

Hupy and Abraham s.c.
personal injury lawyers

July 27, 2020

PROCESS SERVER *[Signature]*
TIME : AM/PM DATE
() PERSONAL () SUBSTITUTE
() POSTED () CORPORATE

WISCONSIN
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

ILLINOIS
Bloomington Office
Tel 309.827.4800
Fax 309.827.6525
Gurnee Office
Tel 847.625.5500
Fax 847.625.6318
Rockford Office
Tel 815.877.3900
Fax 815.282.8174

IOWA
Cedar Rapids Office
Tel 319.731.9009
Fax 515.777.3399
West Des Moines Office
Tel 515.984.0091
Fax 515.777.3399
Quad Cities Office
Tel 563.275.6892
Fax 563.359.0592

VIA SOUTHEAST WISCONSIN PROCESS

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

RE: Michael B. Seidman
Date of Accident: May 21, 2020

Dear Mr. Owczarski:

Enclosed please find the original and four copies of a 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,

Hupy and Abraham, S.C.

[Signature]
Brooke E. Lohmiller
Litigation Paralegal

OFFICE OF CITY ATTORNEY
04 AUG '20 PM 2:07

BEL/
Enclosures

Shareholders
*† MICHAEL F. HUPY
*† JASON F. ABRAHAM
*† CHAD A. KREBLIN
*† BRANDON D. DERRY
*† TODD R. KORB
§ VITO J. MANICIOTO
† JENNA L. GREEN

Associate Attorneys
*† TIMOTHY W. SCHELWAT
* EVAN N. CLADITIS
* JAMES R. SHILOBRIT
* THOMAS A. PERLBERG
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* > JEFFREY P. SCHULTZ
* > JAMIE L. FORD
ORD. E. CHRISTENSEN
* ERIC K. SCHADE

CITY CLERK'S OFFICE

2020 AUG -3 PM 12:40
CITY OF MILWAUKEE

licensed in Wisconsin
§ licensed in Illinois
Y licensed in Iowa
licensed in Minnesota
licensed in Missouri
licensed in Indiana
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: Michael B. Seidman
2412 East Stratford Court
Shorewood, Wisconsin 53211

Date of Accident: May 21, 2020
Location: East St. Paul Avenue
Milwaukee, Wisconsin

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on May 21, 2020, Michael B. Seidman, an adult residing at the above address, was the operator of a bicycle traveling westbound on East St. Paul Avenue, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the bicycle operated by Michael B. Seidman became caught in the trolley tracks in the road, which caused him to be thrown from his 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

CITY OF MILWAUKEE
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CITY CLERK'S OFFICE

OFFICE OF CITY ATTORNEY
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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, Michael B. Seidman.

As a result of this incident, Michael B. Seidman 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 Michael B. Seidman'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 21st day of July, 2020.

HUPY AND ABRAHAM, S.C.
Attorneys for Michael B. Seidman,

By: 

Todd R. Korb

State Bar Number: 1026950

Post Office Address:

111 East Kilbourn Avenue

Suite 1100

Milwaukee, Wisconsin 53202

(414) 223-4800

HupyandAbraham s.c.
personal injury lawyers

January 13, 2021

VIA SOUTHEAST WISCONSIN PROCESS

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

RE: Michael Seidman
Date of Accident: May 21, 2020

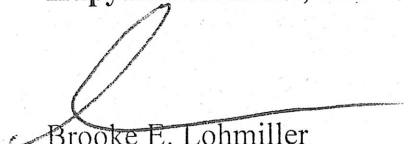
Dear Mr. Owczarski:

Enclosed please find the original and four copies of the Notice of Claim along with a set of medical records 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
Litigation Paralegal

BEL/
Enclosure

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CITY CLERK'S OFFICE
2021 JAN 22 AM 11:41

* licensed in Wisconsin
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* licensed in Minnesota
Δ licensed in Missouri
- licensed in Indiana
> licensed in Arkansas
† Certified Civil Trial Specialist
by the National Board
of Trial Advocacy

NOTICE OF CLAIM

TO: Jim Owczarski
City of Milwaukee Clerk
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: Michael B. Seidman
2412 East Stratford Court
Shorewood, Wisconsin 53211

Date of Accident: May 21, 2020
Location: East Saint Paul Avenue
Milwaukee, Wisconsin, Zip Code 53202

RECEIVED
OFFICE OF CITY ATTORNEY

JAN 25 2021
10:54 A.M./P.M.

CITY OF MILWAUKEE
2021 JAN 22 AM 11:41
CITY CLERK'S OFFICE

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on or around August 3, 2020, a Notice of Injury was filed on behalf of Michael B. Seidman, for injuries he sustained while he was the operator of a bicycle traveling westbound on East Saint Paul Avenue, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the bicycle operated by Michael B. Seidman became caught in the trolley tracks in the road, which subsequently caused him to lose control and lay down his bicycle; that Kiewit Infrastructure Company and/or HNTB Corporation and/or HDR Engineering, Incorporated, were operating within the course and scope of their employment, agency, and/or contract with the City of Milwaukee to design, construct, and/or maintain the trolley tracks in the roadway; that the 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 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 and thereby causing Michael B. Seidman's injuries and damages.

Liability for Michael B. Seidman's injuries and damages is attributed to the City of Milwaukee as the governmental body responsible for designing, constructing, and/or maintaining the roadway at the time and location of the accident and pursuant to the theory of vicarious liability, including the doctrine of *Respondeat Superior*, in that it is liable for the acts of its employees, agents, servants, representatives, and/or volunteers operating in the course and scope of their employment, agency, and/or contract, in this case, the Kiewit Infrastructure Company and/or HNTB Corporation and/or HRD Engineering, Incorporated, who were responsible for designing constructing, and/or maintaining the trolley tracks at the time of the accident, while in the course and scope of their employment, agency, and/or contract with the City of Milwaukee, resulting in Michael B. Seidman's injuries and damages.

PLEASE TAKE FURTHER NOTICE that as the direct and proximate result of the negligence described in the Notice of Injury, Michael B. Seidman sustained injuries causing him to incur medical bills and expenses as follows:

- | | | |
|-----|---|-------------|
| (a) | Froedert Hospital | \$ 1,606.50 |
| (b) | Froedert & Medical College of Wisconsin | \$ 4,195.00 |

(c)	Future Cost of Care	\$105,654.18
(d)	Damaged Personal Property	\$ 129.66

Total: \$111,585.34

As a proximate result of the negligence described in the Notice of Injury, Michael B. Seidman suffered conscious pain and suffering in the amount of \$300,000.00, in addition to the special damages outlined above, all to his damage, in the amount of \$411,585.34.

WHEREFORE, Michael B. Seidman demands \$50,000.00 from the City of Milwaukee.

DATED at Milwaukee, Wisconsin this 13th day of January, 2021.

HUPY AND ABRAHAM, S.C.
Attorneys for Claimant,

By: _____

Todd R. Korb

State Bar Number: 1026950

Post Office Address:

111 East Kilbourn Avenue
Suite 1100
Milwaukee, Wisconsin 53202
(414) 223-4800