MEASURING BEFORE, DURING AND AFTER THOSE REPAIRS.

THE OWNER OF THE VEHICLE MAY SELECT THE REPAIR FACILITY OF HIS/HER CHOICE.

TO ENSURE PROPER AND PROMPT PAYMENT FOR ADDITIONAL DAMAGE DISCOVERED DURING THE COURSE OF REPAIRS, CONTACT PROGRESSIVE FOR SUPPLEMENT HANDLING PROCEDURES.

REPAIR SHOP MANAGER'S/AUTHORIZED REPRESENTATIVE'S SIGNATURE INDICATING AGREEMENT ON COST OF REPAIRS, TOWING/STORAGE CHARGES, AND TO COMPLETE ALL LISTED REPAIRS: _____

ESTIMATED COMPLETION DATE: _____

ESTIMATE RECALL NUMBER: 5/27/2005 09:20:20 05-5921573-01

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Estimate Version: 0
Committed
Profile ID: Milw:all_part_types

LIFETIME GUARANTEE FOR SHEET METAL AND PLASTIC BODY

PARTS

The replacement parts written on the estimate are intended to return your vehicle to its pre-loss condition with proper installation. After repair, if any sheet metal or plastic body part included in the estimate fails to return your vehicle to its pre-loss condition (assuming proper installation), in terms of form, fit, finish, durability or functionality, Progressive will arrange and pay for the replacement of the part, to the extent not covered by a manufacturer's or other warranty. This service will be performed at no cost to you (including associated repair and rental car costs). To obtain service under this Guarantee, call Progressive at 1-800-274-4641.

This Guarantee applies as long as you own or lease the vehicle. This Guarantee is not transferable and terminates if you sell or otherwise transfer your vehicle.

THIS GUARANTEE DOES NOT COVER NORMAL WEAR AND TEAR OR DAMAGE CAUSED BY IMPROPER MAINTENANCE, NEGLIGENCE, ABUSE OR SUBSEQUENT ACCIDENT.

THIS GUARANTEE IS LIMITED TO ARRANGING FOR THE SELECTION OF REPAIR PARTS THAT WILL RETURN YOUR VEHICLE TO ITS PRE-LOSS CONDITION. ACCORDINGLY, PROGRESSIVE WILL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES THAT RESULT FROM THE INSTALLATION OR USE OF THESE PARTS.

Part Type Terms and Abbreviations

NEW and OEM or part number displayed -- These refer to a new, original equipment manufacturer part.

NON-OEM and A/M and QUAL REPL -- These refer to an after-market part, which is a new, non-original equipment manufacturer part.

USED/RECYCLED and LKQ -- These refer to a used OEM part.

REMANUFACTURED and RECOND. and RECORE -- These refer to used/recycled OEM parts that have been refurbished.

Event Log

File Created: 05/26/2005 01:56:30 PM
Estimate Started: 05/26/2005 01:59:54 PM
Estimate Printed: 05/26/2005 02:40:49 PM
Estimate Committed: 05/27/2005 09:20:20 AM
Estimate Uploaded: 06/02/2005 07:20:38 AM

ESTIMATE RECALL NUMBER: 5/27/2005 09:20:20 05-5921573-01

Mitchell Data Version: MAY_05_A
UltraMate Version: 5.5.021

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MSD2340 /CMSM2340 P A C M A N JUN 03 05 - 11:14
PID: CLJ0014 CLAIM PAYMENT INQUIRY TERMID: VT620514
NSD: JOHNSON, BRIAN D POL: 46543184-4
COL : MAY 25 05 WI-MILWAU-GRP- CLM: 055921573 OPEN REP: J YANKE

PAY TO THE ORDER OF: TOTAL DRAFT AMOUNT: 2,834.00

LINE 1: BRIAN D JOHNSON AND HUB SOUTH ONLY*****
LINE 2: *****
LINE 3: *****

ADDRESS: 3035 S 108TH STREET

CITY: WEST ALLIS ST/PR* WI ZIP/CPC: 53227 CNTRY* USA

↓ PAYMENT OF: COLL COVERAGE-02 SEBRING-LESS 500 DED

099 ? Y FEDERAL TAX ID: 390739375 LAST UPDT REP: JRY0002
0S CODE * 13 PCL EFT TRACE #: ISSUING REP: J YANKE
ANK CODE* AS2 ISSUE DATE : MAY 27 05 APPROVED BY:
DATE * WI AREA * 644 REVIEW DATE: 00 00
OP RSN * DRAFT # : 440037466 REVIEWED BY:

MMAND: