CITY OF MILEAN 28, 2008

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

2000 JAN 29 PM 3: 35

SFFICE OF CITY ATTORNEY 2008 JAN 29 PH I2: 05
RONALD D. LEONHARD

RE Timothy Calvey C,I. File No: 07-S-326

Request for Hearing

I wish to appeal this decision and request a hearing.

At the time of my filing of the claim, I was on the process of moving and I listed my parents address. My address now is 231 W Wisconsin Ave. Apt 1213, Milwaukee 53202 and my phone number is 414 – 699-7230.

My father Edward Calvey is my personal representative in this matter. His address is 223 N Pinecrest St, Milwaukee, WI 53208. His phone number is 414-258-5074.

While my father and I are not familiar with the hearing process, we hope to find out what the City of Milwaukee can tell us with respect to the letter that I received. The letter was dated January 9, 2008 but was not received until January 26, 2008 because I had moved. The letter indicated the City was not liable for the open manhole cover because the manhole in question is **for** the Metropolitan Intercepting Sewer.

We hope at the hearing to be offered proof that the Milwaukee Metropolitan Sewerage District owns the manhole. This would include documentary evidence which I am sure was available to the Infrastructure Services Division when it made its conclusion as to ownership.

We hope at the hearing to be offered proof in writing that the City of Milwaukee Infrastructure Services Division never would open any manhole owned by the Milwaukee Metropolitan Sewerage District. Proof could be in the form of written policies as to opening manhole covers or some other explanation of protocol.

Can the City of Milwaukee Infrastructure Services Division give us any information as to the work being done on August 7th, 2007 as to that particular manhole? Can the City of Milwaukee provide a legal description of that particular manhole cover? We will need that information to move forward with a claim against the Milwaukee Metropolitan Sewerage District.

Does the City of Milwaukee Infrastructure Services Division know who would have been working on that particular manhole at that time – be it the Sewerage District or private contractors on their behalf?

CITY OF MILWAUKE

How do I contact the Milwaukee Metropolitan Sewerage District? I am sure the City works closely with the District.

As part of my discovery I wish to point out that the day after my jeep ran over the manhole at the intersection of 8th and Michigan, I inspected the area and noted another manhole open with work being done by a contractor on behalf of Time Warner Cable. That open manhole was about seven feet away from the manhole that I had my accident with. Each of these manholes was directly in line with each other. The manhole I went over and this manhole both said on them City of Milwaukee – Communications.

Thank you for your consideration.

Sincerely

Γimothy Calvey

CITY OF MILWARS

2007 SEP 14 PN 3: 20

Attn: Claims 200 E. Wells St., Room 205

Milwaukee, WI 53202-3567

City of Milwaukee

City Clerk

Tim Calvey - Claimant 223 N. Pinecrest St. Milwaukee, WI. 53208

OFFICE OF CITY ATTORNEY September 14, 2007

(414) 699-7230 cell

Date of incident - August 7th '07

Time of incident – approximately 12:40am

Location of incident – west bound lane at the intersection of 8th & Michigan (downtown Milwaukee)

Manhole cover type- circular cover that stated it belonged to the City of Milwaukee-Communications

Amount of Claim

R&R Auto Service	\$2,383.85
Ewald Mayfair	521.00
Edwald's Mayfair (inspection)	48.58
Mueller-Nelson Chiropractic	105.00
Auto miles to locations	<u>20.00</u>
Total	\$3,078.43

Description of incident

At approximately 12:40 am (a Tuesday) the morning of the 7th of August, 2007, I was returning home from work. I was driving west bound on Michigan ave. when I felt two huge bumps in the road. I lost control of my vehicle slamming into a curb as well as running over some barricades. I parked my car to see what it was that my car ran over. I walked over to where the incident occurred to discover a manhole missing from the street. I moved a barrel in front of the hole so no one else would run over it. I called the police to report the incident and request that a squad show up so I would have proof that the incident occurred. After being transferred from department to department I finally spoke with an individual who took my name and information. He told me that they would not be sending a squad but gave me a phone number to call the following day to file a claim. I was disappointed at this answer. I told him the exposed manhole at the intersection of 8th & Michigan was a danger to others. I noted that the manhole cover was sitting on the side walk. I indicated it was dark in that location and the raining made visibility quite difficult for other drivers and it should be looked into.

The following day I drove back to the location of the incident and discovered cameras on the building next to where the incident occurred. I was able to have a discussion with David Nevaranta who is the principal of Project Stay Eight Street School at 609 North Eight Street in Milwaukee. He indicated to me there were surveillance cameras that might be able to show the incident. Subsequently he contacted me and was able to show me the incident from video footage from the cameras. The video showed my vehicle driving west bound and it also showed the manhole cover popping out of the hole as I drove over it. After the 2nd tire went over the manhole cover spun off like a disc and ended up on the side walk. I wish to point out that the day after the accident I drove in the area and saw that work was being done with man hole covers open.

Two days after the incident, I woke up with a pain in my neck that stretched down my back below my shoulder. I had very little range of motion. I could not nod my head. I had to position my upper body if I wanted to look to either side. I saw a chiropractor at Mueller-Nelson Chiropractic Offices on West Greenfield Avenue in West Allis to get some range of motion back but still am experiencing some pain.

I had waited to file this claim because Mr Navaranta had indicated he would provide me with a DVD copy so that I could show it to the City of Milwaukee officials responsible for reviewing my claim. Unfortunately, Mr Navaranta indicated in a letter to me dated September 10, 2007 that he had inadvertently erased the video footage when attempting to produce the copy. I am providing this letter to you today. He does describe what he saw on the tape and it is consistent with what I saw when viewing the tape with him.

I am filing a claim because I believe the City of Milwaukee or contractors for the City were negligent in not replacing the manhole properly causing the accident. My claim is for the estimated amount of repairs to my damaged jeep as well as the cost of the chiropractor.

I am providing the following attachments:

Letter from David N Nevaranta, Principal of Project Stay Eight Street School His phone number is 414-298-9300

Two estimates for damages done to the frame

Starr Wheel Aligning 454.32

Eward Mayfair 521.00

Two estimates for other under body damages that occurred

R&R Auto Service 2,383.85 Pro Tech Automotive 2,314.23

Chiropractor bill that I received

Mueller-Nelson Chiropractic Offices 105.00

Phone number is 414-258-9777

At this time I have not discussed this matter with an attorney. I would have to do so absent the payment by the City of the claim. Your prompt consideration would be most appreciated as I cannot use the vehicle in its present condition.

Sincerely

Timothy P Calvey

PROJECT STAY EIGHTH STREET SCHOOL

609 North Eighth Street Milwaukee, Wisconein 53233-2405 AREA: (414) 298-9300 FAX: (414) 298-9315

September 10, 2007

To Whom It May Concern:

During the week of August 13, 2007 I was contacted by Tim Calvey who explained that his vehicle had sustained major damage while driving through the intersection of Eighth Street and Michigan Avenue early on the morning of August 7, 2007. He had asked me if I would be willing to check if our school's video surveillance cameras had recorded the event.

Upon review of the digital recording from the morning of August 7, 2007 I was able to ascertain that two security cameras on the south side of our building had captured images of Mr. Calvey's vehicle as it crossed the intersection at 8th and Michigan. I contacted Mr. Calvey and reviewed the video footage with him. The video showed Mr. Calvey's vehicle pass through the intersection at 12:43 a.m. on the morning of August 7, 2007. It also clearly showed the manhole cover in the intersection flipping up and rolling onto the sidewalk just east of the SE school entrance. Shortly thereafter it showed Mr. Calvey walking to the intersection from the west. He was seen examining the intersection, which was now missing a manhole cover, which was now lying on the sidewalk. He is then seen speaking on a cell phone while standing by the SE entrance of Eighth Street School. He then left the area shortly after 1:00 a.m. that morning.

I had intended to give Mr. Calvey a DVD copy of the video footage captured on August 7, 2007, but unfortunately it was inadvertently erased while attempting to produce a copy Having viewed the footage numerous times, I have described what was captured by our surveillance cameras on that date. However, if you need any further clarification or have any questions please feel free to contact me.

Sincerely,

David N. Nevaranta, Principal

R & R Auto Service, LLC.

5525 W Beloit Rd West Allis, Wi.. 53214

001417

ESTIMATE#

Phone - 414-543-6504 Fax - 414-543-4199

Professional Automotive Servicing

			1000
ESTIMATE	FOR S	EKV	ICES

Estimate Date: 08/08/2007

1998 Jeep - Wrangler Sport

Lic#:

Odometer In: 0

Unit#:

VIN#:

Home 414-899-7230 Cust Id: 430

有数据的数据证据。

CALVEY, TIM

318 S. 63RD ST.

Milwaukee, WI 53214

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SWAY CONVERTER AND MUFFLER AND	1.00	60.06	60.0	REPLACE RIGHT FRONT SWAY BAR LINK CHECK EXHAUST	105.00	
PIPE EXHAUST	1.00	539.77	539.7	1	9,80	
Shop Supplies			7.8	⁰		

Motor vehicle rapel practices are regulated by chapter ATCP 152, Wils. Adm. Code, administered the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53768-8911	This vahicle received without face to face customer contect. Shop Representative	YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPARS YOU HAVE AUTHORIZED. THE REPAR PRICE MAYBE LESS THAT THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION. 1. I request an estimate in writing before you begin repair 2. Please proceed with repairs, but call me before continuing if the price will
Having authority to do so I hereby order the above products and services, parts and labor and grant permission to you ancide your employees to operate the vehicle described for the purpose of testing endor inspection. I agree to pay cash when the work is completed or to pay on other terms setisfactory to you. Unit paid in full, the amount owing on this work shall constitute at len on the motor vehicle. If collection is made by suit or otherwise, I agree to pay atomage and collection and reasonable altorney's fees. Customer Sign:		exceed \$ 3. I do not want an estimate Do you want the replaced parts you are entitled to? Payment will be made by Cash Check Credit Card Charge
Date:		Call when vehicle is ready □ Yes □ No

Date Time

Pro Tech Automotive Experts 7520 W. Stevenson St Milwaukee, WI 53213 414-302-1455

Customer:

Address:

City, State: Milwaukee, WI 53213

Day Phone:

Night Phone: Fax:

Estimate Ref: 1675 **Date:** August 13, 2007 Time: 12:55 PM

Service Writer: Service Tech:

Yeah Tswj

VID:

Mileage:

Vehicle:

1998 Jeep Truck Wrangler 4WD L4-150 2.5L VIN P MFI

Description	Part#	Qty	Price	Extended
Replace				
Rear				
Without Chrysler Axle (B)			501.50	501.50
Includes: Transfer And Adjust Differential Assembly.			301.50	201.20
Rear				
Axle Housing				
Dana Model 35 Axie		•		
Without 3.73 Ratio	4864637	1	1030.00	1030.00
Order By Description.	100 100 1	•	1030.00	1030.00
Stabilizer Link				
Replace				
Front				
One Side (C)			42,50	40.50
Front Tinter section of the period of the pe	She		42.30	42,50
Diffe	52087771	1	30.50	20.50
Catalytic Converter	2200///1	1	30.30	30.50
Replace (B)			126.00	126.00
			136.00	136.00
Converter/ Muffler/ Tail Pipe		1	451.00	451,00
				172100
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-		Parts Total		1511.50
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Date

Roigh Estimente.



EWALD'S MAYPAIR CHRYSLER JEEP, INC.

2201 N. Mayfair Road . Milwaukes, WI 53226 Tel: 414-777-4363 • Fax: 414-302-9422 www.ewaldauto.com

CHRY多仁医院



SERVICE DEPT. HOURS

Monday - Friday 6:30 AM - 7:00 PM Saturday 6:30 AM - 4:00 PM

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AGE 1 OF 1

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CUSTOMER COPY

[END OF INVOICE] 02:27pm

THANK YOU

Motor vehicle repair trade practices are regulated by chapter ATCP 182, Wis. Adm. Code, administered by the Bureau of Consumer Probection, Wisconsin Dept. of Agriculture, Tracis and Consumsr Protection, P.O. Sox 6911, Madison, Wisconstn 83708-8911.

87528684 Q (05/05)

5 COMMENTS WAITER R JF OPERATION STAT PR TECH D# DESCRIP. CWI EST ACT LEFT 6 1 1 45CHZ H-A 50 1 STEERING/SU C 2.2 2.2 11.201CHZ H-A 50 1 31 POINT IN 1 1.1 TOTAL 3.3 15 HOLD TIME-LEFT -8:0 ACTUAL 8:0 DATE 8/22/2007 7:42am SELECTION (? for Help) PACK ALVENIA FOR BET PANA -1. SEE ShEETS

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(Phys Ar)

STARR WHEEL ALIGNING FRAME STRAIGHTENING

Milwaukee, Wis. 53210

5729 W. LISBON AVE.

(414) 442-1350

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I hereby sutherize the above repair work to be done along with the necessary materials, and hereby grant you and/or your employees permission to operate the car or truck harein described on streats, highways, or elsewhere for the purpose of testing and and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto.

Any vehicles not picked up within 2 days of work completion with be charged \$20° per day storage.

第二人工を 異関語学

MURLLER-NELSON CHIROPRACTIC OFFICES
9114 West Grounfield Avenue
West Allis, WI 53214

Diophone: (414) 258-9777

Timothy Calvey 318 S. 63 St. Milwaukee, WI 53214

0/21/0/

FOR PROPERSIONAL SERVICES.

8/9/07

BALANCE DUE \$ 105.00

THANK YOU.

October 5, 2007

City Clerk Attn: Claims

200 E. Wells St., Room 205 Milwaukee, WI 53202-3567

City of Milwaukee

Tim Calvey - Claimant 223 N. Pinecrest St. Milwaukee, WI. 53208 (414) 699-7230 cell

Date of incident - August 7th '07

Time of incident – approximately 12:40am

Location of incident – west bound lane at the intersection of 8th & Michigan (downtown Milwaukee)

Manhole cover type- circular cover that stated it belonged to the City of Milwaukee-Communications

Amount of Claim

Please join this to my original claim as it represents actual expenses which are less than the original estimates.

R&R Auto Service	\$1,806.49
Starr Wheel Aligning	501.84
Edwald's Mayfair (inspection)	48.58
Mueller-Nelson Chiropractic	105.00
Auto miles to locations	<u>20.00</u>
Total	\$2,481.91

At this time I have not discussed this matter with an attorney. I would have to do so absent the payment by the City of the claim. Your prompt consideration is most appreciated. All bills have been paid.

R & R Auto Service, LLC.

5525 W Beloit Rd West Allis, Wi.. 53214 Phone - 414-543-6504 Fax - 414-543-4199

INVOICE 1712

Print Date: 10/04/2007

Professional Automotive Servicing

INVOICE

Atten By: Andy,			Page 1		·····	03.17.06 Involutivi
			-	Call when vehicle is ready 🗆 Yes 🗀 No	vear ⊏ cata che	irge
Having sutherity to do so I hereby order the above products and services, parts and labor and grant permission to you another your amployees to operate the vehicle described for the purpose of testing endor inspection. I agree to pay each whom the work is completed or to pay on other terms satisfactory to you. Unit paid in full, the amount wowing on this work shall constitute a lien on the motor vehicle, if collection is made by suit or otherwise, lagree to pay storage and collection and reasonable attorney's fees. Customer Sign: Date:			cribed for completed on this otherwise,	2. Please proceed with repairs, but call me before exceed \$ 3. I do not want an estimate Do you want the replaced parts you are entitled t Payment will be made by [] Cash [] Check [] C	0? 🗆 Yes 🖸 No	
Motor vehicle repair practices are rague chapter ATCP 132, Wis. Adm. Code, ad the Bureau of Consumer Protection, Will Dept. of Agriculture, Trade and Consum Protection, P.O. Box 8911, Madison, Wild 53708-8911	ministered sconsin sconsin	without face customer co Shop Repri	ntect. esentative	YOU ARE ENTITLED TO A PRICE ESTIMATE FOR I AUTHORIZED. THE REPAIR PRICE MAYBELESS T NOT EXCEED THE ESTIMATE WITHOUT YOUR PER WILL INDICATE YOUR ESTIMATE SELECTION. 1. I request an estimate in writing before you beg	MATTHE ESTIMMT RMISSION, YOUR S Jin repair	E, BUT WILL SIGNATURE
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CALVEY, TIM 318 S. 63RD ST. Milwaukee, Wi 53214 Home 414-699-7230 Cust ID: 430	•		-	1998 Jeep - Wrangler SE 2.5L, In-Line4, VIN (P) Lic #: 658-JPR Unit #: Vin #: 1J4FY29P4WP75799; Hat #: Ref		n : 147970
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