

FACSIMILE TRANSMISSION

FAX (414) 358-1228

FROM: JAMES M. PYKETT

Date: 11-26-04

To: Steven M. Curini, District Atty.

Company: City of Milwaukee, Office of City Attorney, Grant Square

FAX 414 286-8550

There are 11 pages in this transmission including this cover page.

Message:

Mr. Curini:
I'm sending you a copy of a letter of appeal that is due to you several of my auto damage claims.

NOV 29 11:58 AM '04
CITY OF MILWAUKEE
COMMUNICATIONS CENTER

FROM:

James M. Pykett
 7811 North Boyd Way
 Fox Point, WI 53217
 Ph: (414)352-5249
 Fax :(414)368-1228
 Off: (414)358-1214

November 26, 2004

APPEAL LETTER-FAKED 11-26-04**TO:**

City Clerk's Office
 200 East Wells Street
 City Hall Room 205
 Milwaukee, WI 53202
 Ph: (414)286-2221
 Fax :(414)286-3456

Ref: C.I. File No: 04-S-361**Addition Ref. Information**

Tow Number 1201026
 Complaint form filed on 09/19/04 at Tow Lot
 Citation # 305700076 Dated 09/18/04 Paid 09/20/04
 Citation # 305700102 Dated 09/18/04 Paid 09/20/04
 Payment Conf. Number 860623
 Validation Code 911513Y1

This is a letter notifying the City Clerk's Office of the City of Milwaukee of a request for an appeal of the decision stated in the letter from Steven M. Carini, Investigator Adjuster, Dated: November 4, 2004 and Received: November 12, 2004 under the signature of City Attorney Grant F. Langley. The appeal is in regards to the denying of my claim for the damages done to my new 2004 Lincoln LS on September 18, 2004. These damages were caused by the towing company that is engaged by the City of Milwaukee for auto removal.

The company that did the towing, I am told by Heiser Lincoln Mercury, did not attach the hooks on their tow chains to the correct and the approved known area under the auto. Instead they attached them to the tie rods on both front wheels and then dragged and pulled the auto on to their truck. This caused the tie rods to bend. This also caused the front wheels to be bent out after the tow not before as tow truck driver stated on the PT-27 form.

I talked to Steven M. Carini on 11-15-04 but was told he denied the claim based on the PT-27 form. I told him what Heiser Lincoln told me as to the only way the damage could have been done. He just kept saying that the PT-27 form said otherwise and if I didn't agree I should file an appeal. I could call the Office of the City Clerk to find out how to do it. I requested by phone (Got only his Voice Mail--leaving my

NOV 29 2004 4:01 PM
 CITY CLERK
 MILWAUKEE

information and phone and fax numbers) of Steven M. Carini a copy of the document he used to make his denial of claim. He never faxed or phoned me back.

I had, in my original phone call, asked for information about the towing company used and was told that he didn't know and I should call the Tow Lot. I did but they didn't know either and they also didn't know that information on the day the auto was towed. They did say that the folder that the City Attorney's Office had probably had that information in it, as it would be on the PT-27 form. I told them that Steven M. Carini said he didn't know who the towing company was and that I should call the Tow Lot. They suggested I go to the records Dept. of the City Hall. Since the City information pipeline seems to run in circles and the city is ultimately responsible for the damages I am just filling the appeal.

We are claiming damages as shown on the Heiser Lincoln Dealership Estimate, We are claiming damages because of the towing company's negligence in not towing the auto correctly, they should know how, it is their business.. The auto was only two months old with @ 1,700 miles on it. It has never been in an accident, nor was it ever towed. I could get information from AAA, I am a member, that they never towed this auto.

If it had really taken such extraordinary means to move the auto, my last name is the license plate numbers. I am in the phone book and there are very few PYKETT's listed. The VIN number would have also shown my name, address and phone number, if the officer had called for it.

I respectfully request an early response to this appeal letter. If you need any farther information contact me.

Sincerely yours,



James M. Pykett

Encl: Heiser Lincoln Mercury Statement 09-23-04
Heiser Lincoln fax from John Guion 11-23-04
Original Request Letter 09-23-04
Denial Letter 11-04-04

Cc Steven M. Carini -Request for appeal Letter

PY5249

1 5 7 5 6 1

HEISER LINCOLN-MERCUR

7550 N. 76TH ST.

MILWAUKEE, WISCONSIN 53223

(414) 355-7401

JAMES M PYKETT
JAMES M PYKETT
7811 N BOYD WAY
FOX POINT WI 53217
HOME: 414-352-5249 BUS: 414-358-1214

INVOICE



PAGE 1

SERVICE ADVISOR: 5101 JOHN D. GUION

Table with columns: COLOR, YEAR, MAKE/MODEL, VIN, LICENSE, MILEAGE IN / OUT, TAG, DEL. DATE, PROD. DATE, WARR. EXP., PROMISED, PO NO, RATE, PAYMENT, INV. DATE. Includes vehicle details for a 2004 Lincoln LS.

12:18 18SEP04 14:44 22SEP04
LINE OPCODE TECH TYPE HOURS LIST NET TOTAL
A C/S THE STEERING RACK IS BENT, PLEASE INSPECT SUSPENSION FOR OTHER

Table with columns: OPCODE, DESCRIPTION, HOURS, LIST, NET, TOTAL. Lists repair items like '500 DIAGNOSIS REPLACE BENT TIE RODS BOTH SIDES'.

B** C/S THE SERVICE PARKING BRAKE WILL COME ON IN THE CLUSTER HOWEVER
THE BRAKE WILL NOT BE ON
CAUSE: WDS TEST BCE TEST PINPOINT CODE U1040 REPLACE PARKING BRAKE
MODULE REPROGRAM MODULE PER SPECIALSRV1 CL MESSAGE RETEST ALL
OK

Table with columns: OPCODE, DESCRIPTION, HOURS, LIST, NET, TOTAL. Lists additional repair items like '12651D BODY / CHASSIS / ELECTRICAL (BCE) - TEST'.

Table with columns: SERVICE HOURS, EXCLUSION OF WARRANTIES, DESCRIPTION, TOTALS. Includes service hours and a detailed warranty exclusion section.

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 131, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION UNDER DEPT. OF...

PY5249

157561

HEISER LINCOLN-MERCURY

INVOICE



7550 N. 76TH ST.
MILWAUKEE, WISCONSIN 53223
(414) 355-7401

JAMES M PYKETT
JAMES M PYKETT
7811 N BOYD WAY
FOX POINT WI 53217
HOME: 414-352-5249 BUS: 414-358-1214

PAGE 2

SERVICE ADVISOR: 5101 JOHN D. GUION

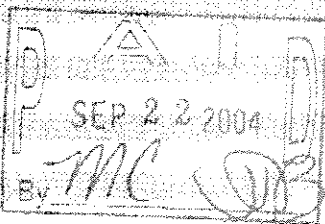
COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG	
BLUE	2004	LINCOLN LS	1LNHM87A84Y634065		1778/1778	T143	
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PG. NO.	RATE	PAYMENT	INV. DATE
20JUL2004			17:00 22SEP04			CASH	22SEP2004
R.O. OPENED	READY	OPTIONS: STK:L4C4513 DLR:64E384 ENG:3.9_Liter_DOHC TRN:AU					
12:18 18SEP04	14:44 22SEP04						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
PART#: 4W4Z*2C496*AA							
COUNT:							
CLAIM TYPE:							
AUTH CODE:							
3927							

EST: 47.00 18SEP04 12:19 SA: 510

CUSTOMER PAY SHOP MATERIALS/ENVIRONMENTAL CHARGES FOR REPAIR ORDER 24.99

**CERTIFIED PRE-OWNED CARS & TRUCKS ARE AVAIL
ABLE WITH INTEREST RATES AS LOW AS 4.9%**SEE
YOUR SALESPERSON FOR DETAILS.YOUR VEHICLE MAY
STILL QUALIFY FOR A SERVICE CONTRACT BASED ON
AGE & MILEAGE OF YOUR VEHICLE. SEE OUR
BUSINESS MGR. IN THE SHOWROOM, CHRIS SCHAUB
OR CALL (414)586-7009.

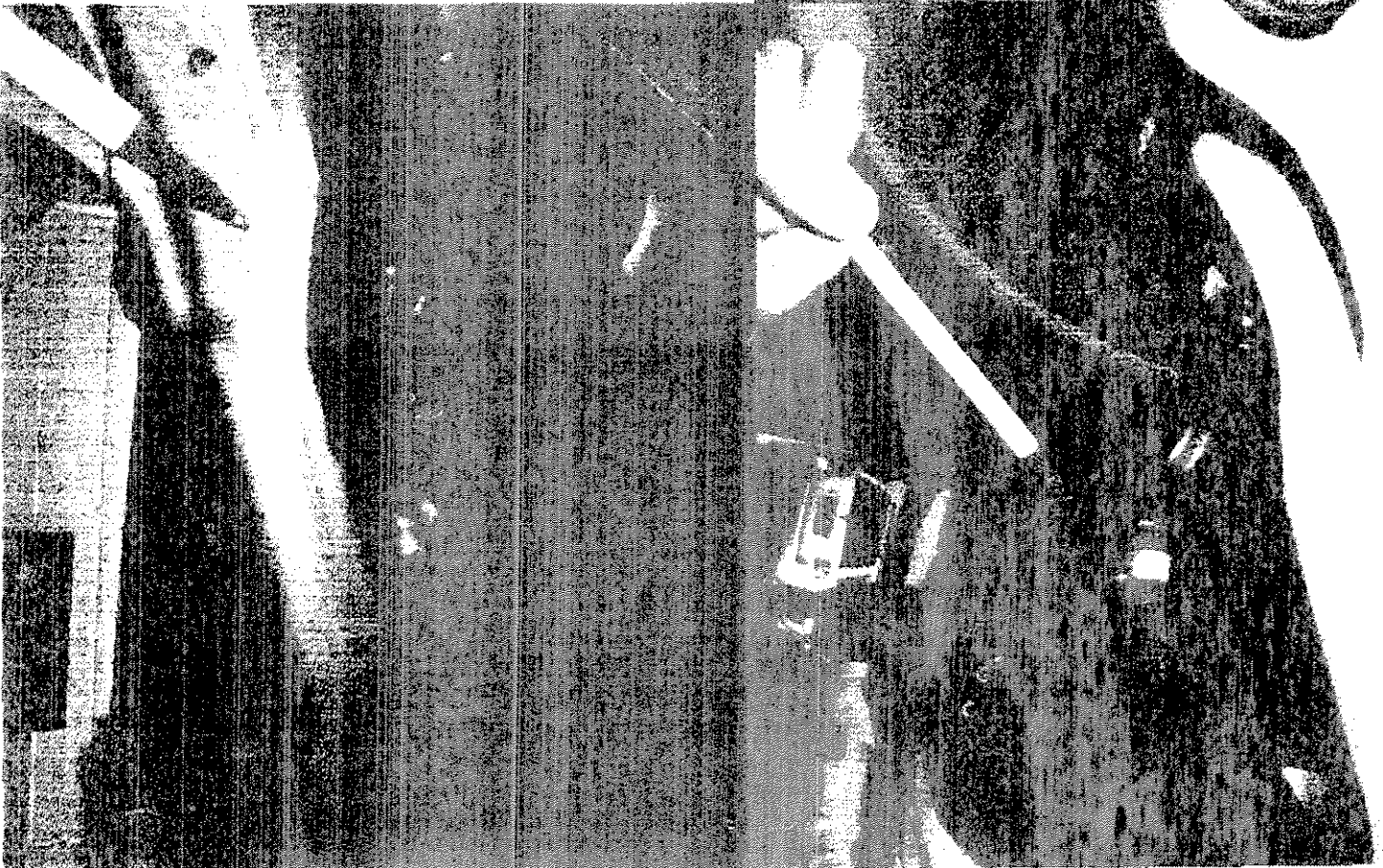
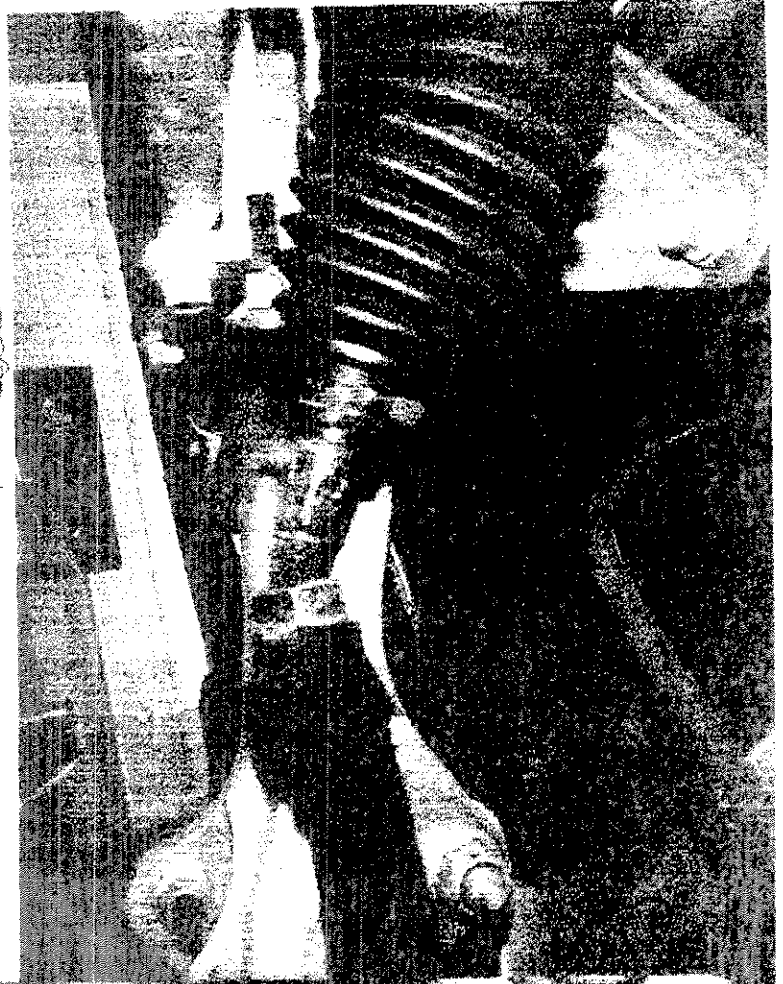


SERVICE HOURS	EXCLUSION OF WARRANTIES	DESCRIPTION	TOTALS
MONDAY - FRIDAY 7:00 A.M. - 8:00 P.M. SATURDAY 8:00 A.M. - 4:30 P.M.	Any warranties on the parts and accessories sold hereby are made by the manufacturer. The undersigned purchaser understands and agrees that dealer makes no warranties of any kind, express or implied, and disclaims all warranties, including warranties of merchantability or fitness for a particular purpose, with regard to the parts and/or accessories purchased; and that in no event shall dealer be liable for incidental or consequential damages or commercial losses arising out of such purchase. The undersigned purchaser further agrees that the warranties excluded by dealer, include, but are not limited to any warranties that such parts and/or accessories are of merchantable quality or that they will enable any vehicle or any of its systems to perform with reasonable safety, efficiency, or comfort.	LABOR AMOUNT	363.95
		PARTS AMOUNT	170.82
		GAS, OIL, LUBE	0.00
		SUBLET AMOUNT	0.00
		MISC. / ENVIRONMENTAL	24.99
		TOTAL CHARGES	559.76
			0.00
		SALES TAX	31.33
		PLEASE PAY THIS AMOUNT	591.09

MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATOP 137, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WIS. DEPT. OF

Shore was broken into
approximately placed with 25 rods
of both front wheel,

Fig 1



10/11

Heiser Lincoln Mercury
Parts and Service
 Ph- 414-355-7401
 Fax- 414-357-2190

Fax

To: James Pykott From: [Signature]
 Fax: 358-1228 Pages: 2
 Phone: 358-1214 Date: 11/23/04
 Re: TIE ROD ENDS CC:

- Urgent For Review Please Comment Please Reply Please Recycle

Comments: Have A Good Thanksgiving

11/23/2004 19:00

4143712482

HUMAN RESOURCES

PAGE 02

23 November 2004

To Whom It May Concern:

On the 18 September Mr. James Pykett's Lincoln LS (2004) was brought in for service. The customer was concerned with the extreme pull in the steering wheel. Once the mechanic racked the vehicle it was obvious that the cause was bent tie rod ends. The tie rod ends are on either side of the steering rack and transmit force to move the wheels in and out. The vehicle had no signs of an accident or any other tell tale markings underneath such as concrete scrapes on the lower control arms. Normally when there is suspension damage there are other sub frame members that are affected as well.

From what I have seen in the past the bent tie rod ends are due to the vehicle being towed improperly. When someone is towing a vehicle they take the J hooks and hook up to the lower control arms or the sub frame. The vehicle is then pulled up on a flatbed truck and cinched down so it will not roll. A Lincoln LS only has 3 inches of clearance between the control arm and the tie rod ends; if it was dark the two could be easily confused. The customer had informed me that the vehicle was towed without the keys causing more force where the vehicle was hooked up. The control arms can handle this force however the tie rod ends cannot. I have been working on trucks and cars since 1993 and I have towed both.



John Guion
Master Certified Service Writer, Ford Motor Company

FROM:

James M. Pykett
7811 North Boyd Way
Fox Point, WI 53217
(414)352-5249

September 23, 2004

TO:

City Clerk's Office
200 East Wells Street
City Hall Room 205
Milwaukee, WI 53202
(414)286-2221

Ref: Tow Number 1201026

Complaint form filed on 09/19/04 at Tow Lot

Citation # 305700076 Dated 09/18/04 Paid 09/20/04

Citation # 305700102 Dated 09/18/04 Paid 09/20/04

Payment Conf. Number 860623

Validation Code 911513Y1

This is a letter notifying the City Clerk's Office of the City of Milwaukee of the damages done to my new 2004 Lincoln LS on September 18, 2004. These damages were caused by the towing company that is engaged by the City of Milwaukee for auto removal.

These are most regularly autos involved in accidents; autos blocking traffic, abandon autos, autos that are on street parking that have an expired meter. There are also used to tow autos that are parked on a street that has special parking. In this case for one day, Saturday, during a few morning hours for a seasonal Farmer's Market.

The latter was apparently the case in this situation. The auto was parked on this street on a late Friday evening. In a metered parking spot. The meter had expired. This area is on Jefferson Street and Cathedral Square. A Farmer's Market is held there on Saturday mornings. There is no parking allowed during these few hours.

My son was in Milwaukee from Holland, The Netherlands. For a wedding. He was out with wedding party friends and had been drinking. He wisely chose not to drive the auto and instead walked back to his downtown hotel.

My auto appears to have been issued two tickets on Saturday morning, 09/18/04 and then was towed at 7:30AM on Saturday morning, 09/18/04.

The company that did the towing, I am told by Heiser Lincoln Mercury, did not attach the hooks on their tow chains to the correct and known area under the auto. Instead they attached them to the tie rods on both front wheels and then dragged and

pulled the auto. This caused the tie rods to bend. This also caused the front wheels to be bent out.

We are claiming damages as shown on the Heiser Lincoln Dealership Estimate, not because of the auto being towed, you can see we paid the overtime parking citations and towing charges. We are claiming damages because of the towing company negligence in not doing it correctly. You wonder the motivation of why someone would do this to a new two month old \$50,000 auto I really wonder.

If it had really taken such extraordinary means to move the auto, my last name is the license plate numbers. I am in the phone book and there are very few PYKETT's listed. The VIN number would have also shown my name, address and phone number, if the officer had called for it

I guess the courtesy we have come to expect from our villages in Milwaukee County are not what we should ever expect from the City of Milwaukee in Milwaukee County. Maybe that is the reason why so many families leave the City of Milwaukee and come to the villages in Milwaukee County.

I respectfully request a response to this claim letter and then a future check issued to me to cover this damage. If you need any farther information contact me.

Sincerely yours,

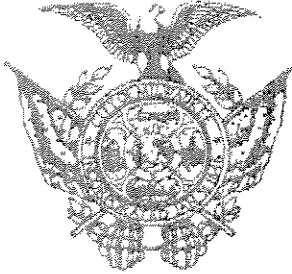
James M. Pykett

Encl: Heiser Lincoln Mercury Statement
Heiser 's Pictures of the damaged area

CITY OF MILWAUKEE

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-8551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. ENRICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

November 4, 2004

James M. Pykett
7811 North Boyd Way
Fox Point, WI 53217-3212

RE: James M. Pykett
C.I. File No: 04-S-361


Dear Mr. Pykett:

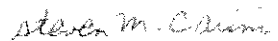
We have received your claim in the amount of \$591.09, relating to damage sustained to your vehicle on September 18, 2004 when it was towed to the City's tow lot.

Our investigation reveals that your vehicle was towed on September 18, 2004 for being Parked in Tow Away Zone. The PT-27 form completed prior to the tow, indicates that the tires were pointed in different directions prior to towing. The damage to your vehicle appears to have happened prior to the tow. As such, the City cannot accept liability. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,


GRANT F. LANGLEY
City Attorney


STEVEN M. CARINI
Investigator Adjuster

SMC:beg
1044-2004-2840:86880
c: David Lawrence