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CITY OF MILWAUKEE  
2004 MAY 20 AM 11:35  
RONALD J. LEONARD  
CITY CLERK

May 18, 2004

Milwaukee City Clerk  
200 East Wells Street  
Room 205  
Milwaukee, Wis. 53202

RE: Chmielewski Brothers Service  
C.I.File No. 04-V-49

Dear Clerk:

I represent Chmielewski Brothers Service. The purpose of this letter is to request a hearing on the above numbered claim. I have enclosed a copy of the letter from the city attorney and its adjuster containing a settlement offer. We believe the offer is inadequate as to damages. We further believe that the city vehicle which caused the damage to my client's property had the greater liability in the accident.

I would appreciate it if notice of the hearing could be sent to my office as well as to my client Chmielewski Brothers Service at 721 W. Windlake Avenue, Milwaukee, Wis. 53204.

Very Truly Yours,



Michael J. Fleissner  
Attorney at Law

Cc: Milwaukee City Attorney



March 10, 2004

City of Milwaukee  
Police Department  
749 W. State Street  
Milwaukee, WI 53233

RE: Accident #7373168

On 2/29/04 your department was responsible for damage to vehicles owned by Chmielewski Brothers Service.

These vehicles were legally parked at the time of the accident. Because these vehicles were being stored, the vehicles had no physical damage insurance coverage at the time of the accident. There was other damage to a customer's vehicle and a fence that are covered by insurance. Subrogation for those items and Chmielewski Brother's deductibles will follow directly from West Bend Mutual Insurance Company.

Estimates for the damages to Chmielewski Brother's vehicles are attached. Please contact Gary Chmielewski at 414-384-9600 as soon as possible.

The address for Chmielewski Brother's is: 721 W. Windlake Ave  
Milwaukee, WI 53204

Thank you for your prompt attention to this matter.

Sincerely,

  
Bill Clark

cc: Gary Chmielewski

04 MAR 17 PM 2:38  
CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY

# ACCIDENT IN THE LINE OF DUTY 1313168

Amended Document

In Emergency

Document Number Override

## Wisconsin Motor Vehicle Accident Report

### INSTRUCTIONS

Please use a Black Ink Pen or #2 Pencil.

Mark Areas as shown: Correct Mark

Incorrect Mark

Reportable Accident

County MUN/TWP

40	57
0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

Accident Date

MONTH	DAY	YEAR
Jan	29	04
Feb		
Mar		
Apr		
May		
Jun		
July		
Aug		
Sept		
Oct		
Nov		
Dec		

Time of Accident (Military Time)

HR	MIN
13	01
0	0
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9

Total Number

UNITS	INJURED	KILLED
070	100	00
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

Hit & Run

- Government Property
- Fire (Narrative)
- Photos Taken (Narrative)
- Trailer or Towed (Narrative)
- Truck or Bus (Last Page)
- Load Spillage
- Construction Zone
- Names Exchanged

Unit #

Sheet No. OF 14

ACCIDENT LOCATION

- Public Highway, Intersection/Related
- Public Highway, Non-Intersection
- Parking Lot
- Private Property or Road

LATITUDE (GPS) Degrees Minutes Seconds LONGITUDE (GPS) Degrees Minutes Seconds

ON Hwy No. and Street Name Estimated FROM/AT Hwy No. and Street Name

W. MAPLE STREET 0.0 S. 7th STREET

Unit Number Unit Type Total Number of Occupants Direction of Travel (Before the Accident)

OPERATOR Last Name First M.I. OPERATOR Last Name First M.I. ADDRESS Street & Number City & State ZIP Phone Number

Date of Birth Sex Operating as Classified Class (Mark Only One) Endorse (Mark All That Apply) On Duty Accident

Severity SEAT SAFETY AIRBAG EJECTED SEVERITY SEAT SAFETY AIRBAG EJECTED

TRAPPED/ EXTRICATED TRAPPED/ EXTRICATED

Vehicle Owner Same Last Name First M.I. Vehicle Owner Same Last Name First M.I. Street Address City & State ZIP Phone Number

Year of Vehicle Make Model Body Style Color Year of Vehicle Make Model Body Style Color

License Plate Number Plate Type State Exp. Year License Plate Number Plate Type State Exp. Year

Policy Holder's Name Same Policy Holder's Name Same City & State ZIP Liability Insurance Company

Occupant Unit Number ADDRESS Street & Number City & State ZIP

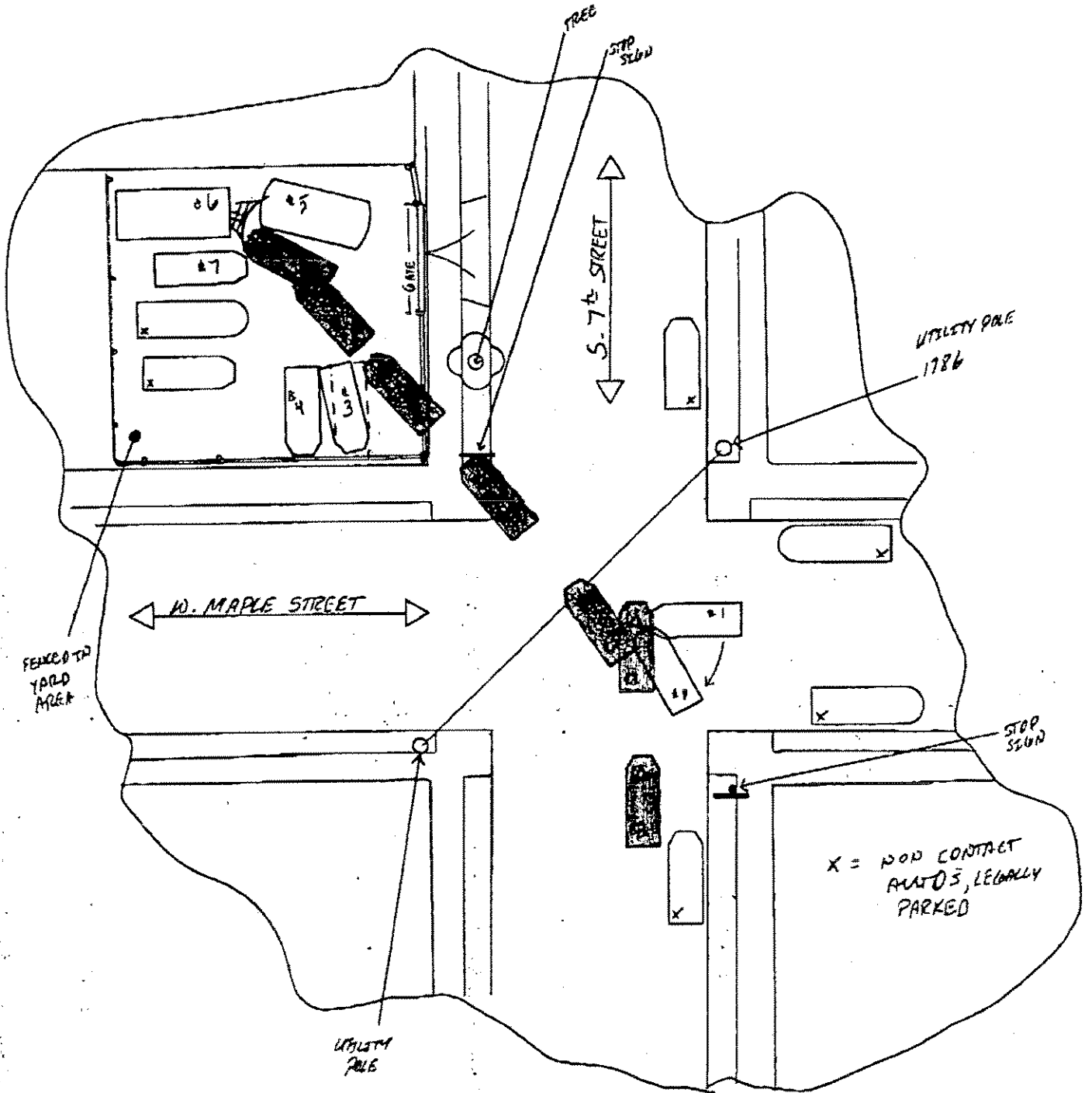
Address Same as Operator EJECTED TRAPPED/ EXTRICATED Agency Space EMS Number

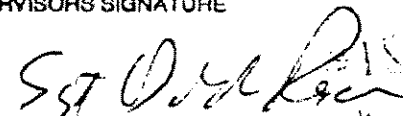
FEB 29 2004 7:37 3168 W. MAPLE ST/ 16 7th STREET

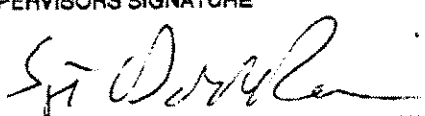
MV4000 899

E12

# ~~7373168~~  
2-29-04  
Maple & 7



PO-15A 3/98 SUPPLEMENTAL REPORT MILWAUKEE POLICE DEPARTMENT		<input type="checkbox"/> INCIDENT SUPPLEMENT <input checked="" type="checkbox"/> ACCIDENT SUPPLEMENT <input type="checkbox"/> JUVENILE SUPPLEMENT	PAGE 1 OF 2	DATE OF REPORT 02-29-2004	INCIDENT/ACCIDENT # 7373168
INCIDENT INFORMATION	INCIDENT P.I. ACCIDENT (SQUAD CAR INVOLVED)		DATE OF INCIDENT/ACCIDENT 02-29-2004		
	VICTIM		LOCATION OF INCIDENT/ACCIDENT W. MAPLE STREET/S. 7 <sup>TH</sup> STREET		DIST. # 2
JUVENILE LAST NAME		FIRST	MIDDLE	DATE OF BIRTH	<input type="checkbox"/> DETAINED <input type="checkbox"/> ORDERED TO MCCC <input type="checkbox"/> OTHER
QUANTITY	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
<p>                     THIS REPORT IS WRITTEN BY P.O. CHRISTOPHER A. KRAFT, SQUAD 847, MOTORCYCLE UNIT, DAY SHIFT. ON SUNDAY FEBRUARY 29, 2004 I WAS INSTRUCTED BY SGT. MICHAEL KULMAN, SQUAD 800 TO REpond TO AN INJURY SQUAD ACCIDENT AT W. MAPLE STREET AND S. 7<sup>TH</sup> STREET. UPON MY ARRIVAL, I WAS MET BY SQUAD 700, SGT. DALE RACER, WHO INSTRUCTED ME TO INVESTIGATE THIS ACCIDENT AND REPORT MY FINDINGS ON THE REQUIRED REPORTS. THIS LOCATION IS HAS BEEN MADE SAFE BY OTHER SQUADS BLOCKING TRAFFIC FOR ME. THE AREA HAS BEEN TAPED OFF WITH POLICE LINE TAPE, AND NO ONE ELSE IS BEING ALLOWED INTO THE AREA. I FIRST WAS ABLE TO SPEAK WITH THE DRIVER OF UNIT #1. WILKINSON, BENJAMIN A., W/M, 08-15-81 OF 845 N. 17<sup>TH</sup> STREET #105 (933-4374) ADMITS TO DRIVING UNIT #1. WILKINSON IS THE LONE OCCUPANT OF THIS AUTO. WILKINSON HAS BEEN LOOKED AT BY MILWAUKEE FIRE DEPARTMENT ENGINE COMPANY 12 E.M.T.S. EVEN THOUGH WILKINSON MAKES NO CLAIM OF INJURY. I ASKED WILKINSON IF HE HAD ANY COMPLAINT OF INJURY. WILKINSON SAYS NO HE DOES NOT. WILKINSON RELATED THAT HE WAS DRIVING HIS PARENT'S 2001 JEEP CHEROKEE 4 DOOR, BLUE IN COLOR, WI/04 476-CFB WESTBOUND ON W. MAPLE STREET. WILKINSON SAYS THAT HE HAD JUST TURNED OFF OF N/B S. 6<sup>TH</sup> STREET AND WAS APPROACHING 7<sup>TH</sup> STREET WHEN AN AUTO "APPEARED RIGHT IN FRONT OF ME". WILKINSON SAYS THAT "I WASN'T ABLE TO STOP IN TIME, AND I HIT HIM IN THE SIDE, MY AIRBAG WENT OFF, AND THEN IT WAS QUIET". WILKINSON SAYS HE BELIEVES HIS SPEED WAS BETWEEN 30 - 35 M.P.H. WILKINSON SAYS THAT HE "BELIEVES" HE SAW THE CAR THAT HE HIT STOPPED AT THE STOP SIGN JUST BEFORE IT PULLED FORWARD ACROSS HIS PATH. "I BELIEVE IT WAS STOPPED THERE". WILKINSON SAYS HE DID NOT SEE WHAT HAPPENED TO THE CAR THAT HE HIT BECAUSE OF HIS AIRBAG DEPLOYING. WILKINSON SAYS AS HE EXITED HIS CAR A POLICE OFFICER CAME TO HIM ASKING IF HE WAS HURT AND ASKING HIM TO REMAIN SEATED AND STAY CALM, AND THAT EMS WAS ENROUTE. THAT OFFICER WAS LATER IDENTIFIED AS THE OPERATOR OF UNIT #2. WILKINSON'S AUTO WAS TOWED FOR SAFEKEEPING BY CHI TOWING COMPANY ON OUR TOW NUMBER 1182818 TO THE CITY LOT. WILKINSON WAS OFFERED TRANSPORTATION HOME BUT DECLINED AND HAD A FRIEND COME AND GET HIM. WILKINSON WAS GIVEN A WARNING (WARNING CARD FILED) ABOUT THE SPEED LIMIT ON THIS STREET, AS IT IS 25 M.P.H., AND HE ADMITS TO GOING BETWEEN 30 -35 M.P.H. UNIT #2 WAS OPERATED BY POLICE OFFICER MARK A. SIKORA, ASSIGNED TO THE TACTICAL ENFORCEMENT UNIT AND ON DUTY AT THE TIME. I WAS NOT ABLE TO INTERVIEW SIKORA AS HE WAS TRANSPORTED TO COLUMBIA HOSPITAL BY SQUAD 770 (LT. S. BASTING) FOR CUTS AND LACERATIONS ON HIS HANDS. SIKORA WAS TREATED AND RELEASED AT COLUMBIA HOSPITAL AND RETURNED TO HEADQUARTERS BY LT. BASTING. THE AREA WAS CHECKED BY THE FIRST OFFICERS ON THE SCENE FOR WITNESSES. NONE WERE LOCATED. I ALSO WALKED THE GROUP OF ONLOOKERS ASKING IF ANYONE HAD SEEN THE ACCIDENT. NO ONE CAME FORWARD. A CHECK OF CAD 911 RECORDS SHOWS NO CALLERS CLAIMED TO WITNESS THE ACCIDENT, ONLY THE AFTERMATH. I NEXT EXAMINED THE TWO PRIMARY AUTOS AND DETERMINED THE CHAIN OF EVENTS FOR THIS ACCIDENT. UNIT #1 WAS TRAVELING W/B ON W. MAPLE STREET. UNIT #2 WAS N/B ON S. 7<sup>TH</sup> STREET AND HAD STOPPED AT THE STOP SIGN AT THIS INTERSECTION. UNIT #2 THEN PULLED AWAY FROM THE STOP, CROSSING #1'S PATH, FORCING A COLLISION. AS A RESULT OF THE IMPACT, UNIT #2 WAS DIRECTED IN A NORTHWESTERLY DIRECTION HITTING THE CURB, THEN A STOP SIGN, THEN A CHAIN LINK FENCE, THEN UNIT #3. THAT IMPACT CAUSED UNIT #3 INTO UNIT #4. UNIT #2 THEN CONTINUED ON TO COLLIDE INTO UNIT #5, THEN THE SNOW PLOW AFFIXED TO UNIT #6, AND FINALLY COLLIDED INTO UNIT #7. UNITS 3 - 7 ALL WERE LEGALLY PARKED ON THE LOT WITHIN THE FENCE AT THIS LOCATION AND WERE UNOCCUPIED. THE FENCE THAT WAS DAMAGED HAS A BROKEN UPRIGHT, BUT IS OTHERWISE IN GOOD CONDITION.                 </p>					
REPORTING OFFICER  P.O. CHRISTOPHER A. KRAFT			Payroll 56602	Loc Code 18	SUPERVISORS SIGNATURE  

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QUANTITY	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
<p>UPON EXAMINING THE INTERSECTION IT IS FREE OF DEBRIS OR DEFECT. STOP SIGNS FOR NORTH/SOUTH TRAFFIC ARE IN PLACE. EASTWEST TRAFFIC HAS NO CONTROL. THE TRAFFIC IS LIGHT, AND THE SUN IS STILL HIGH IN THE SKY, BUT BLOCKED BY TREES AND BUILDINGS IN THE AREA. I DID NOT LOCATED ANY OUTSIDE INFLUENCE THAT WOULD CONTRIBUTE TO THIS ACCIDENT. I DO NOTE PARKED AUTOS ON THE STREET, BUT THESE AUTO'S ARE LEGALLY PARKED AND UNDER NORMAL CONDITIONS THEY WOULD NOT OBSTRUCT THE VISION OF EITHER DRIVER.</p> <p>ATTEMPTS TO CONTACT THE OWNER'S OF UNITS 3 -7 WERE UNSUCCESSFUL AT THE SCENE. FOLLOW UP WILL BE DONE TO LOCATE THEM.</p> <p>NEXT I RETURNED TO HEADQUARTERS AND SPOKE WITH OFFICER SIKORA. MARK A. SIKORA WAS ASSIGNED TO SQUAD 704 BY HIMSELF. HE WAS ON PATROL AT THE TIME OF THE ACCIDENT. DISPATCH RECORDS SHOW HE WAS IN THIS AREA CHECKING FOR AN AUTO AND DRIVER THAT IS ARMED WITH A HANDGUN. SIKORA IS ASSIGNED TO THE CALL, AND WAS CHECKING FOR THE INVOLVED AUTO. DISPATCH REPORTED THAT THE CAR WAS N/B FROM THE AREA ON 7<sup>TH</sup> STREET. OFFICER SIKORA RELATES TO ME THAT HE WAS NORTHBOUND ON S. 7<sup>TH</sup> STREET AND THAT HE HAD STOPPED AT THE INTERSECTION. NOT SEEING ANY AUTO'S HE WAS ABOUT TO CONTINUE WHEN HE HEARD ADDITIONAL INFORMATION ON THE RADIO, ABOUT THE AUTO WITH THE ARMED SUBJECT. WANTING TO UPDATE HIS LOCATION AND INTENTIONS, HE REACHED FOR THE RADIO AS HE PULLED AWAY, AND THEN SAW THE WESTBOUND AUTO APPROACHING. "NEXT THING I KNOW I'M HIT, AND THEN I DON'T REALLY KNOW WHAT HAPPENED, UNTIL I WAS STOPPED". OFFICER SIKORA EXITED HIS AUTO, AND THEN CHECKED ON THE DRIVER OF THE OTHER AUTO, NOTIFIED DISPATCH AND REQUESTED EMS AND A SUPERVISOR TO THE SCENE, ALONG WITH ADDITIONAL SQUADS. OFFICER SIKORA SUFFERED INJURY TO HIS HANDS, WHICH WERE TREATED AT COLUMBIA HOSPITAL.</p> <p>IN TALKING WITH OFFICER SIKORA, IT IS POSSIBLE THAT HE MAY HAVE BRIEFLY ACCELERATED UPON IMPACT WHICH IS REASONABLE FOR THIS KIND OF COLLISION. THERE ARE SMALL "CROOK" MARKS ON THE STREET WHICH SHOW THE PROBABLE POINT OF IMPACT, WHICH BOTH DRIVERS INDICATE IS CORRECT. THERE ARE NO SOLID TIRE MARKS TO INDICATE EITHER DRIVER ATTEMPTED TO BRAKE, UNTIL IMPACT OR NEAR IMPACT.</p> <p>THE POLICE SQUAD OFFICER SIKORA WAS OPERATING IS CAR # 147. THIS AUTO WAS REMOVED BY CITY "M.G." PERSONEL, AND TOWED TO THE MAIN GARAGE. THE CAR WAS CHECKED BY MYSELF. THE TIRES ARE IN GOOD CONDITION WITH GOOD TREAD, THE BRAKE PEDAL HAS NORMAL RESISTANCE AND PRESSURE. I DO NOTE THAT THE MICROPHONE IS NOT IN IT'S HOLDER, AS IF DROPPED OR NOT REPLACED IN IT'S HOLDER.</p> <p>BASED ON THE STATEMENTS OF THE TWO DRIVERS AND THE LACK OF ANY OUTSIDE WITNESSES, I ISSUED EACH DRIVER A WARNING CARD FOR AUTO SPEED (UNIT #1) AND FAILURE TO YIELD THE RIGHT OF WAY FROM A STOP SIGN (UNIT #2). IT IS REASONABLE TO ME THAT OFFICER SIKORA WAS TASKED WITH LOOKING FOR AN ARMED SUBJECT IN A CAR IN HIS FORWARD DIRECTION, OPERATING THE POLICE RADIO, AND THAT WHEN HE CHECKED THE INTERSECTION NO AUTO WAS PRESENT, AND THAT BY THE TIME HE BEGAN TO MOVE MR. WILKINSON HAD TURNED THE CORNER AND COVERED THE SHORT BLOCK TO THE INTERSECTION. MR. WILKINSON HAD NO EXPECTATION THAT THE STOPPED AUTO WOULD MOVE FORWARD, THEREFORE TOOK NO EVASIVE ACTION. END.</p> <p>THE FENCE AND UNITS 3,4,6,&amp;7 ARE OWNED BY GARY R. CHMIELEWSKI, OF 1801 N. 49<sup>TH</sup> STREET, MILWAUKEE. HE WAS CONTACTED AND ADVISED OF THE INCIDENT, AS WAS THE OWNER OF UNIT #5.</p>					
REPORTING OFFICER  P.O. CHRISTOPHER A. KRAFT			SUPERVISORS SIGNATURE  		
Payroll 56602			Loc Code 18		