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**CITY OF  
MILWAUKEE**  
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Assistant City Attorneys

August 24, 2020

*mailed  
8-26-2020*

Mr. David Koszykowski  
S70 W13060 Woods Road  
Muskego, WI 53150

RE: Communication from David Koszykowski  
C.I. File No. 1029-2020-969

Dear Mr. Koszykowski:

We have received your claim in the amount of \$195.17, from a loss on May 30, 2020.

Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for damages.

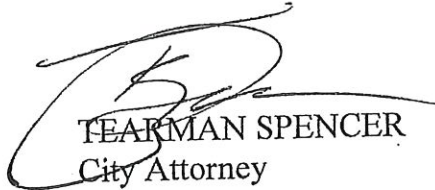
The Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. They found that, in the past several months, the DPW received several calls regarding potholes in the 1400-1600 blocks of South Lincoln Memorial Drive and responded to them in a reasonable time frame. Regarding this loss, on May 29, 2020 the Call Center received one call regarding a pothole at 1500 South Lincoln Memorial Drive. The ISD patched this site on June 9, 2020. The ISD followed proper procedure and was acting within the City's discretion. The City was not negligent. As such, it cannot accept liability. Therefore we are denying your claim.



Mr. David Koszykowski  
August 24, 2020  
Page Two

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



TEARMAN SPENCER  
City Attorney

*Steven M. Carini*

STEVEN M. CARINI  
Investigator Adjuster

SMC/cdr

c: James Washington (Infrastructure)

1029-2020-969/270100

11/15/2017 10:01:37 AM

**CITY OF MILWAUKEE**  
**Office of the City Attorney**  
OFFICE OF THE CITY ATTORNEY  
800 City Hall  
200 East Wells Street  
Milwaukee, Wisconsin 53202-3551

Mr. David Koszykowski  
S70 W13060 Woods Road  
Muskego, WI 53150

11/15/2017 10:01:37 AM

CAXXSEB 10150



CITY OF MILWAUKEE

2020 JUN -9 P 3:06

CITY CLERK'S OFFICE

June 2, 2020

OFFICE OF CITY ATTORNEY  
10 JUN '20 AM 10:13

City Clerk

Attn: CLAIMS

200 E. Wells St., Room 205

Milwaukee, WI 53202-3567

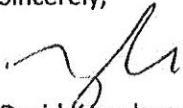
Dear Mr. Jim Owczarski:

On May 30, 2020 at 5:40am, I had hit a pothole while driving northbound on 1500 S. Lincoln Memorial Drive. Due to hitting this pothole, the side wall of my tire was damaged and not repairable. Please see attached estimate of the cost. I am asking for reimbursement of only the tire and not labor amounting to \$195.17.

The issue of numerous potholes on this road have been reported to the city in the past several months via online and phone requests with no results. This road is used by many who need to get to work at MMSD and Veolia Water.

Please feel free to contact me at any time regarding this issue. I can be reached at 414-236-9417 and davekusa@hotmail.com.

Sincerely,



David Koszykowski

S70W13060 Woods Rd.

Muskego, WI 53150



F & F TIRE - FRANKLIN  
2936 W RAWSON AVE

INVOICE #: 15061153

FRANKLIN, WI 53132  
414/761-0000

PAGE: 1  
TIME STARTED: 12:03:32  
TIME CLOSED: 12:09:24

CUSTOMER: DAVE KOSYKOWSKI  
870W13060 WOODS ROAD

1  
MUSKEGO, WI

53150

PRIMARY: 414/236-9417  
SALESMAN: SG1572

VEHICLE: 2020 TOYOTA WHIRL  
LICENSE: NONE MI MILEAGE: 9  
COLOR: CLEAR

INVOICE DATE: 05/30/20

DOB: 05/30/20

PRODUCT	MECHANIC	QUANTITY	PRICE	F.E.T.	EXTENSION
215/50R17 91.1 ENERGY SAVER AS DR M16792		1	184.99		184.99
FOR EACH Q177	1572	1			0.00
**ROAD HAZARD COVERAGE IS NOT INCLUDED** **CONFESS ROAD HAZARD IS PURCHASED**					
Registration: Serial M33803RX3816 Quantity 1					
8% SHOP MAIL/SUPPLY SERVICE CHG 0053P		1	14.80		14.80
INCREASE IN THE ORIGINAL ESTIMATE PRICE AUTHORIZED BY AUTHORIZATION RECEIVED BY ON 5/30/20 AT 12:07 PM					
REVISED TOTAL TO 226.39					
8% SHOP MAIL/SUPPLY SERVICE CHG 0055			14.80		14.80

MERCHANDISE: 184.99  
SALES TAX: 10.18  
INVOICE TOTAL: 195.17

F & F Tire 15  
2936 W Rawson Ave  
Franklin, WI 53132 0041  
414 761 0000

TAX (VISA/MC)

195.17

Sale

VISA

XXXXXXXXXXXX8974  
VISA

Entry Method: Chip

Total: \$ 195.17

05/30/20 12:10:43

Inv #: 0000000035 Appr Code: 717840

Apprvd: Online

VISA CREDIT  
AID: A6000000031010  
Tr: 00 00 00 00 00  
TS: 68 00

Use and approval of an increase in the original estimate

Customer Copy  
ENCRYPTED BY CLAVON  
10/06/2017

FOR WHEELS NOT RETORQUED WITHIN 50 MILES OF SERVICE.  
ESTIMATE GOOD FOR 30 DAYS.

**FILE WARRANTIES ON BACK OR ATTACHED**

files. We are not responsible for lost or damage to beauty rings, wheel covers or hub caps after vehicle leaves the shop.