

HupyandAbraham s.c.
personal injury lawyers

February 1, 2021

VIA SOUTHEAST WISCONSIN PROCESS

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

RE: Lisa Peterson
Date of Accident: December 27, 2020


Dear Mr. Owczarski:

Enclosed please find the original and four copies of the Notice of Injury in the above referenced matter. Please file-stamp one copy and return it to me in the envelope provided.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me.

Very truly yours,

HupyandAbraham, S.C.


Brooke E. Lohmiller
Paralegal

BEL/
Enclosures

RECEIVED
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FEB 11 2021
9:44 A.M. P.M.

CITY CLERK'S OFFICE

2021 FEB 10 AM 11:36

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Appleton Office
Tel 920.882.8382
Fax 920.750.5397

Green Bay Office
Tel 920.593.5050
Fax 920.593.5055

Madison Office
Tel 608.277.7777
Fax 608.274.1848

Wausau Office
Tel 715.298.4400
Fax 715.298.4405

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Tel 309.827.4800
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Cedar Rapids Office
Tel 319.731.9009
Fax 515.777.3399

West Des Moines Office
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Fax 515.777.3399

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> licensed in Arkansas
† Certified Civil Trial Specialist
by the National Board
of Trial Advocacy

NOTICE OF INJURY

TO: Jim Owczarski, City Clerk
City of Milwaukee
200 East Wells Street, Room 205
Milwaukee, Wisconsin 53202

Kiewit Infrastructure Company
3555 Farnam Street
Omaha, Nebraska 68131

HNTB Corporation
715 Kirk Drive
Kansas City, Missouri 64105

HDR Engineering, Incorporated
1917 South 67th Street
Omaha, Nebraska 68106

RE: Lisa M. Peterson
4031 East Van Norman Avenue
Cudahy, Wisconsin 53110

Date of Accident: December 27, 2020
Location: West St. Paul Avenue and North 2nd Street
Milwaukee, Wisconsin 53203

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9:41 AM/PM

CITY OF MILWAUKEE
2021 FEB 10 AM 11:36
CITY CLERK'S OFFICE

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on December 27, 2020, Lisa M. Peterson, an adult residing at the above address, was the operator of a bicycle traveling at or near the intersection with West St. Paul Avenue and North 2nd Street in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the bicycle operated by Lisa M. Peterson became caught in the trolley tracks in the road, which caused her to be thrown from her bicycle; that Kiewit Infrastructure Company and/or HNTB Corporation and/or HDR Engineering, Incorporated, were operating within the course and scope of its employment, contract, and/or agency with either one another and/or with the City of Milwaukee to design, construct, and/or maintain the trolley tracks in the roadway; that Kiewit Infrastructure Company and/or HNTB Corporation and/or HDR Engineering, Incorporated, negligently designed, constructed, and/or

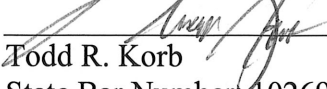
maintained said trolley tracks; that the City of Milwaukee had responsibility for the safety and maintenance of the roadway at the time and location of the accident; and that the City of Milwaukee and/or Kiewit Infrastructure Company and/or HNTB Corporation and/or HRD Engineering, Incorporated, were negligent in failing to properly warn bicyclists of an unsafe condition in the roadway and/or, in the case of the City of Milwaukee, otherwise failing to properly execute a ministerial duty with respect to the roadway and the safety of bicyclists traveling on that roadway, thereby creating an unreasonable risk of harm to, and thereby causing the injuries and/or damages of, Lisa M. Peterson.

As a result of this incident, Lisa M. Peterson sustained injuries and damages. A claim for damages under Wis. Stat. § 893.80(1d)(b) will be made at a later date.

The negligent design, construction, and/or maintenance of the subject trolley tracks on the part of Kiewit Infrastructure Company and/or HNTB Corporation and/or HDR Engineering, Incorporated, were committed while they were acting within the course and course and scope of their employment, contract, and/or agency with either one another and/or with the City of Milwaukee, which is also the governmental body responsible for maintaining the roadway at the time and location of the accident, and as such, the City of Milwaukee is thereby liable for Lisa M. Peterson's injuries and damages, not only pursuant to the theory of vicarious liability, including the doctrine of *Respondeat Superior*, but also due to the City of Milwaukee's failure to properly execute a ministerial duty with respect to the roadway and the safety of bicyclists traveling upon that roadway.

DATED at Milwaukee, Wisconsin, this 29th day of January, 2021.

HUPY AND ABRAHAM, S.C.
Attorneys for Lisa M. Peterson,

By: 
Todd R. Korb
State Bar Number: 1026950

Post Office Address:
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Suite 1100
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(414) 223-4800