

**HALLING & CAYO, S.C.**  
ATTORNEYS AT LAW

GREGORY J. BANCHY  
SCOTT N. BURNS  
RICHARD J. CAYO  
THOMAS W. CUNNINGHAM  
ROBERT J. DVORAK \*  
PATRICIA L. GROVE \*\*  
DAVID B. HALLING  
CHRISTOPHER T. KOLB  
CATHERINE A. LA FLEUR  
JULIE A. NEUHAUS  
MARK E. SANDERS

\* ALSO LICENSED IN MINNESOTA  
\*\* COURT COMMISSIONER

320 EAST BUFFALO STREET  
SUITE 700  
MILWAUKEE, WISCONSIN 53202

TELEPHONE 414 271-3400

FACSIMILE 414 271-3841

[www.hallingcayo.com](http://www.hallingcayo.com)

October 11, 2006

City Attorney Grant Langley  
City of Milwaukee  
Milwaukee City Hall, Suite 800  
200 East Wells Street  
Milwaukee, WI 53202-3551

RE: C.I. File No.: 06-S-213  
John M. Binter

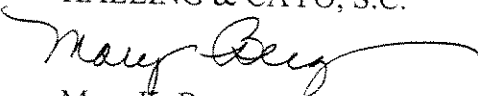
Dear Attorney Langley:

Thank you for your letter of September 26, 2006, which was received on September 29, 2006.

This letter shall serve as notice that Mr. Binter does intend to appeal this decision. Kindly advise of the hearing date. Thank you.

Very truly yours,

HALLING & CAYO, S.C.

  
Mary K. Berg  
Paralegal

[mkb@hallingcayo.com](mailto:mkb@hallingcayo.com)

MKB/sf  
P.C. John M. Binter

CITY OF MILWAUKEE  
2006 OCT 16 PM 4: 56  
RONALD D. LEONHARDT  
CITY CLERK

CITY OF MILWAUKEE  
RECEIVED  
2006 OCT 17 PM 3: 34  
OFFICE OF  
CITY ATTORNEY

**HALLING & CAYO, S.C.**  
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CITY OF MILWAUKEE

2006 JUL 26 AM 11:40

RONALD J. LEONHARDT  
CITY CLERK

520 EAST BUFFALO STREET  
SUITE 700  
MILWAUKEE, WISCONSIN 53202

TELEPHONE 414 271-3400

FACSIMILE 414 271-3841

www.hallingcayo.com

July 24, 2006

City Clerk  
Attention Claims  
200 East Wells Street, Room 205  
Milwaukee, WI 53202-3567

Re: John M. Binter  
Incident June 21, 2006  
At 2308 East Euclid

Ladies or Gentlemen:

On June 21, 2006, at approximately 6:50 a.m. a tree fell during a storm. The tree caught on a telephone pole and broke the pole. The communication cable was pulled taut, which stopped the tree and telephone pole from striking Mr. Binter's vehicle. At the time of the incident, there was no damage to Mr. Binter's car. The photographs enclosed will illustrate both before and after the city utility workers arrived. At the time of this damage, Mr. Binter resided at 2323 East Euclid Avenue. You should feel free to contact a witness, and neighbor, Andy Evans of 2308 East Euclid Avenue, Milwaukee 53207. His telephone number is 744-4096. It was Mr. Evans' tree that fell during this storm.

The damage was incurred by the city utility workers, who cut down and removed the tree. The workers would not allow Mr. Binter to remove the undamaged vehicle from the area. It could have been removed, as there was no obstruction.

Enclosed are two copies of estimates for the body damage and one bill, which has been paid, for the repair to the window, in the sum of \$300.00.

As you can see the total claim in this matter is \$2,130.84 to \$2414.00, depending on which company performs the body work.

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
2006 JUL 26 PM 3:05

Page 2  
July 24, 2006

Mr. Binter now resides at 1010 South 48<sup>th</sup> Street, Milwaukee, Wisconsin 53214, and can be reached at 414-397-0187, or you should feel free to contact us on his behalf. Thank you for your prompt attention to this matter.

Very truly yours,

HALLING & CAYO, S.C.



Mary K. Berg

Paralegal

[mkb@hallingcayo.com](mailto:mkb@hallingcayo.com)

MKB/sf  
Enclosures  
P.C. John Binter

500000

INVOICE

ADDRESS: JOHN BRUNER  
 2323 E. COLLD AVE  
 MILLER WI 53007  
 CITY STATE ZIP: MILLER WI 53007  
 SALES PERSON: [Signature]  
 EQUIP: [Signature]  
 DATE: 6/21/06

QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	DRY	15.30	15.30
			300.00

**ADAM'S AUTO GLASS  
 & SECURITY**  
 12305 W. Lancaster Ave.  
 Butler, WI 53007

285470  
 15.30  
 300.00

ADAMS AUTO GLASS  
& SECURITY  
12505 WEST LANCASTER  
BUTLER WI 53007-1317  
262-781-5600

C O P Y

01/29/1995 02:57

Sale:

Transaction # 1  
Card Type: MasterCard  
Acc: \*\*\*\*\*5965  
Entry: Manual  
Total: 300.00

Reference No.:  
045092536874  
Auth. Code: 078298  
Response: APPROVAL  
Sequence Number: 0001

THANK YOU  
PLEASE COME AGAIN

STUDER BODY & PAINT INC.  
 661 S. HAWLEY ROAD  
 MILWAUKEE, WISC 53214  
 PHONE: 414-259-9935 FAX: 414-259-9391  
 FEDERAL TAX ID # 391520510

CD LOG NO 2944-1 DATE 06/27/06

SHOP: STUDER BODY & PAINT INC. INSP DATE: 06/27/06  
 ADDRESS: 661 SOUTH HAWLEY ROAD CONTACT: BOB STUDER  
 CITY STATE: MILWAUKEE, WI FAX: (414)259-9391  
 ZIP: 53214-

OWNER: BINTER, JOHN HOME PHONE: (414)397-0187  
 ADDRESS: 2323 E EUCLID AVE  
 CITY STATE: MILW,  
 ZIP: 53207

POINT OF IMPACT: 0

DAYS TO REPAIR: 0

LIC#: STATE: VIN: 1GNDT13W9W2154225  
 BODY COLOR: MILEAGE: 132,369  
 CONDITION: ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE CEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
CE=REPLACE PXN CE SRPLS	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

PRELIMINARY ESTIMATE BEFORE TEARDOWN

1998 CHEVROLET S10 BLAZER LS 4DOOR WAGON 6CYL GASOLINE 4.3 VORTEC  
 CODE: U8423A/D OPTNS H/24KERGHIMNOQ

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	POWER DOOR LOCKS
LUGGAGE RACK-ROOF	HEATED TAILGATE GLASS
PRIVACY TAILGATE GLASS	REAR WIPER
TILT STEERING WHEEL	AIR CONDITIONING
AUTOMATIC TRANS	CRUISE CONTROL

OP	GDE	MC	DESCRIPTION	MFG.PART NO.	PRICE	AJG	BA	HOURS	R
I	0207		DOOR SHELL, FRONT	LT REPAIR				1.0	*1
L	0207	13	DOOR SHELL, FRONT	LT REFINISH				3.5	4
				2.4 SURFACE					

1998 CHEVROLET S10 BLAZER LS 4DOOR WAGON  
CD LOG NO 2944-1

			0.6 TWO STAGE SETUP			
			0.5 TWO STAGE			
RI 0137	MLDG, FRONT DOOR LOW	LT R&I ASSEMBLY				0.6 1
E 0229	MIRROR, OUTER STANDA	LT 15150849 GM PART	67.85			0.3 1
L 0229	MIRROR, OUTER STANDA	LT REFINISH				0.5 4
			0.5 SURFACE			
RI 0227	HANDLE, FRONT DOOR O	LT R&I ASSEMBLY				0.9 1
I 0287	DCOR SHELL, REAR	LT REPAIR				2.5*1
L 0287	DCOR SHELL, REAR	LT REFINISH				2.0 4
			1.7 SURFACE			
			0.3 TWO STAGE			
RI 0357	MLDG, REAR DOOR LOWE	LT R&I ASSEMBLY				0.6 1
RI 0305	HANDLE, RR DOOR OUTE	LT R&I ASSEMBLY				0.8 1
E 1516	MLDG, ROOF SUPPORT	LT 15679087 GM PART	13.51			1.6 1
I 0389	PANEL, QUARTER	LT REPAIR				2.5*1
L 0389	PANEL, QUARTER	LT REFINISH				2.6 4
			2.2 SURFACE			
			0.4 TWO STAGE			
RI 0395	QTR GLASS R & I	LT R&I ASSEMBLY				2.7 1
SB 0421	SEALANT KIT, QTR GLA	LT SUBLET REPAIR	25.00*			1
I 0479	TAILGATE ASSEMBLY	REPAIR				1.0*1
L 0479	TAILGATE ASSEMBLY	REFINISH				1.9 4
			1.6 SURFACE			
			0.3 TWO STAGE			
E 0431	N/PLATE, TAILGATE	15982992 GM PART	17.79			0.2 1
E 0475	N/PLATE, TAILGATE	15672283 GM PART	20.20			0.2 1
RI 0483	CYL, TAILGATE LOCK	R&I ASSEMBLY				0.6 1
L M60	HAZARD. WSTE. REM.	REFINISH	5.00*			1*
E	Left Viscr	NEW PART	28.00*			0.3*1*

22 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

						147.35
	GROSS PARTS					5.00
	OTHER PARTS					294.00
	PAINT MATERIAL					446.35
PARTS & MATERIAL TOTAL						25.00
TAX ON PARTS & MATERIAL @			5.600%			
LABOR	RATE	REPLACE HRS		REPAIR HRS		
1-SHEET METAL	48.00	8.8		7.0		758.40
2-MECH/ELEC	78.00					
3-FRAME	48.00					
4-REFINISH	48.00	10.5				504.00
5-PAINT MATERIAL	28.00					
LABOR TOTAL						1,262.40
TAX ON LABOR		@		5.600%		70.69
SUBLET REPAIRS						25.00
TAX ON SUBLET		@		5.600%		1.40
TOWING						

1998 CHEVROLET S10 BLAZER LS 4DOOR WAGON  
CD LOG NC 2944-1

STORAGE

GROSS TOTAL	1,830.84
NET TOTAL	1,830.84

ADP SHOPLINK UI392 ES CD LOG 2944-1 DATE 06/27/06 02:46:27PM R6.37 CD 06/06  
HOST LOG  
(C) 1998 - 2006 ADP CLAIMS SOLUTIONS GROUP, INC.

2.1 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.



NAGEL AUTO BODY INC.  
1700 ARTHUR CT.  
WAUKESHA, WI 53188  
PHONE: (262) 521-3090 FAX: (262) 521-2590  
"THE ART OF COLLISION REPAIR"

- 5-6 days  
- Free loaner

CD LOG NO 14560-1 DATE 06/26/06

SHOP: NAGEL AUTOBODY INC.  
ADDRESS: 1700 ARTHUR CT.  
CITY STATE: WAUKESHA, WI  
ZIP: 53188-

INSP DATE: 06/26/06  
CONTACT: JIMI JOERS  
PHONE 1: (262) 521-3090  
PHONE 2: (262) 521-3083  
FAX: (262) 521-2590

OWNER: BINTER, JOHN  
ADDRESS: 2323 E EUCLID AVE  
CITY STATE: MILWAUKEE, WI  
ZIP: 53207

CELL PHONE: (414) 397-0187

POINT OF IMPACT: 0

DAYS TO REPAIR: 0

LIC#: 252-KSP STATE: WI  
BODY COLOR: LIGHT BROWN  
CONDITION:

VIN: 1GNDDT13W9W2154225  
MILEAGE: 132,260  
ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	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

\*\*\*\*\*  
\*\*\*\*\* PRELIMINARY ESTIMATE \*\*\*\*\*  
THERE IS THE POSSIBILITY OF HIDDEN DAMAGE. TEARDOWN ADVISED.  
COMMITTED  
PRELIMINARY ESTIMATE ONLY, SUBJECT TO DISASSEMBLY AND PARTS PRICE CHANGES.

1998 CHEVROLET S10 BLAZER LS 4DOOR WAGON 6CYL GASOLINE 4.3 VORTEC  
CODE: U8423A/D OPTNS H/24KERGHIMNOQ

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
4-WHEEL DRIVE	POWER DOOR LOCKS
LUGGAGE RACK-ROOF	HEATED TAILGATE GLASS
PRIVACY TAILGATE GLASS	REAR WIPER
TILT STEERING WHEEL	AIR CONDITIONING
AUTOMATIC TRANS	CRUISE CONTROL

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
I	0209		PNL, FRONT DOOR OUTE	LT REPAIR				0.5	*1
L	0209	13	PNL, FRONT DOOR OUTE	LT REFINISH				3.5	4
RI	0137		MLDG, FRONT DOOR LOW	LT R&I ASSEMBLY				0.8	*1
INCLUDES CLEAN AND RETAPE									
E	0017		N/PLATE, FRONT DOOR	LT 15678961 GM PART	5.70			0.2	1
E	0229		MIRROR, OUTER STAND	LT 15150849 GM PART	67.85			0.3	1
RI	0458		CHANNEL, FRONT GLASS	LT R&I ASSEMBLY				0.3	1
RI	0227		HANDLE, FRONT DOOR	O LT R&I ASSEMBLY				0.9	1
I	0290		PNL, REAR DOOR OUTER	RT REPAIR				1.5	*1
L	0290		PNL, REAR DOOR OUTER	RT REFINISH				2.3	4
RI	0430		W/STRIP, BELT OUTER	RT R&I ASSEMBLY				0.2	1
RI	0358		MLDG, REAR DOOR LOW	RT R&I ASSEMBLY				0.6	1
RI	0306		HANDLE, RR DOOR OUTE	RT R&I ASSEMBLY				0.8	1
E	1500		RAIL, LUGGAGE RACK	15153693 GM PART	58.07			1.6	1
I	0390		PANEL, QUARTER	RT REPAIR				1.5	*1
L	0390		PANEL, QUARTER	RT REFINISH				2.5	4
RI	0131		MLDG, QTR WHL OPENIN	RT R&I ASSEMBLY				0.4	1
RI	0396		QTR GLASS R & I	RT R&I ASSEMBLY				2.7	1
EC	0422		SEALANT KIT, QTR GLA	RT ECONOMY PART	22.00*			INC	1
I	0479		TAILGATE ASSEMBLY	REPAIR				0.2	*1
L	0479		TAILGATE ASSEMBLY	REFINISH				1.9	4
E	0431		N/PLATE, TAILGATE	15982992 GM PART	17.79			0.2	1
E	0475		N/PLATE, TAILGATE	15672283 GM PART	20.20			0.2	1
RI	0483		CYL, TAILGATE LOCK	R&I ASSEMBLY				0.6	1
RI	0482		GLASS, TAILGATE HEATED	R&I ASSEMBLY				0.9	1
RI	0488		ARM, TAILGATE WIPER	R&I ASSEMBLY				0.1	1
E	0478		PROTECTOR, TAILGATE	88891739 GM PART	14.41			0.2	1
RI	0534		TAILLAMP ASSEMBLY	RT R&I ASSEMBLY				0.3	1
RI	0585		EXTN, RR BUMPER OUTE	RT R&I ASSEMBLY				0.4	1
EC	M14		CORROSION PROTECTION	ECONOMY PART	10.00*			0.3	*1*
L	M17		COVER CAR EXTERIOR	REFINISH				0.3	*4*
RI			LEFT VENT VISOR	R&I ASSEMBLY				0.5	*1*
RI			RT VENT VISOR	R&I ASSEMBLY				0.5	*1*
L			HAZARDOUS WASTE REM.	REFINISH	3.00*				*1*
L			MASK JAMBS	REFINISH				0.5	*4*

34 ITEMS

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

FINAL CALCULATIONS & ENTRIES

GROSS PARTS	184.02
OTHER PARTS	35.00
PAINT MATERIAL	352.00
PARTS & MATERIAL TOTAL	571.02
TAX ON PARTS & MATERIAL @	5.100% 29.12

LABOR RATE REPLACE HRS REPAIR HRS

1998 CHEVROLET S10 BLAZER LS 4DOOR WAGON  
CD LOG NO 14560-1

1-SHEET METAL	52.00	13.0	3.7	868.40
2-MECH/ELEC	72.00			
3-FRAME	62.00			
4-REFINISH	52.00	11.0		572.00
5-PAINT MATERIAL	32.00			
LABOR TOTAL				1,440.40
TAX ON LABOR		@	5.100%	73.46
SUBLET REPAIRS				
TOWING				
STORAGE				
GROSS TOTAL				2,114.00
NET TOTAL				2,114.00

ADP SHOPLINK U1575 ES CD LOG 14560-1 DATE 06/26/06 12:43:36AM R6.37 CD 06/06  
HOST LOG

(C) 1998 - 2006 ADP CLAIMS SOLUTIONS GROUP, INC.

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

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JUNE 21<sup>ST</sup> 2006

TREE BEFORE UTILITY WORKERS  
SMOOTHER REMOVING TREE &  
POWER LINE.

NOTICE:  
WINDOWS WKS NOT BROKEN



8-31-06  
Per my conversation with Tom -  
you cannot see the window  
in this photo.



JUNE 21ST 2006



JUNE 21<sup>ST</sup> 2000



JUNE 21ST 2000



JUNE 21ST 2006  
BROKEN WINDOW AFTER  
TREE WAS RELOADED +  
VEHICLE PULLED AWAY



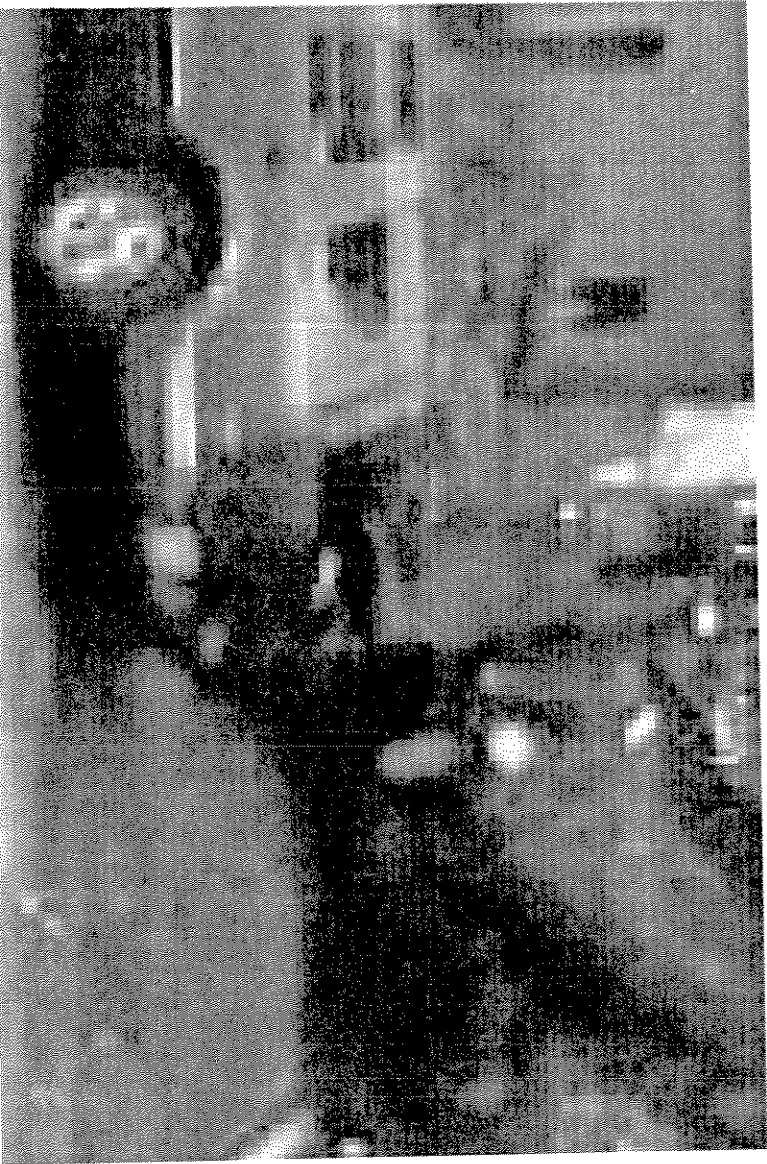




JUNE 21<sup>ST</sup> 2006

JUNE 21ST, 2006

WORKERS BEHAVING NEED  
? NOTICE THE NEED IS  
NOT TOUGHING BY TRUCK.





JUNE

21<sup>ST</sup>

2006



June 21st, 2006

JUNE 21<sup>ST</sup> 2006

DRIVER'S SIDE DOOR WARE UTILITY WORKER  
DOGS POWER CABLE OFF DOOR & SCRATCHED  
DOOR PIPING, WINDSHIELD, PLASTIC LINER  
WINDOWS VISOR.

