

**Hupy and Abraham** s.c.  
personal injury lawyers

August 27, 2018

VIA SOUTHEAST WISCONSIN PROCESS

PROCESS SERVER Shump  
TIME : AM / PM DATE  
( ) PERSONAL ( ) SUBSTITUTE  
( ) POSTED ( ) CORPORATE

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

RE: David A. Mouradian  
Date of Accident: July 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,

Hupy and Abraham, S.C.

*Dawn M. Rowe*

Dawn M. Rowe  
Paralegal

WISCONSIN

Appleton Office  
Tel 920.882.8382  
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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  
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Bloomington Office  
Tel 309.827.4800  
Fax 309.827.6525

Gurnee Office  
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Fax 847.625.6318

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Tel 815.877.3900  
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Quad Cities Office  
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\*\$† MICHAEL F. HUPY  
\*¥Δ† JASON F. ABRAHAM  
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\*¥• BRANDON D. DERRY  
\*¥† TODD R. KORB

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\$Y JOHN D. SIMMONS  
Y JENNA GREEN  
\$ JAMES D. CARLSON  
\* RYAN J. TRUESDALE  
Y BRYAN JAMIN K. LYNCH  
Y THOMAS L. HILLERS  
ZACHARY R. ZELLNER  
\* RAMZY HALABY  
\* Y FREY SCHULTZ

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2018 AUG 29 PM 1:40

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2018 AUG 29 PM 3:46  
DMR/  
Enclosures  
OFFICE OF  
CITY ATTORNEY

licensed in Wisconsin  
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Our law firm has thousands of satisfied clients.  
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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: David A. Mouradian  
1633 North Arlington Place, Apartment 1510  
Milwaukee, Wisconsin 53202

Date of Accident: July 1, 2018  
Location: East St. Paul Avenue and North Water Street  
Milwaukee, Wisconsin 53202

**PLEASE TAKE NOTICE**, pursuant to Wis. Stat. § 893.80, that on July 1, 2018, David A. Mouradian, an adult residing at the above address, was the operator of a bicycle traveling westbound on East St. Paul Avenue, at or near the intersection with North Water Street, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the bicycle operated by David A. Mouradian became caught in the trolley tracks in the road, which caused him to lose control and be ejected from his bicycle; that the 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 Kiewit Infrastructure Company negligently constructed

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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 David A. Mouradian's injuries and damages.

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

Liability for David A. Mouradian'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 David A. Mouradian's injuries and damages.

DATED at Milwaukee, Wisconsin this 27 day of August, 2018.

HUPY AND ABRAHAM, S.C.  
Attorneys for David A. Mouradian,

By: Michael H. Hupy  
Michael H. Hupy  
State Bar Number: 1014322

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

**Hupy and Abraham** s.c.  
personal injury lawyers

January 13, 2021

PROCESS SERVER  
TIME : AM/PM DATE  
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VIA SOUTHEAST WISCONSIN PROCESS

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

RE: David A. Mouradian  
Date of Accident: July 1, 2018

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.

OFFICE OF CITY ATTORNEY

Very truly yours,

Hupy and Abraham, S.C.

Brooke E. Lohmiller  
Litigation Paralegal

BEU/  
Enclosure

WISCONSIN

Appleton Office  
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Shareholders

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- § VITO J. MANICIOTO
- ∇ JENNA L. GREEN

Associate Attorneys

- \*† TIMOTHY W. SCHELWAT
- \* EVAN N. CLADITIS
- \* JAMES R. SHILOBRIT
- \* THOMAS A. PERLBERG
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- ∇ JAMIE L. FORD
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- ∇ ERIC K. SCHADE

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\* licensed in Wisconsin  
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 † 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

Jeffrey Polenske, Commissioner  
City of Milwaukee Department of Public Works  
Frank P. Zeidler Municipal Building  
841 North Broadway, Room 501  
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: David A. Mouradian  
1633 North Arlington Place, Apartment 1510  
Milwaukee, Wisconsin 53202

Date of Accident: July 1, 2018  
Location: East Saint Paul Avenue and North Water Street  
Milwaukee, Wisconsin, Zip Code 53202

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on or around August 28, 2018, a Notice of Injury was filed on behalf of David A. Mouradian, for injuries he sustained while he was the operator of a bicycle traveling westbound on East Saint Paul Avenue, at or near the intersection with North Water Street, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the tire of the bicycle operated by David A. Mouradian became caught in the trolley tracks in the road, which subsequently caused him to lose control and lay down his bicycle;

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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 and/or the City of Milwaukee Department of Public Works 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 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 and/or HNTB Corporation and/or HRD Engineering, Incorporated, 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 David A. Mouradian's injuries and damages.

Liability for David A. Mouradian'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 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 and/or the City of Milwaukee Department of Public Works, resulting in David A. Mouradian's injuries and damages.

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

(a)	Ascension Columbia Saint Mary's Hospital	\$4,935.26
(b)	Infinity Healthcare Physicians	\$1,516.00
(c)	Wisconsin Radiology Specialists	\$ 294.00
(d)	Ascension Medical Group	\$ 139.00
(e)	Orthopedic Institute of Wisconsin	\$2,083.00
(f)	Ascension Saint Francis Hospital	\$8,673.00
(g)	ATI Physical Therapy	\$3,265.74
(h)	Milwaukee Radiologists	\$ 965.00
(i)	Ascension Midwest Orthopedic Specialty Hospital	\$31,398.50
(j)	Orthopedic Surgeons of Wisconsin	\$4,270.00
(k)	Great Lakes Anesthesia	\$3,450.00

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Total: \$60,989.50

As a proximate result of the negligence described in the Notice of Injury, David A. Mouradian suffered conscious pain and suffering in the amount of \$200,000, in addition to the special damages outlined above, all to his damage, in the amount of \$260,989.50.

**WHEREFORE**, David A. Mouradian demands \$50,000.00 from the City of Milwaukee and the City of Milwaukee Department of Public Works.



DATED at Milwaukee, Wisconsin this 13<sup>th</sup> 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

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