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M E M O R A N D U M

to: Judiciary and Legislation Committee

from: Sheila M. Smith

subject: Appeal for Claim for Property Damage

date: October 29, 2001

Dear Committee Members:

This memo is submitted in response to the City Attorney's denial of my claim for property damage.

1. City Attorney's Reasons for Denying the Claim

The City Attorney denied the claim for the following reasons: (1) neither the city nor any of its snow plow contractors had a white snow plow truck out on the date in question, (2) No city driver reported "colliding" with this vehicle; and (3) no truck or license plate number was provided to the city by the claimant.

2. Claimant's Response to the Denial of Claim

I parked my car in front of 3154 North Achilles Street according to the snow emergency rules in force Friday, December 29, 2000, at approximately 7:45 P. M. Saturday, December 30, 2000, I left my home for the first time, at approximately 2:00 P. M. to drive my car to make errands, and discovered that the driver's side had been damaged. The body had been peeled away in the seam mid-door, as if by an old fashion can opener. I telephoned the Fifth District Police Station to report the accident. The office told me to come in Tuesday and complete a written accident report. I also contacted my car insurance agent, and left a voice message reporting the accident.

Sunday afternoon December, 31, 2000, my street (Achilles Street between Burleigh and Auer) was plowed by a regular orange snow plow truck. I recall this because my family along with half a dozen neighbors were out clearing or walks and shoveling our cars out. The snow plow driver helped to clear out our cars. That snow plow truck was using the back yard of a house on First Street to store snow. I contend that the white truck that was present on Achilles Street that damaged my car was present for storing snow from the plowing on Burleigh Street.

[Name of Recipient(s)]

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Sunday evening Timothy Hicks, a young man, (3256 North Achilles Street, (414) 447-6195) came to my door and reported the following: That he was helping his mother dig her car out of the snow Friday 2001 about 7:30 P. M. When he looked up and saw a large white snow plow with big wheels come very close to my car on the driver's side and saw my car rock really hard. He tried to get the driver's attention. The driver did not notice him. When he was walking by my house earlier Sunday, he noticed that the car was damaged, and he wanted to tell me that it must have happened when the snow plow came close to the car and it rocked. My mother Susie Smith (3146 North Achilles Street, (414) 263-2484) was present during my entire conversation with this young man.

Friday morning, January 5, 2001 I was filling my car with gas at the station on the corner of Martin Luther King, Jr., and Locust Street and saw a large white truck with big wheels with a snow plow attached at the station. I approached the truck in an attempt to find a licence plate or any other identifying information. I drove around the truck and did not see a license plate attached to either the front or the back of the truck. The truck had a sign on its body that said "city of Milwaukee Contractor." The truck moved quickly away and began plowing Locust Street between MLK, Jr. and Second Street.

Based on my personal observation of the white truck plowing Locust Street, and the eye witness account of the white truck present on Achilles Street, I contend that besides regular snow plow trucks, the city employs vehicles outfitted with snow plows for snow removal. Here, such a vehicle brushed against my parked car and caused damage to the front driver's side. I further submit that these trucks do not have license plates.

Also media accounts during the snow emergency reported that snow plows were unknowingly hitting legally parked cars in the city of Milwaukee, especially on the east side.

3. Conclusion

I am requesting that the city recoup me for the five hundred dollar insurance deductible that I paid because of this accident. Given the circumstances as outlined above particularly the high burden that the city places on its citizens to provide identification for trucks involved in accidents where the truck does not display a license, I believe that a city truck was involved in the accident, and that the city is responsible.

Respectfully Submitted,
Sheila M. Smith