

CITY OF MILWAUKEE
RECEIVED

CITY OF MILWAUKEE

November 11, 2009

2009 NOV

AM 11:49

2009 NOV 24 PM 2:49

RONALD
CIT

LEONHARDT
CLERK

OFFICE OF
CITY ATTORNEY

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

RE: Your File No.: 09-S-370

Dear Clerk:

Please allow this letter to serve as my request that you schedule a hearing in the above-referenced matter. I received a letter from Grant Langley, City Attorney and Steven Carini, Investigator/Adjustor for the city, denying liability for damage caused to my 2004 Mercury Grand Marquis LS vehicle by a huge branch that landed atop it on October 2, 2009. Please see the enclosed. The tree was located on city property.

The reasons for denying my claim were that there was a 35 mile per hour wind that evening, and the branch was not compromised. Please take note that when the city employees arrived to clear the branch that totally enveloped my car, they determined that the entire tree had to be removed due to its condition. It is highly unlikely that the tree was alive and thriving if it needed to be cut out entirely. Also, it would seem that a branch 16", or over a foot in diameter and 55' long, if alive, and not decayed, would not have just blown off with that relatively low level of wind velocity.

The letter of denial also states that the tree was on a regular pruning schedule, but had not been pruned for four years. One wonders about the length of time between prunings on this schedule, and what, if any, inspections are made in between. Certainly, it is evident that no one had inspected the tree in at least four years. As well, there was nothing said about what condition the tree was in when it was pruned, or what recommendations may have been made at that time.

Based upon all of the foregoing, I respectfully request that you set a hearing on this matter.

Sincerely,



Celeste Baldwin

cc: Grant Langley, City Attorney

*Note: Denial letter mailed
10-29-09 (this is 26 days)-
let the appeal be processed.
If problem or questions call
me at EXT. 2644.*

*Thanks,
Steve*

(INCLUDE)

CITY OF MILWAUKEE
2009 NOV 24 AM 11:49
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED

Sept. 6 - 2009

CITY OF MILWAUKEE

2009 OCT 08 AM 10: 00

2009 OCT -8 PM 2: 33

RONALD D. LEWIS
CITY CLERK

OFFICE OF
CITY ATTORNEY

My Name is Celeste Baldwin. I Live
at. 4623 No 38 St. Milwaukee WI 53209.
I am the owner of the 2004 Merc. Grand.

Marquis LS. Ultimate.

My Mercury was Parked at My Son House @
5537 W. Milena 53216. Milwaukee. When a
Tree Fell on it. My Son Gerald Baldwin
Call Police They Come Out. Cut the Tree
Down. That Fell on the Mercury. Have matches
Claim Paper said to send it in to the City Clerk.
They also said the Tree was Rated:
I'm sending in Claim Sheet. And statement from
Pinkie's Capital. Auto Body Shop.
This Happen on Oct. 2nd 2009.
Here is my Home Phone # 414-464 0892
Celeste Baldwin

10/05/2009 at 01:16 PM
11794

Job Number:

PINKEY'S CAPITAL AUTO BODY
License #:
PINKEYS CAPITAL AUTO BODY
120 W. MELVINA ST.
MILWAUKEE, WI 53212
(414)962-3380 Fax: (414)962-0670

PRELIMINARY ESTIMATE

Written By: RICKY FEEST
Adjuster:

Insured: CELEST BALDWIN
Owner: CELEST BALDWIN
Address:

Claim #
Policy #
Deductible:
Date of Loss:
Type of Loss:
Point of Impact: 12. Front

Day: (414)464-0892

Inspect PINKEY'S CAPITAL AUTO BODY
Location: 120 W. MELVINA ST.
MILWAUKEE, WI 53212

Business: (414)962-3380

Insurance
Company:

Days to Repair

2004 MERC GRAND MARQUIS LS ULTIMATE 8-4.6L-FI 4D SED GOLD Int:

VIN: 2MEFM75WX4X612300 Lic: 62215D WI Prod Date: Odometer:

Air Conditioning	Rear Defogger	Tilt Wheel
Cruise Control	Intermittent Wipers	Elec. Instrumentation
Keyless Entry	Steering Wheel Controls	Body Side Moldings
Dual Mirrors	Overhead Console	Traction Control
Clear Coat Paint	Metallic Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Driver Seat	Power Passenger Seat	Power Mirrors
Heated Mirrors	Power Trunk/Gate Release	Power Adjustable Pedals
AM Radio	FM Radio	Stereo
Cassette	Search/Seek	CD Player
Anti-Lock Brakes (4)	Driver Air Bag	Passenger Air Bag
4 Wheel Disc Brakes	Cloth Seats	Automatic Transmission
Overdrive	Aluminum/Alloy Wheels	

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
1		HOOD				
2*	Rpr	Hood			3.5	3.0
3		Add for Clear Coat				1.2
4		FENDER				
5	Blnd	RT Fender				1.4
6	Blnd	LT Fender				1.4
7	Repl	RT Nameplate "ULTIMATE EDITION"	1	19.40	0.2	

414-464-0892
Celeste Baldwin

10/05/2009 at 01:16 PM
11794

Job Number:

PRELIMINARY ESTIMATE

2004 MERC GRAND MARQUIS LS ULTIMATE 8-4.6L-FI 4D SED GOLD Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
8	Repl	LT Nameplate "ULTIMATE EDITION"	1	19.40	0.2	
9		FRONT DOOR				
10	Repl	LT Mirror assy w/o heat	1	133.00	0.5	
11	R&I	LT R&I trim panel			0.4	
12		MISCELLANEOUS OPERATIONS				
13	Repl	Cover car/bag	1		0.2	
14#	Subl	HAND STRIPE RF FENDER	1	65.00	T	
15#	Subl	HAND STRIPE LF FENDER	1	65.00	T	
16#		hazard waste	1	4.00		
17#	Refn	CORROSION PROTECTION				0.3
18#	Subl	PORTER COMPLETE CAR FROM SMALL SCRATCHES	1	200.00	T	
Subtotals ==>				505.80	5.0	7.3

Parts		175.80
Body Labor	5.0 hrs @ \$ 52.00/hr	260.00
Paint Labor	7.3 hrs @ \$ 52.00/hr	379.60
Paint Supplies	7.3 hrs @ \$ 32.00/hr	233.60
Sublet/Misc.		330.00
SUBTOTAL		\$ 1379.00
Sales Tax	\$ 1379.00 @ 5.6000%	77.22
GRAND TOTAL		\$ 1456.22

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.

Celeste Baldwin
414-4640892

10/05/2009 at 01:16 PM
11794

Job Number:

PRELIMINARY ESTIMATE

2004 MERC GRAND MARQUIS LS ULTIMATE 8-4.6L-FI 4D SED GOLD Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DR2LA03, CCC Data Date 09/09/2009, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

Celeste Balonin
10/05/2009 11:16 AM

OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City, a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

(The above information may be combined in a single document.)

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours.
3. As detailed a description of the incident as possible, including the date, time and place.
OCT 2 - 2009

All information should be submitted to:

City Clerk
 ATTN: CLAIMS
 200 E. Wells St., Room 205
 Milwaukee, WI 53202-3567

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.



414-464-0892
Celeste Balsman