

HAYES & ROTHSTEIN

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MICHAEL M. HAYES
MOBILE 414-405-5678
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October 13, 2016

RECEIVED

OCT 19 2016

OFFICE OF
CITY ATTORNEY

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

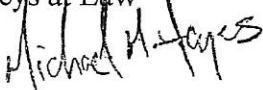
Re: Claim of Michael A. Allness Against City of Milwaukee
July 13, 2016 Damage to Concrete Slab

This letter will serve as an appeal being timely filed.

Enclosed please find a copy of the envelope.

Sincerely,

HAYES & ROTHSTEIN, S.C.
Attorneys at Law



Michael M. Hayes
mhayes@hayesrothstein.com
Mobile phone 414-405-5678
State Bar No. 01014796
MMH/pp

pc: Michael Allness w/enc.
3315 West Scott Unit A
Milwaukee WI 53215

CITY OF MILWAUKEE
2016 OCT 18 P 1:51
CITY CLERK'S OFFICE

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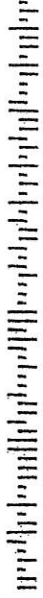


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**CITY OF
MILWAUKEE**
Office of the City Attorney
OFFICE OF THE CITY ATTORNEY

800 City Hall
200 East Wells Street
Milwaukee, Wisconsin 53202-3551

Mr. Michael M. Hayes, Esq.
Hayes & Rothstein, S.C.
324 East Wisconsin Avenue, Suite 1111
Milwaukee, WI 53202



144558 53202



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August 24, 2016

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SEP 27 2016

OFFICE OF
CITY ATTORNEY

City Clerk
ATTN: CLAIMS
200 East Wells Street, Room 205
Milwaukee WI 53202

Re: Claim of Michael A. Allness Against City of Milwaukee
July 13, 2016 Damage to Concrete Slab

Enclosed please find the Statement of Michael A. Allness along with the enclosures which include two estimates for repair.

Demand is hereby made to settle for \$3,050.

Sincerely,

HAYES & ROTHSTEIN, S.C.
Attorneys at Law


Michael M. Hayes
mhayes@hayesrothstein.com
Mobile phone 414-405-5678
State Bar No. 01014796
MMH/pp

pc: Michael Allness
3315 West Scott Unit A
Milwaukee WI 53215

CITY CLERK'S OFFICE

2016 SEP 26 PM 3:53

CITY OF MILWAUKEE

SWORN STATEMENT AND CLAIM

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SEP 27 2016

OFFICE OF
CITY ATTORNEY

Re: July 13, 2016 - 11 a.m. Damage to Concrete Slab
3315 West Scott Unit A, Milwaukee WI 53215
Claim of Michael A. Allness

Michael A. Allness, born 12-1-60, being first duly sworn upon oath, hereby certifies that the information being presented herein is true and correct to the best of his knowledge. This statement is being made in support of his claim against the City of Milwaukee with regard to property damage sustained July 13, 2016. *Amount of Demand: \$ 3,050.00*

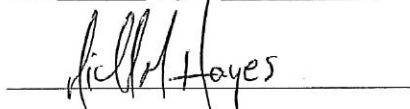


Michael A. Allness
3315 West Scott Unit A
Milwaukee WI 53215
414-383-1994

Date 8-29-2016

Subscribed to and sworn before me

This 29 day of August, 2016.



Notary Public, State of Wisconsin

My Commission is permanent

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2016 SEP 26 PM 3:54
CITY OF MILWAUKEE

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CITY ATTORNEY

Statement of Michael A. Allness
July 13, 2016 Damage to Concrete Slab

On July 13, 2016, I was at the residence that I own at 3315 West Scott Unit A, Milwaukee WI 53215. At approximately 10:30 a.m. I went to the garage behind my residence to get my car and drive to pick up my girlfriend Natasha Sims. I am always careful to look at the alleyway before I pull out of the garage because the owner of the property across the alley operates Sunnyside Home Improvement and there are often nails and debris in the alley. I noticed that day that there was no damage to the concrete slab that had been installed in August 2014 by Jeff Gilbert Concrete, 1907 South 59th Street, West Allis, WI 53219, 414-334-4362. At that time I contracted with Jeff Gilbert Concrete to install a 27' X 2' sidewalk, a 37' X 6' parking slab next to the garage, and a 15' X 6' concrete slab between my east garage door and the alley. I paid \$3,050. See attached proposal, marked paid in full on 8-28-14.

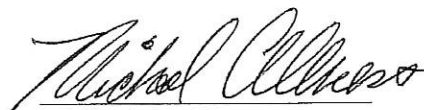
At approximately 11 a.m. with my girlfriend as a passenger, I arrived back in the alley. I entered the alley from 34th Street traveling east. I saw a City of Milwaukee garbage truck going north and making a right turn into the alley behind my house. The left front and left rear tires went over the slab between my garage door and the alley. The truck stopped on the slab and then turned the wheels to back up and travel west to pick up garbage and then the truck proceeded east and stopped in front of my garage. This time the wheels were only on the alley. I saw two City of Milwaukee workers dump my cart into the back of the truck and I saw the compacting. Then I saw a massive amount of dark fluid discharging from the back of the truck. I had complained in the past about the City of Milwaukee workers discharging liquid behind my garage. When I saw this, I got out of my car and asked, "Why do you have to dump this at my house?" One worker said, "We can't help it." Then they left.

There was an oily mess in the middle of the alley. Natasha went in the house. I went to the back of the garage to enter through the back door and then opened the overhead garage door from the inside. Then I saw that my new concrete slab had a triangular crack 4' X 4' at the right angle. It was obvious that the garbage truck caused the damage. There were tire marks where the truck had pulled over, stopped and reversed which were where the crack occurred. I went to Walmart and got a camera. I came home immediately and took pictures (attached). I went back to Walmart and was told it would take a week to get the pictures.

I called 414-216-8282 to report the matter to a supervisor at the sanitation department. I left a message and my number. A supervisor called me back. Within 2-3 days she came to my residence to look at the damage. She did not acknowledge responsibility. She said I would need to file a written claim with the city clerk. The tire marks were still present. I gave her the attached handwritten statement and diagram. It did not have the city vehicle number on it. I subsequently talked to someone on the phone who delivered a piece of paper to my house with the truck number.

Two estimates for repair are attached. I am hereby making a claim against the City of Milwaukee for the damage caused to my concrete slab.

Amount of Demand: \$3,050.00.

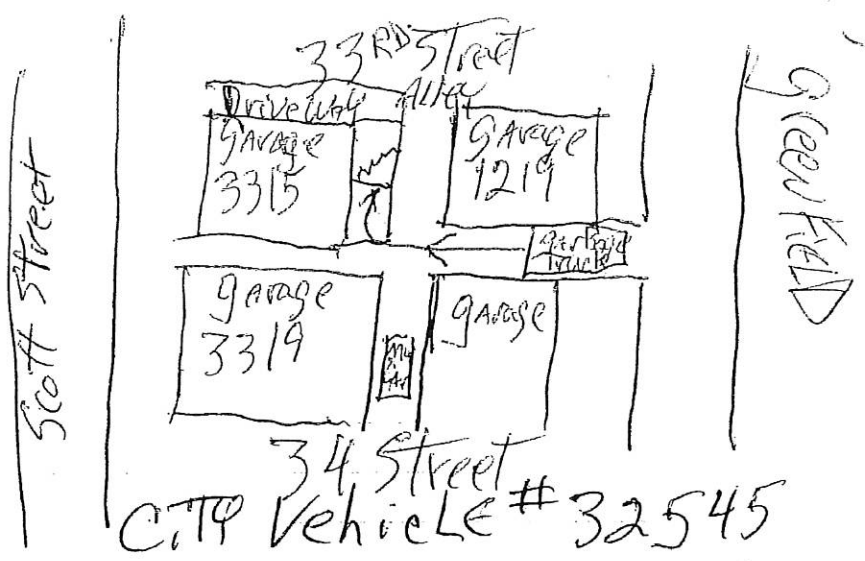


Michael A. Allness

414-383-1994

Date 8-29-2016

July 13, 2016
11:15 AM



I Mike Allness and Natasha Sims seen City milwa Garbage truck turn at T of Alley and Drive over my concrete Aron in front of My garage in a wide turn.

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They Stopped and Picked up my Garbage at this time I watched them Dump 5-10 gallons of a @ Black oily Sludge in the Alley!

I got out of my Car and ASK Both men why they did that mess?
They Both just Blew me off and said they cant help it and Left.

I made A couple of calls to try to get a Street Cleaner. Didnt get any where
I went out to clean up alley I seen tire tracks from garbage truck on my Driveway and seen 4 foot corner of Slab Broken off Because of 35000 Pound garbage truck
I hour Before this happened I was picking up glass etc. From Behind garage and Driveway was ~~was~~ not Broken then This was new concrete
They Broke that costed me \$3100 Dollars!
Take Photos of Evidence
Mike Allness

Proposal

JEFF GILBERT Concrete 414-334-4362
 1907 S 59th Street
 West Allis, Wisconsin
 53219

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 SEP 27 2016
 OFFICE OF
 CITY ATTORNEY

PROPOSAL SUBMITTED TO: <u>Mike Allness</u>	JOB NAME	JOB #
ADDRESS: <u>3315 W. West Scott Street</u>	JOB LOCATION	
<u>M. Waukegan Wisconsin 53215</u>	DATE	DATE OF PLANS
PHONE # <u>414 385-1994</u>	FAX #	ARCHITECT

We hereby submit specifications and estimates for:

Removal of dirt and installed 27' x 2' Sidewalk.
 Removal of Stone and dirt. Installed 37' x 6' Parking Slab.
 Removed old Concrete. Installed 15' x 6' approach.
 Saw cut 4" off garage floor. Drilled four holes and insert (4) #3 rebar. Base will be 2" Stone. 4" fiber Concrete. Will spray all concrete with white cureall.

PAID w/ Full 8-28-14
 Jeff Gilbert

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:
 \$ 3050 Dollars

with payments to be made as follows: \$ 1500 at start of job and \$ 1550 due upon completion.
 Date 8-28-14

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Note - this proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature Michael Allness

Date of Acceptance 8-21-14

Signature Jeff Gilbert

H. FROEBEL & SON, INC.

5686 N. Teutonia Avenue
Milwaukee, WI 53209
414-461-0482
fax 414-461-0486

PROPOSAL

DATE	PROPOSAL#
7/28/2016	14179 K

NAME & ADDRESS
MIKE ALLNESS 3315A W. SCOTT STREET MILWAUKEE, WI 53215

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SEP 27 2016

OFFICE OF
CITY ATTORNEY

TELEPHONE #	TERMS	RETURN BY	PROJECT LOCATION
383-1994	Payment upon receipt of billing	8/28/2016	SAME

DESCRIPTION OF WORK

WE ARE PLEASED TO QUOTE THE FOLLOWING WORK AT 3315 WEST SCOTT STREET.

REMOVE GARAGE APPROACH APRON FROM GARBAGE CANS EAST TO EDGE OF DRIVE AND POUR 7" THICK CONCRETE. REMOVE ALL DEBRIS FROM SITE. COST OF THIS IS \$3350.

AUTHORIZED SIGNATURE



AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, BUILDER HERBY NOTIFIES OWNER THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON OWNER'S LAND MAY HAVE LIEN RIGHTS ON OWNER'S LAND AND BUILDING IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO THE UNDERSIGNED BUILDER, ARE THOSE WHO CONTRACT DIRECTLY WITH THE OWNER OR WHO GIVE THE OWNER NOTICE WITHIN 60 DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, OWNER PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISHED LABOR OR MATERIALS FOR THE CONSTRUCTING, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO HIS MORTGAGE LENDER, IF ANY. BUILDER AGREES TO CO-OPERATE WITH THE OWNER AND HIS LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Proposal

Page # _____ of _____ pages

J. LIEBL + SON
1650 E. BOKIVAR
414 483-0050

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SEP 27 2016

OFFICE OF
CITY ATTORNEY

PROPOSAL SUBMITTED TO: <i>Mike Allness</i>	JOB NAME	JOB #
ADDRESS <i>3315 A W. SCOTT MILWAUKEE, WIS.</i>	JOB LOCATION	DATE <i>8-16-16</i>
PHONE #	FAX #	ARCHITECT

We hereby submit specifications and estimates for: *REMOVE APPROACH & REPLACE SAME
AT 8" THICK. 6 BAG MIX CONCRETE*

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

\$ *THREE THOUSAND + 00/100* Dollars

with payments to be made as follows: *50% DOWN BALANCE UPON COMP.*

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully
submitted

Jack J. Liebl

Note - this proposal may be withdrawn by us if not accepted within *30* days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____

Signature _____

Scott



34th Street

Garage door used for Hand Fit
33rd Street

Google earth

feet
meters



Michael Allner +
Natascha Sims,
Stopped in alley
Watching garbage
truck. In his
Hand Fit

How far back the
truck come to
get garbage
for 2 neighbors

Approach
into alley
behind
33154
W. Scott

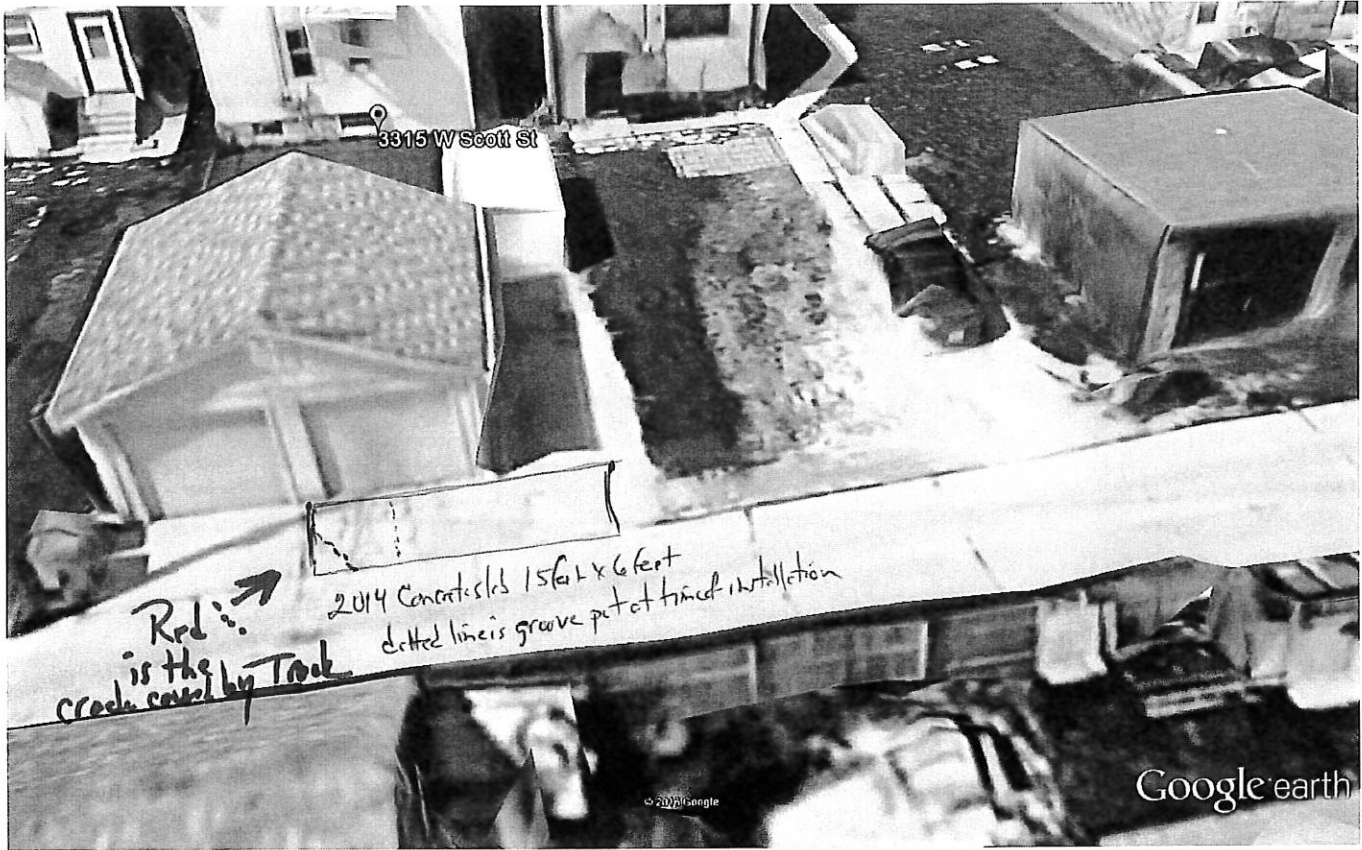
Tires of truck at
point it stopped to
reverse direction

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SEP 27 2016

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CITY ATTORNEY

Where truck stopped
for loading my garbage
& discharging liquid.



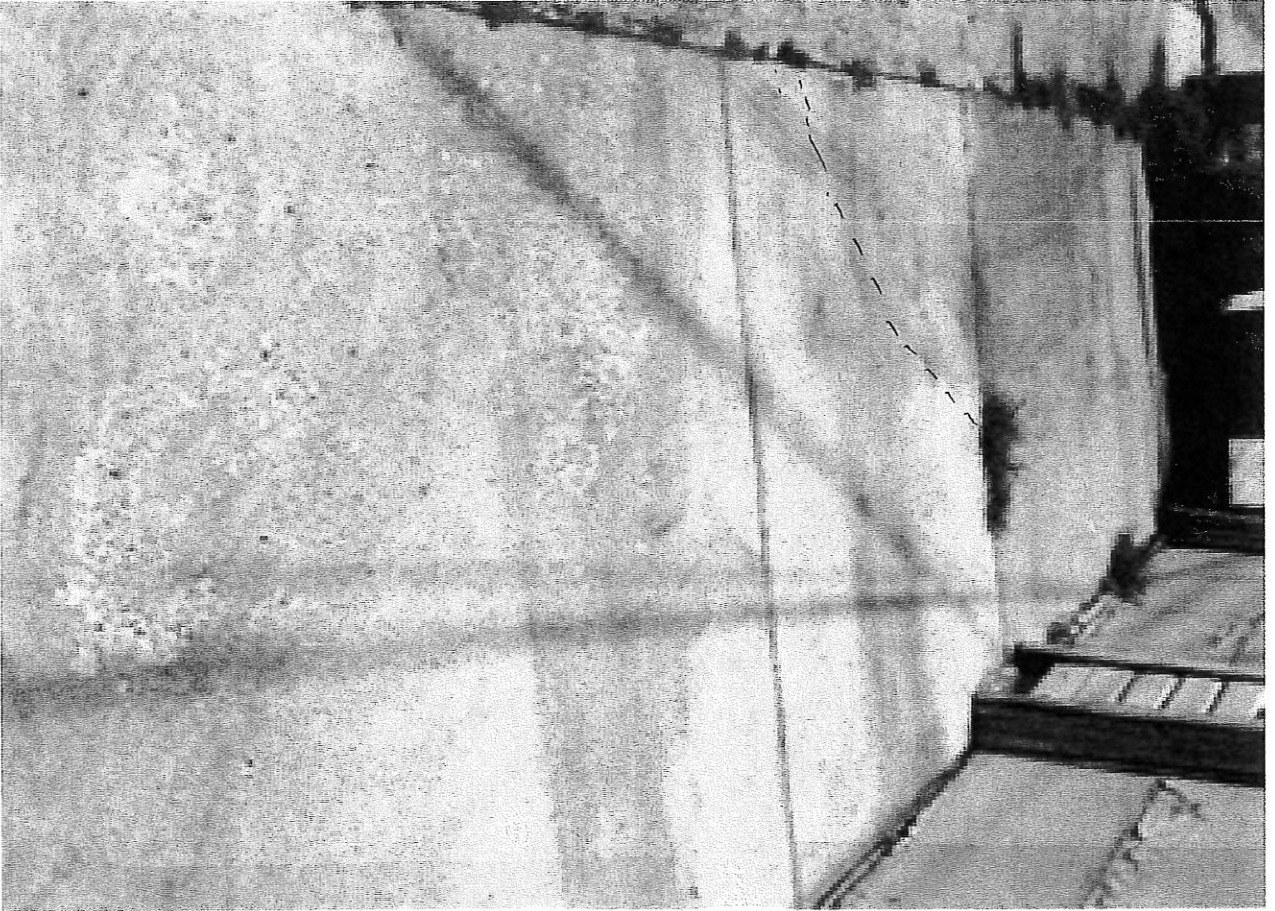
Google earth



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SEP 27 2010

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CITY ATTORNEY



Red Dots = Approximate Crack Location



Close up of the Crack

