

HupyandAbraham s.c.
personal injury lawyers

September 26, 2018

VIA SOUTHEAST WISCONSIN PROCESS

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

RE: Ernst Simpson
Date of Accident: September 1, 2018

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.

Dawn M. Rowe

Dawn M. Rowe
Paralegal

DMR/
Enclosures

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of Trial Advocacy

Our law firm has thousands of satisfied clients.
We have contributed to our communities for more than 45 years.

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**TELL THEM YOU
MEAN BUSINESS.™**

NOTICE OF INJURY

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

Ghassan A. Korban
Commissioner
City of Milwaukee Department of Public Works
Zeidler Municipal Building
841 North Broadway, Room 501
Milwaukee, Wisconsin 53202,

and

Kiewit Infrastructure Company
3555 Farnam Street
Omaha, Nebraska 68131

RE: Ernest Simpson
11027 Leathorne Street
Windsor, Ontario N8P1W9

Date of Accident: September 1, 2018
Location: East Clybourn Street and North Van Buren Street
Milwaukee, Wisconsin 53202

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on September 1, 2018, at approximately 4:19 p.m., Ernest Simpson, an adult residing at the above address, was the operator of a motorcycle traveling westbound on East Clybourn Street, at or near the intersection with North Van Buren Street, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the motorcycle operated by Ernest Simpson made contact with and/or became caught in the trolley tracks in the road, which subsequently caused him to lose control and lay down his motorcycle; that Kiewit Infrastructure Company was operating within the course and scope of its employment and/or contract with the City of Milwaukee and/or the City of Milwaukee Department of Public Works to construct the trolley tracks in the roadway; that the

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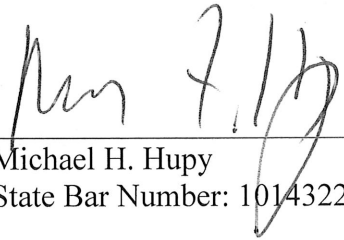
Kiewit Infrastructure Company negligently constructed and/or installed said trolley tracks; that the City of Milwaukee and/or the City of Milwaukee Department of Public Works had responsibility for the safety and maintenance of the roadway at the time and location of the accident; and that the City of Milwaukee and/or the City of Milwaukee Department of Public Works and/or Kiewit Infrastructure Company were negligent in failing to properly warn motorists of an unsafe condition in the roadway and/or otherwise failing to properly execute a ministerial duty with respect to the roadway and the safety of motorists traveling on that roadway, thereby creating an unreasonable risk of harm and thereby causing Ernest Simpson's injuries and damages.

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

Liability for Ernest Simpson's injuries and damages is attributed to the City of Milwaukee and/or the City of Milwaukee Department of Public Works as the governmental body responsible for maintaining the roadway at the time and location of the accident and pursuant to the theory of *Respondeat Superior*, in that it is liable for the acts of its employees, servants, agents, and/or volunteers operating in the course and scope of their employment and/or contract, in this case, the Kiewit Infrastructure Company, who was responsible for constructing the trolley tracks at the time of the accident, while in the course and scope of its employment and/or contract with the City of Milwaukee and/or the City of Milwaukee Department of Public Works, resulting in Ernest Simpson's injuries and damages.

DATED at Milwaukee, Wisconsin this 26 day of Sept, 2018.

HUPY AND ABRAHAM, S.C.
Attorneys for Ernest Simpson,

By: 
Michael H. Hupy
State Bar Number: 1014322

Post Office Address:
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