

Alfred E. Smith Jr.
4364A N. 19th Place
Milwaukee WI 53209

City Clerk / Benjamin
ATTN: CLAIMS / Benjamin
200 E. Wells St., Room 205
Milwaukee, WI 53202-3567

2018 Cheryl Malin

CITY OF MILWAUKEE
2021 OCT 15 AM 4:11
CITY CLERK'S OFFICE

Dear Benjamin and to whom it may concern:

The purpose of this letter is to file a claim against the City of Milwaukee for the amount of \$44,501.

On Thursday June 17, 2021, at approximately 5:00 p.m, I was injured and my vehicle was damaged while traveling eastbound on west Capitol Drive and North 30th street along with two other passengers who were also injured. I am seeking compensation for personal injury related damages and vehicle repairs incurred due to the negligence of the City of Milwaukee. (Confirmation #10285431)

While traveling at approximately 35 miles per hour, I drove into an open excavation in the roadway which caused my passenger side tire to violently burst and cracked my wheel (rim). The unexpected crash also caused both physical and mental trauma. The excavation was an unnecessary hazard, a sewer cut which should have had, at minimum, a temporary repair according to Brian Peksa, a city of Milwaukee management employee, who I interviewed (via phone) on 7/2/2021. Mr. Peksa admitted the negligence of the city, stating that the repair of the excavation was just missed somehow and apologized for the fault of the city.

After the incident, as a recently retired Sr. Safety professional for We-Energies and expert in roadway construction hazards, my primary concern was protecting the general public from this neglected roadway hazard which caused physical injury to me, damaged my vehicle and ruined my summer. No citizen should be exposed to hazards that can cause serious injury or death especially when the hazard is avoidable and the result of gross negligence. I took action to get the hazard repaired and was diligent in the timeliness of the resolve to ensure public safety.

I am enduring several injuries as a result of this avoidable incident. The sound of the tire blowing sounded like a gunshot! The pain of the violent collision felt 1000 times worse than someone jumping off the opposite end of a see-saw. The mental trauma of the experience almost surpassed the physical trauma. Headaches initially, neck and shoulder soreness and the most painful my lower back. I sought medical treatment on 6/22/21 when the pain and soreness did not subside. X-rays were taken, medications were prescribed which sometimes help mask the pain symptoms. My summer was ruined as I was not able to golf or go on a car ride for more than an hour without experiencing severe pain. I am now forced to go to physical therapy,

Lower back problems

which is not ideal in a global pandemic but necessary to address the pain. My health insurance only covers 20 annual physical therapy visits so I have been saving them in case my symptoms get worse. So yes, I am in pain and being frugal. Each physical therapy visit is \$450 dollars and I attend twice per week. Already my medical bills have exceeded \$2000 and my pain is very limiting and has not subsided since my incident with the neglected street excavation. This incident could have been easily avoided if workers would have put out a simple cone or barricade flasher to alert the public of the hazard.

I have not had a decent night sleep since June which jacks up my whole life and world. I can't ride my brand new Trek FX5 bicycle. It hurts to exercise, so I am exercising less and eating more. I'm irritable, frustrated and anxious. I will never get my summer back, so it's been two summers in a row that have been completely ruined.

I don't know the duration of the injuries or the cost and out of pocket expense for treatment. I do know that this sort of incident is not covered by my auto insurance and that I am also liable for the 2 passengers who were in my vehicle. My insurance does provide limited coverage for liability for the passengers but none for me because of the type of incident. I'm insured with Progressive Insurance and the related claim number is #21-9296650. My liability coverage is limited and I'm not sure if it will cover all the passengers' medical needs.

The vehicle, a 2018 Chevrolet Malibu with 40k miles, was towed to and repaired at Griffin Chevrolet (Milwaukee WI). The tow, tire and custom rim replacement was approximately \$1000. No suspension damage was diagnosed although the service advisor says that frequently damage surfaces weeks or months later as uneven tire wear, wandering steering, broken ball joints, and needed replacement of struts or shocks.

Medical bills to date are available. Auto repairs to date are available. Pain and suffering can't be monetized along with the anxiety of filing this claim. Negligence stinks, as a certified safety professional I am especially inconvenienced and disappointed. This demand assumes that legal counsel will not be necessary and no such charges have been itemized.

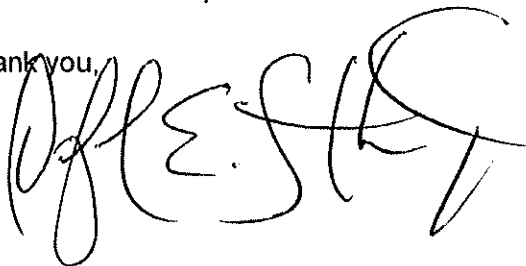
I'm submitting this letter of demand to the City of Milwaukee for \$44,501.

Projected Medical cost :	\$ 20,000
Auto Repairs :	\$ 5,000
Passenger Liability :	\$ 5,000
Pain & Suffering :	\$14, 501

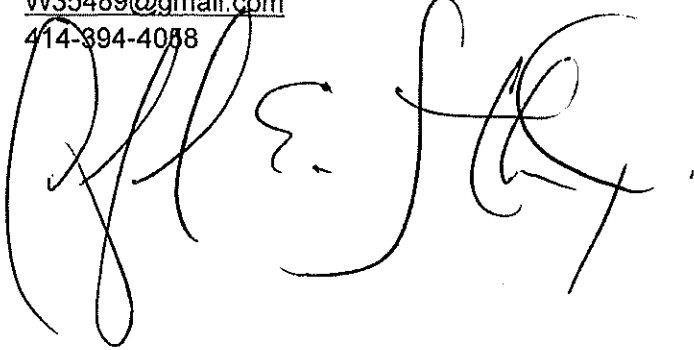
Total demand:	\$44,501
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Please advise receipt of this claim and call with any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'D. E. S. H.', is written over the 'Thank you,' text.

Alfred E. Smith Jr, CSP
W35489@gmail.com
414-394-4058

A handwritten signature in black ink, appearing to read 'Alfred E. Smith Jr.', written in a cursive style. The signature is positioned to the right of the printed contact information.

Jun 22, 2021

Walk-In Visit at Aurora Urgent Care-Greenfield

Physician Services

Provider: David J Pencikowski, NP

Patient: Bo E Smith Jr.

Primary Payer: United Healthcare

Account #205839835

Billed	\$435.00
Insurance Covered	-\$400.00
You Paid	\$0.00
Pending Insurance	\$0.00
Your Balance	\$35.00

Benefits Summary from Your Insurance

[i Learn more](#)

United Healthcare

Billed to Insurance	\$435.00
Insurance Covered	-\$400.00
Remaining Responsibility	\$35.00
Copay	\$35.00

Detailed Account Information

OFFICE OR OTHER OUTPT VISIT EST PT 30 TO 39 MINS MOD MDM LVL 4 - 99214 (CPT®)	\$435.00
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Payments and Adjustments

United Healthcare	-\$400.00
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[Hide details](#) 

2:56



Billing

Close

Jun 22, 2021

General Diagnostic X-Ray Visit at Aurora
Imaging/Radiology-Greenfield, W Edgerton Ave

Physician Services

Provider: Daniel P Malone, MD

Patient: Bo E Smith Jr.

Primary Payer: United Healthcare

Account #205841469

Billed	\$307.00
Insurance Covered	-\$276.26
You Paid	\$0.00
Pending Insurance	\$0.00
Your Balance	\$30.74

Benefits Summary from Your Insurance

[Learn more](#)

United Healthcare

Billed to Insurance	\$307.00
Insurance Covered	-\$276.26
Remaining Responsibility	\$30.74
Coinsurance	\$30.74

Detailed Account Information

XR CERVICAL SPINE 2-3 VW - 72040 (CPT®)	\$307.00
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Payments and Adjustments

United Healthcare	-\$276.26
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Hide details

Hide details ^

Aug 23, 2021

Office Visit at Aurora Internal Medicine-Mayfair North

Physician Services

Provider: Asma Sabih, MD

Patient: Bo E Smith Jr.

Primary Payer: United Healthcare

Account #208347951

Billed	\$435.00
Insurance Covered	-\$400.00
You Paid	\$0.00
Pending Insurance	\$0.00
Your Balance	\$35.00

Benefits Summary from Your Insurance

[i Learn more](#)

United Healthcare

Billed to Insurance	\$435.00
Insurance Covered	-\$400.00
Remaining Responsibility	\$35.00
Copay	\$35.00

Detailed Account Information

OFFICE OR OTHER OUTPT VISIT EST PT 30 TO 39 MINS MOD MDM LVL 4 - 99214 (CPT®)	\$435.00
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Payments and Adjustments

United Healthcare	-\$400.00
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2:59



Billing

Close

Aug 31, 2021

Initial Visit Therapy Visit at Aurora Sports Health-Good Hope

Physician Services

Provider: Sarah A Van Winkle, PT

Patient: Bo E Smith Jr.

Primary Payer: United Healthcare

Account #208745513

Billed	\$450.00
Insurance Covered	-\$430.00
You Paid	\$0.00
Pending Insurance	\$0.00
Your Balance	\$20.00

Benefits Summary from Your Insurance

[Learn more](#)

United Healthcare

Billed to Insurance	\$450.00
Insurance Covered	-\$430.00
Remaining Responsibility	\$20.00
Copay	\$20.00

Detailed Account Information

THERAPEUTIC EXERCISES - 97110 (CPT®)	\$150.00
PHYSICAL THERAPY EVALUATION LOW COMPLEX 20 MINS - 97161 (CPT®)	\$300.00

Payments and Adjustments

United Healthcare	-\$430.00
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