

September 2, 2004

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


Re: Doris Deputy  
C.I. File No: 04-S-255

Sir:

In reply to your letter of 8/16/04 rejecting the claim of my client, Doris Deputy, in the amount of \$1,441 for damages sustained on 7/8/04 upon striking a manhole on the streets of Milwaukee, please be advised that we wish to appeal this decision and therefore request that the matter be set for a hearing.

Thank you for your attention to this matter.

Regards,



John K Crump  
Attorney-at-Law  
177 Green Bay Rd.  
Thiensville, WI 53092  
Phone/Fax: 262-242-9190

Cc: Doris Deputy

CITY OF MILWAUKEE  
2004 SEP -7 PM 2:31  
RONALD J. LEONARDI  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED  
04 SEP --8 PM 4:34  
CITY ATTORNEY

July 29, 2004

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

'04 JUL 30 PM 3:50

CITY ATTORNEY

MILWAUKEE

2004 JUL 30 PM 2:57

CITY CLERK

Dear Sir:

This letter is to state a Claim against the City of Milwaukee for damages sustained by the Claimant, Doris Deputy of 12223 N River Road, Mequon, Wisconsin, during the evening hours of July 8, 2004 while driving her vehicle in a Northerly direction on 76<sup>th</sup> Street in the City of Milwaukee.

**CIRCUMSTANCES SURROUNDING CLAIM**

While driving North on 76<sup>th</sup> Street in the City of Milwaukee at approximately 7:00 pm on July 8, 2004, Claimant struck a raised manhole cover in the right lane of the roadway with her vehicle, a year 2003 model Audi 4 door sedan. Claimant was following another vehicle at the time when she spotted the manhole cover which appeared to be in a cocked, raised position above the roadway surface. The Claimant had no time or room for evasive action and struck the cover first with the front, passenger side tire/wheel and then with the rear, passenger side wheel/tire, causing the manhole cover to flip up and strike the car's underside. The rear tire was severely ripped as a result of this and the wheel itself was damaged beyond repair. Claimant proceeded along 76<sup>th</sup> Street until she could pull off out of the way of traffic. She managed to summon emergency road service which repaired her vehicle on a temporary basis to allow her to eventually drive home.

The incident in question occurred on 76<sup>th</sup> St., as stated, just South of Good Hope Drive in the City of Milwaukee. Claimant observed the manhole cover rolling off to the side of the road after it was struck by her vehicle. Claimant believed that with an open manhole in the roadway cars following behind her undoubtedly would replace the cover or report the open manhole to the nearest police station. She was extremely upset after striking the cover and her first priority was in acquiring relief for her plight at the time, rather than reporting the incident to the authorities.

Manholes are an integral part of the roadway and the City has a duty to provide the public with a structurally sound roadway free of defects. The City failed to carry out their duty here resulting directly in damages to Claimant as herein set forth.

**RELIEF REQUESTED**

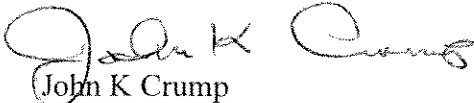
Claimant is submitting two estimates of the repairs required for her vehicle, one from Sommer's Buick-Pontiac-Subaru in Mequon in the amount of \$1250 and the other from

Russ Darrow Group in Cedarburg in the amount of \$1325. In addition to the actual repairs required to the vehicle, Claimant will need a rental vehicle for the four days estimated it will take to repair her vehicle. This will result in a further expense to Claimant of some \$116 at a daily cost for the rental vehicle of \$29/day.

The total damages to Claimant as a result of this incident come to \$1,441. This is the amount requested from the City by the Claimant.

Respectfully submitted,

Attorney For Doris Deputy:

A handwritten signature in cursive script, appearing to read "John K. Crump".

John K Crump  
177 Green Bay Rd., Thiensville, WI 53092  
Phone/Fax: 262-242-9190

CC:

Doris Deputy  
12223 N. River Road  
Mequon, WI 53092

Phone: 262-242-5664

RUSS DARROW AUTO BODY TECH CENTER  
W62 N190 WASHINGTON AVENUE  
CEDARBURG, WI 53012  
OFFICE: (262) 377-9600 FAX: (262) 375-3048  
TAX ID # 39-1362301

CD LOG NO 2919-1      DATE 07/13/04

SHOP:            RUSS DARROW COLONIAL                      INSP DATE:        07/12/04  
ADDRESS:        W62 N190 WASHINGTON AVENUE                CONTACT:         BRIAN BENEDEM  
CITY STATE:    CEDARBURG, WI                                PHONE 1:         (262)377-9600  
ZIP:             53012-    FAX:                (262)375-3048

OWNER:          DEPUTY, DORIS                                 HOME PHONE:      (262)242-5664  
ADDRESS:        12223 N RIVER RD  
CITY STATE:    MEQUON, WI  
ZIP:             53092-

POINT OF IMPACT: 10

LIC#:            843EMK                                         STATE: WI                                        VIN:                WAULT64B53N015309  
BODY COLOR:    BLACK    MILEAGE:           10,800  
CONDITION:    EXCL     ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UC=RECONDITIONED PRT	UM=REMAN/REBUILT PRT
EU=REPLACE SALVAGE	EP=REPLACE PXN	PC=PXN RECONDITIONED
PM=PXN REMAN/REBUILT	TE=PARTL REPL PRICE	ET=PARTL REPL LABOR
IT=PARTIAL REPAIR	I=REPAIR	L=REFINISH
BR=BLEND REFINISH	TT=TWO-TONE	CG=CHIPGUARD
SB=SUBLET	N=ADDITIONAL LABOR	RI=R&I ASSEMBLY
P=CHECK	AA=APPEAR ALLOWANCE	RP=RELATED PRIOR
UP=UNRELATED PRIOR		

2003 AUDI A6    3.0 QUATTRO 4DOOR SEDAN    6CYL GASOLINE 3.0  
CODE: 68473A/F OPTNS T/24AVZY

OPTIONS:  
TWO-STAGE - EXTERIOR SURFACES                      TWO-STAGE - INTERIOR SURFACES  
4-WHEEL DRIVE    ROOF MOUNTED AIRBAGS  
TRACTION CONTROL SYSTEM                              LIMITED SLIP DIFFERENTIAL

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
E	0940		WHEEL, FRONT	RT 8D0601025CZ17	381.28			0.3	1
I	0958		SUSP ALIGN, 4 WHEEL	SUBLET REPAIR	69.95*				2
I	0390		PANEL, QUARTER	RT REPAIR				1.0	*1
L	0390	13	PANEL, QUARTER	RT REFINISH				3.5	4
RI	0534		TAILLAMP ASSEMBLY	RT R&I ASSEMBLY				0.5	1
N	0566		REAR BUMPER ASSY R&I	ADDNL LABOR OPERA				1.0	1
I	0566		COVER, REAR BUMPER	REPAIR				0.5	*1
L	0566		COVER, REAR BUMPER	REFINISH				3.0	4
E	M14		CORROSION PROTECTION	NEW PART	6.00*				4
E	M60		HAZARD. WSTE. REM.	NEW PART	6.00*				1
E			TIRE	NEW PART	145.00*			0.5	*1*

2003 AUDI A6 3.0 QUATTRO 4DOOR SEDAN  
CD LOG NO 2919-1

11 ITEMS

MC MESSAGE(S)  
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					538.28
PAINT MATERIAL					172.25
PARTS & MATERIAL TOTAL					710.53
TAX ON PARTS & MATERIAL @				5.600%	39.79
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	46.00	1.3	2.5		174.80
2-MECH/ELEC	81.60				
3-FRAME	55.00				
4-REFINISH	46.00	6.5			299.00
5-PAINT MATERIAL	26.50				
LABOR TOTAL					473.80
TAX ON LABOR		@		5.600%	26.53
SUBLET REPAIRS					69.95
TAX ON SUBLET		@		5.600%	3.92
TOWING					
STORAGE					
GROSS TOTAL					1,324.52
NET TOTAL					1,324.52

ADP SHOPLINK U1256 ES CD LOG 2919-1 DATE 07/13/04 10:30:56AM R6.35 CD 05/04  
HOST LOG

(C) 1998 - 2004 ADP CLAIMS SOLUTIONS GROUP, INC.

1.6 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

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SOMMER'S BUICK-PONTIAC-SUBARU  
 7211 W. MEQUON ROAD / PO BOX 37  
 MEQUON, WI 53092  
 OFFICE: (262) 242-0100 FAX (262) 242-3702  
 BODY SHOP MANAGER JERRY OSTERMANN

CD LOG NO 2561-1      DATE 07/12/04

SHOP: SOMMER'S BUICK PONTIAC & SUB      INSP DATE: 07/12/04  
 ADDRESS: PO BOX 37      CONTACT: SCOTT G  
           7211 W MEQUON RD      PHONE 1: (262)242-0100 EXT 135  
 CITY STATE: MEQUON, WI      FAX: (262)242-3702  
 ZIP: 53092-

OWNER: DEPUTY, DORIS      HOME PHONE: (262)242-5664  
 ADDRESS: 12223 N RIVER RD  
 CITY STATE: MEQUON, WI  
 ZIP: 53092-

LIC#: 843 EMK      STATE:      VIN: WAULT64B53N015309  
 BODY COLOR: BLACK      MILEAGE:  
 CONDITION: EXCL      ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
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PM=PXN REMAN/REBUILT	TE=PARTL REPL PRICE	ET=PARTL REPL LABOR
IT=PARTIAL REPAIR	I=REPAIR	L=REFINISH
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 CODE: 68473A/F OPTNS T/24AVZY

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 TRACTION CONTROL SYSTEM      LIMITED SLIP DIFFERENTIAL

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJ%	B%	HOURS	R
E	0942		WHEEL, REAR	RT 8D0601025CZ17	381.28			0.3	1
N	0958		SUSP ALIGN, 4 WHEEL	ADDNL LABOR OPERA	79.95*				INC*2
L	0390	13	PANEL, QUARTER	RT REFINISH				3.5	4
N	0566		REAR BUMPER ASSY R&I	ADDNL LABOR OPERA				1.0	1
I	0566		COVER, REAR BUMPER	REPAIR				0.5	1*
L	0566		COVER, REAR BUMPER	REFINISH				3.0	4
E	M03		FLEX ADDITIVE	NEW PART	12.00*				1*
EC			TIRE	ECONOMY PART	173.72*				1*
N			MICHELIN MXM4 215/55/R16	93H					
			MOUNT & BALANCE TIRE	ADDNL LABOR OPERA				0.4	2*

9 ITEMS

2003 AUDI A6 3.0 QUATTRO 4DOOR SEDAN  
 CD LOG NO 2561-1

MC MESSAGE(S)  
 13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES						393.28
GROSS PARTS						253.67
OTHER PARTS						143.00
PAINT MATERIAL						789.95
PARTS & MATERIAL TOTAL						
TAX ON PARTS & MATERIAL @					5.600%	44.24
LABOR	RATE	REPLACE	HRS	REPAIR	HRS	
1-SHEET METAL	44.00		0.3		1.5	79.20
2-MECH/ELEC	70.00				0.4	28.00
3-FRAME	44.00					
4-REFINISH	44.00		6.5			286.00
5-PAINT MATERIAL	22.00					
LABOR TOTAL						393.20
TAX ON LABOR @					5.600%	22.02
SUBLET REPAIRS						
TOWING						
STORAGE						
GROSS TOTAL						1,249.41
NET TOTAL						1,249.41

ADP SHOPLINK U4043 ES CD LOG 2561-1 DATE 07/12/04 02:22:28PM R6.35 CD 04/04  
 HOST LOG  
 (C) 1998 - 2004 ADP CLAIMS SOLUTIONS GROUP, INC.

1.6 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

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 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.

NOTICE : WHEN SELECTING A REPAIR FACILITY, THE VEHICLE OWNER SHOULD CONSIDER THAT THE REPAIRS TO THIS VEHICLE MAY REQUIRE SPECIFIC WELDING EQUIPMENT AND THE RESTORATION OF CORROSION RESISTANT COATINGS AS RECOMMENDED BY THE MANUFACTURER. FAILURE TO HAVE THE VEHICLE PROPERLY REPAIRED COULD RESULT IN A SAFETY HAZARD.  
 NO WARRANTY ON RUST REPAIRS