

CITY OF MILWAUKEE

2004 AUG 12 PM 1:16 MILWAUKEE

Elaina DiMiceli-Serwin  
8798 Woodbridge Dr.  
Greendale, WI 53129  
(414) 427-3889

RECEIVED  
RONALD D. LEONHARDT  
CITY CLERK

2004 AUG 13 PM 1:44

OFFICE OF  
CITY ATTORNEY

August 9, 2004

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

RE: C.I. File No: 04-S-196

Dear Sir or Madam:

I received the decision to my claim on July 31, 2004. I am very disappointed and am appealing this decision.

In the letter, it was stated the manhole lid was investigated and found to be off at N. 27<sup>th</sup> and W. Clybourn Ave. Specifically, "the manhole lid was found to be off the frame and the frame broken at this time." This was on June 8, 2004. This was the same date the right rear tire of my car was blown out due to this manhole cover.

The letter further states the City of Milwaukee is responsible for about 100,000 manholes. However, what prompted the city to send a crew the next day to repair this broken manhole cover? How did the city become aware of the problem? Were the chances 1:100,000 the city chose **that** particular manhole cover to check on that day?

I can appreciate the number of manhole covers in the city. However, I am only concerned with the one on N. 27<sup>th</sup> and W. Clybourn Ave. on the date the City of Milwaukee stated it became aware it was broken - June 8, 2004.

I am formally requesting a hearing to appeal the initial decision by the City of Milwaukee.

Very truly yours,

*Elaina DiMiceli-Serwin*

Elaina DiMiceli-Serwin R.N.



Elaina DiMiceli-Serwin  
8798 Woodbridge Dr.  
Greendale, WI. 53129  
(414) 427-3889 - Home

CITY OF MILWAUKEE

JUN 15 3:11:52

CITY OF MILWAUKEE

June 14, 2004

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

CITY ATTORNEY  
JUN 16 PM 4:26  
CITY OF MILWAUKEE  
MILWAUKEE, WI

Dear Sir or Madam:

On Tuesday, June 8, 2004 at approximately 7:55 a.m., I was driving eastbound on Clybourn St. I was stopped at the intersection of 27<sup>th</sup> and Clybourn for a red light. When the light turned green I proceeded through the intersection. Upon clearing the intersection, I heard a loud "bang" and immediately looked at my left outside mirror. I saw the manhole cover in the air, on its side and then come down and seat itself back into place.

I knew from the noise and the way the car was handling, I had a flat rear tire (driver's side). I work on 18<sup>th</sup> and Wisconsin Ave. I slowly made my way to the surface lot of my employer – The Blood Center of Southeastern Wisconsin. Shaken, I got out of my car and looked at the tire, There was a hole, approximately the size of a quarter, on the outside of the tire. The rim was also gouged.

Fortunately, a Facilities Management employee at The Blood Center was kind enough to change the tire and replace it with the spare "donut" tire.

On Wednesday, June 9, 2004 between 7:50 a.m. and 8:00 a.m. I was again traveling eastbound, to work, on Clybourn St. I saw a DPW vehicle and two (2) employees working on the same manhole cover at which my tire had blown out the previous day. I pulled over and spoke with one of the gentlemen. I told him what had occurred the day before and pointed to the spare tire on the back of the car. He said they were there to repair the "frame" of the manhole because "city knows it's not right" and then told me to contact the "City Attorney" and "the city will pay for it". He actually was very kind to me and having been in risk management previously, thought perhaps he was being "too helpful" by offering this information.

I had to purchase a new tire for my car. I had the tire replaced on June 9, 2004. I have attached the receipt for the tire. My car is a 2004 Honda Accord LX. It had 9,712 miles on it at the time of the blow out.



I am asking for reimbursement for the purchase of the new tire in the amount of \$159.46. If you have any further questions, my daytime phone number is (414) 937-6415. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Elaina DiMiceli-Serwin". The signature is written in dark ink and is positioned above the printed name.

Elaina DiMiceli-Serwin





NAME *Elaine Brown* DATE *6/9 2004*

ADDRESS				
MDSE SOLD	CHECK #	SALESMAN	NEW	USED
CASH	<i>595</i>	<i>SB</i>		

QTY	DESCRIPTION	QUAN	PART NO	DESCRIPTION	UNIT LIST	UNIT NET	TOTAL NET
	TIRE REPAIR	<i>1</i>	<i>205/60/16</i>	<i>Michelin</i>			<i>151.00</i>
	DISMOUNT			<i>MXV4</i>			
	MOUNT			<i>- 91V</i>			
	ROTATE			<i>42699</i>			
	SPIN BALANCE	<i>1</i>					
	VALVE STEMS	<i>1</i>	<i>Tax</i>				
	RIMS (WHEELS)						
	TIRE DISPOSAL						
						TAX	<i>8.46</i>
						TOTAL	<i>159.46</i>

**NO CASH REFUNDS  
ALL MERCHANDISE  
SOLD "AS IS"**

**MR. P'S TIRES S. 108th LLC**  
4781 S. 108th St.  
Greenfield, WI 53228  
414-425-7800

