

Kathleen M Bermel-Danner
3169 N 80th St
Milwaukee WI 53222
414-442-6107 evenings
414-355-2405 daytime

CITY OF MILWAUKEE

2003 JUN 12 PM 2:06

RONALD D. LEONHARDT
CITY CLERK

Milwaukee City Clerk
City of Milwaukee
200 E Wells St.
Milwaukee WI 53202-3567

Dear Sir or Madam:

This letter is notice that I wish to appeal a denial of claim, C.I. File No. 03-S-168 against the City of Milwaukee, pursuant to Wisconsin Statute Section 893.80(1), alleging negligence causing damage to my vehicle. I am requesting this appeal to maintain my rights to seek judgement against the City of Milwaukee, pursuant to this claim previously filed.

Respectfully,



Kathleen M Bermel-Danner

CITY OF MILWAUKEE
RECEIVED
03 JUN 12 PM 3:17
OFFICE OF
CITY ATTORNEY

Kathleen M Bermel-Danner
3169 N 80th St
Milwaukee WI 53222
414-442-6107 evenings
414-355-2405 daytime

CITY OF MILWAUKEE
RECEIVED

03 APR 11 PM 2:01

OFFICE OF
CITY ATTORNEY

City Clerk
City of Milwaukee
Attention: Claims
200 E Wells St.
Milwaukee WI 53202-3567

CITY OF MILWAUKEE
2003 APR 14 PM 4:2
RONALD D. LEONARDI
CITY CLERK

Dear Sir or Madam:

This letter is notice that I wish to file a claim against the City of Milwaukee, pursuant to Wisconsin Statute Section 893.80(1), alleging negligence causing damage to my vehicle.

On Thursday March 20th 2003, at approximately 2:30pm, I was traveling eastbound on West Capitol Drive at about 101st Street. I was in the far right lane with the intention of turning southeast onto West Lisbon Avenue. Just before making the turn I struck an exceptionally large pothole. I was unable to veer around and avoid it due to the crowded traffic flow at that time and place. Immediately upon striking the pothole, my front passenger side tire went completely flat nearly causing me to lose control of my vehicle and having a worse accident. I was, however, able to maintain control and proceeded to pull out of traffic and park near the intersection of North 100th Street and West Metcalf. I called my husband, who came and changed the tire with the spare. As soon as he removed the flat, it was quite obvious that striking the pothole had severely damaged the rim, causing the flat. Luckily that was the only thing damaged that afternoon.

I had my mechanic inspect the rim to see if anything could be done. He informed me that because it was a custom aluminum rim, it was basically unrepairable (actually, I believe he told me it would cost much more to have it reworked than to purchase a new one). He was able to locate a used rim for me and was able to have it shipped to his shop. Enclosed you will find a copy of the receipt for the cost of the rim in the amount of \$258.72. Because we had recently purchased new tires for my van at Sam's Club, I was able to have the tire inspected, mounted on the new rim, balanced and replaced on the van free, under their road hazard warranty. Enclosed you will find a copy of the work order to have the tire re-mounted.

I am only asking that you re-imburse me for the cost of the rim. The day after I reported the pothole to the City Highway Department, I went back to the site and found that the hole had been repaired. If the city had been more diligent in maintaining the roadway and had it been repaired a day or two earlier, this would not have happened. I don't feel it fair that I should have to bear the cost of this incident. I was not speeding, nor engaging in any dangerous activity that would have contributed to this. That portion of West Capitol Drive is heavily used and potentially dangerous and should be watched more closely. This incident could easily have turned out much worse.

Respectfully,

Kathleen M. Bermel-Danner

Kathleen M Bermel-Danner

CITY OF MILWAUKEE
RECEIVED
03 APR 15 PM 3:32
OFFICE OF
CITY ATTORNEY

APR 08 2003

USED, RECYCLED

J & S ACCEL INC.
 2025 S 64th Street
 West Allis, WI 532219
 (414) 384-8200

DATE OF ORDER: 3/28/03
 TIME PROMISED: 4:35
 DELIVERY DATE: 3/28/03
 PHONE NO: 2405

QUANTITY	PART NO. OR DESCRIPTION	WARRANTY IF CHECKED	SALE
1	USED RIM	<input checked="" type="checkbox"/>	24500

NAME: KATHY DANIEL
 ADDRESS: 3169 N. 80
 CITY & STATE: MILWAU 53222

YEAR MAKE: 2002 VW
 MODEL: GOLF
 LICENSE NO.:
 ODOMETER:
 SERIAL NO.:

ADDITIONAL WORK AUTHORIZED BY:
 DATE: TIME: A.M. P.M.
 OPER. NO. LABOR INSTRUCTIONS

CODE F.C.	OPER. NO.	LABOR INSTRUCTIONS	NAME	NO. CALLED	NEW ESTIMATE
			PAWS ONLY		

TOTAL PARTS					
SUBLET REPAIRS - TOWING					
TOTAL SUBLET REPAIRS					
Gals. Gas @					
Qts. Oil @					
Lbs. Grease @					
TOTAL GAS, OIL & GREASE					
TOTAL MATERIAL					

**Any warranties on the products sold hereby are those made by the manufacturer. The seller, (above named dealer) hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither, assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I request an estimate in writing before you begin repairs.
 2. Please proceed with repairs, but call me before continuing if the price will exceed \$500.
 3. I do not want an estimate.

Do you want the replaced parts you are entitled to? Yes No
 Call when vehicle is ready to face catalog contact.

Payment will be made by: Cash Credit Card Debit Visa MasterCard

Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911.

Customer Signature: *Kathy Daniel*

Shop Representative Signature: *[Signature]*

INTERNAL CHARGE	FACTORY CHARGE	TOTAL LABOR	TOTAL PARTS	TOTAL GAS, OIL & GREASE	TOTAL MATERIALS	TOTAL
		24500	1372			25872

4031120020024774
J & S ACCEL INC.
2025 S. 54TH ST.
WEST ALLIS, WI 53219
414-384-8200

APR 08 2003

MAR 28, 2003 04:35PM
MERCHANT NUMBER
4031120020024774

REF #: 001
ACT #: 5291492032871317
EXP : 08/03
CARD : MASTERCARD
SALE: \$ 258.72

APPROVAL CODE: 018371
TRAN ID : MPLBMDGIX0328
I AGREE TO PAY THE ABOVE
TOTAL AMOUNT ACCORDING
TO CARD ISSUER AGREEMENT

X-----
SIGNATURE
DANNER/KATHLEEN

CUSTOMER COPY

IMPORTANT DOCUMENT

835363

TIRE/BATTERY INSTALLATION WORK ORDER
 YES/NO LIFETIME TIRE SERVICE PACKAGE PURCHASER'S FORM
 YES/NO BASIC LIMITED WARRANTY INFORMATION

I hereby authorize the repair work below to be done along with the necessary material, and hereby grant you and/or your partner permission to operate the car or truck herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above car or truck to secure the amount of repairs thereto.

SAM'S CLUB IS NOT RESPONSIBLE FOR LOSS OR DAMAGE TO CARS OR ARTICLES LEFT IN CARS IN CASE OF FIRE, THEFT OR ANY OTHER CAUSE BEYOND OUR CONTROL. DAMAGE TO VEHICLES INCLUDING LOST HUBCAPS MUST BE REPORTED TO THE CLUB WITHIN 72 HOURS OF SERVICE.



SAVE THIS DOCUMENT!!

CLUB #: 864

MEMBER SIGNATURE *[Signature]*

MEMBERSHIP NUMBER 3425449900794		NAME Kathleen Bernel-Danner	ADDRESS 3169 N 80th ST.
CITY Milwaukee		STATE WI	ZIP CODE 53222
DATE 3/3/03	ODOMETER 15833	YEAR 2002	
MAKE AND MODEL VW Eurovan		COLOR Black	LICENSE / STATE OF LICENSE WI NNR 295
MEMBER ARRIVAL TIME	SERVICE COMPLETED TIME	WORK / HOME PHONE	

QTY	DESCRIPTION	NOTE: All 16" or 16.5" tires must be approved by TMA supervisor.
4	TIRE SIZE SWC#	SPECIAL INFORMATION <i>No lug nut covers.</i>
1	BATTERY GROUP SWC#	
1	BALANCE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	ROTATION <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
1	KEEP OLD TIRES <input type="checkbox"/> YES <input type="checkbox"/> NO	RELEASED BY <i>[Signature]</i> <i>[Signature]</i>
1	KEEP OLD BATTERY <input type="checkbox"/> YES <input type="checkbox"/> NO	
1	BEST TO SPARE <input type="checkbox"/> YES <input type="checkbox"/> NO	
1	RECOMMENDED TIRE PRESSURE: FRONT: _____ REAR: _____	TIRE INFLATION F <u>35</u> PSI LUG TORQUE R <u>35</u> PSI F <u>30</u> FTLB R <u>30</u> FTLB
W/W Yes	W/L Out No	CUSTOM RIMS/LOCKING HUBCAPS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		ATTENTION: IF YOU HAVE ALUMINUM RIMS, HAVE YOUR LUG NUTS RETORQUED BETWEEN 25 AND 50 MILES. Member Initials <u>[Signature]</u>

DOT No: _____ Tire # 1: _____ Tire # 2: _____ Tire # 3: _____ Tire # 4: _____	DISCLAIMER <input type="checkbox"/> Predamaged or loose fitting wheel covers <input type="checkbox"/> Predamaged or rusted lug nuts <input type="checkbox"/> Predamaged or rusty wheels <input type="checkbox"/> Predamaged or corroded cables <input type="checkbox"/> Predamaged or corroded tray/hold down	SAFETY CHECKLIST <input checked="" type="checkbox"/> Lug nuts tightened <input checked="" type="checkbox"/> Secured hubcap (same condition) <input checked="" type="checkbox"/> Wheels balanced w/receipt <input checked="" type="checkbox"/> Recorded damage to vehicle <input checked="" type="checkbox"/> Battery cable ends secured <input checked="" type="checkbox"/> Battery hold down secured
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DATE OF ROTATION	ODOMETER READING	CLUB NUMBER	CLUB SIGNATURE APR 11 2003

ALL CLAIMS AND RETURNED GOODS MUST BE ACCOMPANIED BY THIS DOCUMENT. 30 DAY GUARANTEE ON BALANCE.

SAVE THIS DOCUMENT!!