

CITY OF MILWAUKEE

FEBRUARY 4th, 2002

2002 FEB -5 PM 1:56

TO: OFFICE ^{RONALD D. LEONHAI} CITY CLERK ATTORNEY
REGARDING C.I. FILE NO: 01-V-305

FROM: BARBARA HARDY (414) 931-7010
2106^w CHERRY ST. (414) 405-5895
MILWAUKEE, WI, 53205

I RECEIVED YOUR LETTER ON
JANUARY 17th DENYING MY CLAIM.
I WOULD LIKE TO APPEAL YOUR DECISION.
I WOULD LIKE A HEARING.

DUE TO CIRCUMSTANCES BEYOND
MY CONTROL, I REQUEST MY HEARING
BE SCHEDULED AFTER MARCH 3rd, 2002.

THANK YOU.

Barbara Hardy

C.I. FILE NO: 01-V-305

CITY OF MILWAUKEE
RECEIVED

'02 FEB -5 PM 3:39

CITY OF MILWAUKEE
CITY ATTORNEY

CITY OF MILWAUKEE

2001 DEC 19 PM 2:33

DECEMBER 18TH 2001

RONALD D. LEONHART
CITY CLERK

TO: City Clerk : ATTN: CLAIMS

CITY OF MILWAUKEE
OFFICE OF THE CITY CLERK
1010 NS
19 PM 3:01

FROM: BARBARA HARDY
2106^W CHERRY ST.
MILWAUKEE, WI, 53205

PHONE: 931-7010
405-5895

I, BARBARA HARDY, AM THE CLAIMANT SEEKING DAMAGES AGAINST THE CITY OF MILWAUKEE IN THE AMOUNT OF NINE HUNDRED AND NINE DOLLARS AND ~~20~~ TWENTY CENTS (\$909.20). SEE ENCLOSED AUTO REPAIR ESTIMATES.

ON AUGUST 23RD, 2001, AT APPROXIMATELY 5:40 P.M., MY 1986, OLDSMOBILE, CUTLASS SUPREME AUTO WAS SIDE SWIPED BY A CITY OF MILWAUKEE FIRE TRUCK. MY SON DEONGELO HARDY WAS DRIVING MY CAR. SEE ENCLOSED ACCIDENT REPORT.

MY SON, DEONGELO HARDY, CALLED ME ON HIS CELL PHONE AND I RESPONDED TO THE ACCIDENT SCENE. THE OFFICER'S NARRATIVE AND PICTORAL NARRATIVE ARE INCORRECT.

HE CORRECTLY NOTED THAT THE 4400 BLOCK OF WEST NORTH AVE. WAS TIGHT AND CONGESTED DUE TO CONSTRUCTION AND

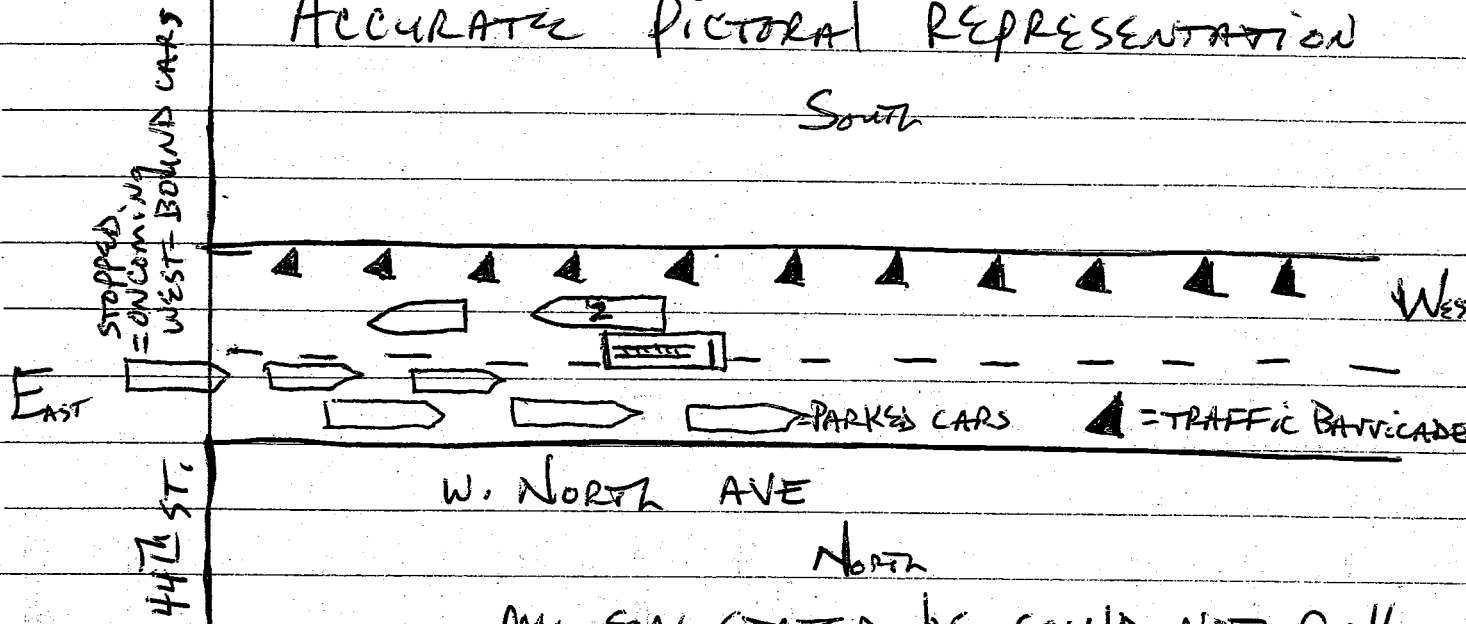
CONSTRUCTION BARRICADES, ON THE ACCIDENT REPORT PICTORAL REPRESENTATION IT SHOWS VEHICLE 2 PULLED OVER BETWEEN BARRICADES TO THE EAST AND WEST OF VEHICLE #2, THIS IS INACCURATE. THE PICTORAL SHOULD SHOW A CONTINUOUS LINE OF BARRICADES DOWN THE WHOLE BLOCK, PREVENTING VEHICLE #2 TO BE ABLE TO PULL TO THE CURB.

ALSO, DUE TO THE BARRICADES EAST BOUND VEHICLES ON NORTH AVE. HAD TO CROSS THE CENTER-LINE. THUS, THE FIRE TRUCK, VEHICLE #2 WAS POSITIONED OVER THE CENTER-LINE TO DIVIDE WEST-BOUND AND EAST-BOUND TRAFFIC. WHEN I ARRIVED ON THE SCENE THE FIRE TRUCK WAS OVER THE CENTER-LINE, DUE TO THE BARRICADES WHICH WERE WHERE VEHICLE #2 IS DRAWN.

DUE TO THE BARRICADES WHICH TINED THE ENTIRE STREET VEHICLE #2 WAS UNABLE TO PULL TO THE CURB AS PICTURED IN THE MVD ACCIDENT REPORT.

THE FIRE TRUCK TRIED TO SQUEEZE BETWEEN VEHICLE #2 AND PARKED CARS (NOT SHOWN) ON THE WEST BOUND SIDE OF THE STREET. IT WAS TOO WIDE AND SIDE SWIPED MY CAR. THE SPACIAL REPRESENTATIONS ON THE MV ACCIDENT REPORT ARE INCORRECT.

ACCURATE PICTORAL REPRESENTATION



My son stated he could not pull to the right because the whole block on his side of the street had barricades on the curb side. I also observed this at the scene. He pulled as far to the right as the construction barricades permitted him to. That the fire truck side swiped him trying to pass him by his stopped car. He stated he was trying to find a spot between the barricades but due to their close spacing together his car would not fit between them.

He also stated that after the accident firefighters got off the truck and moved the barricades further over to the curb so he and them could get over enough for east bound and west bound traffic to continue during the investigation.

my son further stated that there was no oncoming west-bound traffic. That west-bound cars has stopped because of the red light and sirens of the fire truck. However, there were parked cars on the north side of the street. Oncoming west-bound traffic had to pull over next to the park cars on the north side of the street.

He stated the fire truck had to try and squeeze between double park, stopped vehicles on the north side of the street. His car and barricades on the south side of the street. He stated due to the congestion he would have had to run over and knock down the construction barricades to pull any further to the right. The driver of the fire truck was negligent by trying to drive that wide truck through to small an area.

BARBARA HARDY
Barbara Hardy, 12/18/01

ENCLOSED: MOTOR VEHICLE ACCIDENT REPORT
ESTIMATE MARIE'S AUTO BODY, INC.
ESTIMATE STATE AUTO BODY

CITY OF MANAPOKE
RECEIVED
OFFICE OF
CITY ATTORNEY
01 DEC 19 PM 3:22

MARIE'S AUTO BODY, INC.

5945 N. TEUTONIA AVE.
MILWAUKEE, WI 53209
(414) 535-0823
FAX: (414) 535-1919

- REPAIR & PAINT *All Makes and Models*
- COMPLETE COLLISION REPAIR
 - INSURANCE CLAIMS • FRAME & UNIBODY REPAIR
 - TOWING • DENT & RUST REPAIR
 - LOANERS AVAILABLE

DATE 12-11-01
NAME Barbara Hardy Simons
ADDRESS _____
PHONE _____

**SAME LOCATION
SINCE 1982**

YEAR - MODEL - COLOR <u>86</u>	MAKE OF CAR <u>Olds</u>	BODY TYPE <u>cutaway</u>	VIN. / MILEAGE	*MOTOR VEHICLE REPAIR TRADE PRACTICES ARE REGULATED BY WIS. ADM. CODE CHAPTER Ag 132, ADMINISTERED BY THE TRADE DIVISION, WIS. DEPT. OF AGRICULTURE, 801 WEST BADGER ROAD, MADISON 53713.*
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RE-PAIR	RE-PLACE	LABOR MECH. ELECT. FRAME	LABOR BODY REPAIR	LABOR REFINISH	PAINT MATERIALS BODY MATERIALS	PARTS AND SUBLET
<input checked="" type="checkbox"/>			6.0	2.0		
<input checked="" type="checkbox"/>			4.0	2.0		
				1.0		
				2.0		
						\$147.00
HARDWARE						
HAZARDOUS WASTE DISPOSAL			100	7.0		
SUB TOTALS						

*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.

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

THIS ESTIMATE IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MAY BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH ARE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. PARTS PRICES SUBJECT TO CHANGE.

THIS WORK AUTHORIZED BY _____

LABOR - MECH ELECT. FRAME	
LABOR - BODY REPAIR	\$ 420.00
LABOR REFINISH	294.00
PAINT AND BODY MATERIALS	147.00
PARTS AND SUBLET	
SUB TOTAL	\$ 861.00
TAX	48.00
GRAND TOTAL	\$ 909.00

ESTIMATE SHEET AND REPAIR ORDER

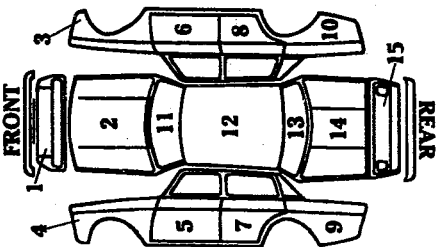
Damage Report

NAME *Barbara Hardens & Simmen* HOME PHONE *414-931-7010* DATE *12/17/01*
 ADDRESS *2106 W. Cherry Str. Milwaukee* STATE *Wis.* ZIP *53205* MILEAGE
 YEAR *86* MAKE *Olds* MODEL *cutlass 4dr.* SERIAL NO. PAINT CODE
 BUS. PHONE LICENSE NUMBER INS. CO. APPRAISER CLAIM NO.

LINE NO.	REPAIR REPLACE	DESCRIPTION OF DAMAGE	PARTS PRICE	BODY LABOR	FRAME LABOR	PAINT LABOR	MECH. LABOR	PAINT, BODY, MATLS.	SUBLET, MISC.
1									
2	X	L fit door		9.5		2.5			
3									
4	X	L rear door		2.5		2.5			
5									
6		R & I fit + Rec door Mldg		1.5					
7									
8									
9									
10									
11		material							
12									
13									
14									
15									
16									
17		no rust repair							
18		on rear door							
19									
20									
21									
22									
23									
24									
25									
26									
27									
SUB TOTALS				12.0		5.0			

State Auto Body

5000 West State Street
 Milwaukee, WI 53208
 (414) 258-6420
 FAX 258-4761



This damage report is based upon our detailed inspection of your vehicle and does not include repairs other than itemized above. Occasionally, additional damage will be discovered once the work is opened up and additional repairs will be required.

Repairs will be made for you as owner. If you do not intend to pay with your own funds, please make certain the insurance company can deliver their check to you in time to pick up your vehicle. All repairs must be paid in full before the vehicle will be released.

If a lienholder is named on the insurance check, their endorsement must be obtained.

We are proud of our technicians and their superior quality craftsmanship. Thank you for letting us serve you.

Authorization

X _____

PARTS PRICE (Subject to invoice)	\$	
BODY LABOR 12.0 HRS.@ \$42.00	\$	504.00
FRAME LABOR HRS.@ \$	\$	
PAINT LABOR 5.0 HRS.@ \$210.00	\$	1050.00
MECH. LABOR HRS.@ \$	\$	
PNT. MATLS. 5.0 x 22.00	\$	110.00
BODY MATLS.	\$	
SUBLET	\$	
TOWING	\$	
Hazardous waste disposal	\$	5.00
TAX 829.00	\$	46.48
TOTAL	\$	875.48

Officer's Opinion of Possible Contributing Circumstances

Document Number Override
121

Driver Factors

Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A	Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A
① Exceeding Speed Limit	①
② Speed Too Fast/Condition	②
③ Fail to Yield Right of Way	③
④ Inattentive Driving	④
⑤ Following Too Close	⑤
⑥ Improper Turn	⑥
⑦ Left of Center	⑦
⑧ Disregarded Traffic Control	⑧
⑨ Improper Overtaking	⑨
⑩ Unsafe Backing	⑩
⑪ Failure to Have Control	⑪
⑫ Driver Condition	⑫
⑬ Physically Disabled	⑬
⑭ Other	⑭

Vehicle Factors

Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A	Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A
① Brake System	①
② Tires	②
③ Steering System	③
④ Turn Signals	④
⑤ Head Lamps	⑤
⑥ Stop Lamps	⑥
⑦ Tail Lamps	⑦
⑧ Disabled in Prior Accident	⑧
⑨ Other Disabled	⑨
⑩ Mirrors	⑩
⑪ Suspension System	⑪
⑫ Other	⑫

Highway Factors

Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A	Unit Number ① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ N/A
① Snow, Ice or Wet	①
② Narrow Shoulder	②
③ Low Shoulder	③
④ Soft Shoulder	④
⑤ Loose Gravel	⑤
⑥ Rough Pavement	⑥
⑦ Debris From Prior Accident	⑦
⑧ Other Debris	⑧
⑨ Sign Obscured or Missing	⑨
⑩ Narrow Bridge	⑩
⑪ Construction Zone	⑪
⑫ Visibility Obscured	⑫
⑬ Other	⑬

OFFICER INFORMATION

Last: 125 PETTKE First: Mark M.I.: A.

Law Enforcement Agency Address:
126 2100 W. Wells St

City & State: Milwaukee, WI ZIP: 53231

Phone Number: (414) 125-935-7866

Agency # 4753 Enforcement Agency: 130 Milwaukee P.P. Officer ID #: 131 64612

Date Notified

MONTH	DAY	YEAR
<input type="radio"/> Jan	<u>23</u>	<u>01</u>
<input type="radio"/> Feb		
<input type="radio"/> Mar		
<input type="radio"/> Apr		
<input type="radio"/> May		
<input type="radio"/> June		
<input type="radio"/> July		
<input type="radio"/> Aug		
<input type="radio"/> Sept		
<input type="radio"/> Oct		
<input type="radio"/> Nov		
<input type="radio"/> Dec		

Time Notified (Military Time)

HOUR	MIN.
<u>17</u>	<u>43</u>

Time Arrived (Military Time)

HOUR	MIN.
<u>17</u>	<u>48</u>

Date of Report

MONTH	DAY	YEAR
<input type="radio"/> Jan	<u>23</u>	<u>01</u>
<input type="radio"/> Feb		
<input type="radio"/> Mar		
<input type="radio"/> Apr		
<input type="radio"/> May		
<input type="radio"/> June		
<input type="radio"/> July		
<input type="radio"/> Aug		
<input type="radio"/> Sept		
<input type="radio"/> Oct		
<input type="radio"/> Nov		
<input type="radio"/> Dec		

Truck & Bus Accident Information

(This Section Must Be Completed for Each Truck or Bus Involved in this Accident.)

When To Use This Section: Did the accident involve... 136

Part A

A truck with at least two axles and six tires? (Y) (N)

A truck with a hazardous materials placard? (Y) (N)

A bus designed to carry 16 or more persons, including the driver? (Y) (N)

STOP! If all the responses to Part A are "NO" do not complete this Truck & Bus Accident Information Section. If there are any "YES" answers, continue to Part B.

Part B

Any person who was fatally injured? (Y) (N)

Any injured person who required transport for immediate medical treatment? (Y) (N)

One or more vehicles that had to be towed from the scene as a result of the accident? (Y) (N)

STOP! If all the responses to Part B are "NO" do not continue. If there are any "YES" answers, please complete this Truck & Bus Accident Information Section...

Hazardous Material Information

137 • Hazardous Material Class Numbers (1-2 digit):

• Hazardous Material "UN" Numbers (4 digit):

• Hazardous Material Placard Displayed? (Y) (N)

• Hazardous Cargo was Released? (Y) (N)

List the Hazardous Material(s) by Name in this Load:

List the Name(s) of Released Hazardous Material(s):

Carrier Information

• Interstate Carrier? (Y) (N)

Carrier Name: 139

Carrier Identification Numbers

US DOT: 140 LC

ICG/MC: IC

Carrier Address: 142

Source:

- Vehicle Side 141
- Shipping Papers
- Trip Manifest
- Driver
- Log Book

Vehicle Information

Vehicle Configuration

① Bus 145

② Single unit truck, 2 axles, 6 tires

③ Single unit truck + 3 axles

④ Truck

⑤ Tractor

⑥ Tractor Semi-Trailer

⑦ Tractor-Doubles

⑧ Tractor-Triples

⑨ Unknown Heavy Truck

⑩ Log Truck

Gross Vehicle Weight Rating

143 LBS Total # of Axles: 144

SEQUENCE OF EVENTS FOR THIS VEHICLE

① ② ③ ④ Ran off Road

① ② ③ ④ Jackknife

① ② ③ ④ Overtake (Rollover)

① ② ③ ④ Downhill Runaway

① ② ③ ④ Cargo Loss or Shift

① ② ③ ④ Explosion or Fire

① ② ③ ④ Separation of Units

① ② ③ ④ Collision Involving Pedestrian

(Mark a total of one to four events in the order that they occurred)

① ② ③ ④ Collision Involving Motor Vehicle in Transp.

① ② ③ ④ Collision Involving Parked Motor Vehicle

① ② ③ ④ Collision Involving Train

① ② ③ ④ Collision Involving Pedalcycle

① ② ③ ④ Collision Involving Animal

① ② ③ ④ Collision Involving Fixed Object

① ② ③ ④ Collision Involving Other Object

① ② ③ ④ Other

Cargo Body Type

① Bus 147

② Van Enclosed box

③ Cargo Tank

④ Flatbed

⑤ Dump

⑥ Concrete Mixer

⑦ Auto Transporter

⑧ Garbage/Refuse

⑨ Other

⑩ Log Truck



AUG 31 2001

Wisconsin Motor Vehicle Accident Report Supplement

Document Number Override
 7598538

Sheet No. Of
 2 2

Occupant and Fixed Object Struck Supplement

INSTRUCTIONS: This supplement may be used to list additional occupant and fixed object struck information associated with an accident. Enter the original accident report document number in the "Document Number Override" box, enter the correct page number in the "Sheet No. Of" box. Then, follow the instructions for fields 65-78 (occupants) and/or fields 82-87 (fixed objects struck), as appropriate, in the Law Enforcement Officer's Instruction Manual.

Occupant Unit Number 65 66 67 68 69 70 71 72 73 74 75	NAME Last First M.I. Date of Birth Sex	BEVIET Andrew H. 67-9-25-70 M F	Severity (K) (N) (A) (B) (C) 70	SEAT Position 71 4	SAFETY Equipment 72 1	AIRBAG 73 ① Deployed ② Non Deployed ③ Not Applicable ④ Unknown
	ADDRESS Street & Number City & State ZIP	1551 N. 30th St. Milwaukee, WI 53208				
	Address Same as Operator Yes/No EJECTED ① Not Applicable ② Not Ejected ③ Totally Ejected ④ Partially Ejected ⑤ Unknown TRAPPED/EXTRICATED ① Not Applicable ② Not Trapped ③ Trapped/Extricated ④ Trapped/Not Extricated ⑤ Unknown Medical Transport 77 (Y) (N) Agency Space 78					
Occupant Unit Number 65 66 67 68 69 70 71 72 73 74 75	NAME Last First M.I. Date of Birth Sex		Severity (K) (N) (A) (B) (C) 70	SEAT Position 71	SAFETY Equipment 72	AIRBAG 73 ① Deployed ② Non Deployed ③ Not Applicable ④ Unknown
	ADDRESS Street & Number City & State ZIP					
	Address Same as Operator Yes/No EJECTED ① Not Applicable ② Not Ejected ③ Totally Ejected ④ Partially Ejected ⑤ Unknown TRAPPED/EXTRICATED ① Not Applicable ② Not Trapped ③ Trapped/Extricated ④ Trapped/Not Extricated ⑤ Unknown Medical Transport 77 (Y) (N) Agency Space 78					
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	Address Same as Operator Yes/No EJECTED ① Not Applicable ② Not Ejected ③ Totally Ejected ④ Partially Ejected ⑤ Unknown TRAPPED/EXTRICATED ① Not Applicable ② Not Trapped ③ Trapped/Extricated ④ Trapped/Not Extricated ⑤ Unknown Medical Transport 77 (Y) (N) Agency Space 78					
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08-23-01

7598538

INCIDENT INFORMATION

INCIDENT
PDO Accident
VICTIM

DATE OF INCIDENT / ACCIDENT

08-23-01

LOCATION OF INCIDENT / ACCIDENT

4418 W. North Ave. -

DIST.#

3

JUVENILE LAST NAME

FIRST

MIDDLE

DATE OF BIRTH

DETAINED

ORDERED TO MCCC

OTHER

QUANTITY

TYPE OF PROPERTY

DESCRIPTION

SERIAL #

CODE #

VALUE

This report was written by P.O. Mark Perrhe of Dist #3, was 1 day shift.

On Thursday, August 23rd, 2001 at 5:43 pm, Sgt 338 (P.O. Perrhe) was dispatched to N. 44th st at W. North Ave for a PDO accident involving the Milwaukee Fire Dept.

Upon arrival I spoke to Kerry ROBERTS (w/m 8-4-62), a Milwaukee Fire fighter working on Ladder 9. ROBERTS stated they had been responding to a stove fire at N. 42nd + W. Cishon Ave. They had been traveling eastbound on W. North Ave. in the 4400 block with their red lights and sirens activated. As they approached N. 44th st, ROBERTS observed a 4PM white auto as it was pulling to the right make a U-turn movement to the left back into traffic and then back towards the right. ROBERTS stated as the vehicle swerved left he did not have time to stop and he could not turn to the left as there was oncoming traffic. ROBERTS Ladder truck then struck the white auto.

I then spoke to Deongelo HAROY (d/m 7-3-83) officer 2166 W. Cherg St., ph# 931-7019. HAROY was the driver of the white 4PM auto. HAROY stated he was traveling eastbound on W. North Ave. He noticed the red lights and sirens of the fire truck at approximately N. 50th st at W. North Ave. HAROY stated he could not find a good spot to pull over because of the construction on W. North Ave. HAROY stated as he approached N. 44th st he saw an opportunity to pull over and did so, the car in front of him also pulled over. As HAROY pulled over the car in front of him came to a sudden stop and HAROY swerved left to avoid. Neither the car and was struck by the fire truck.

REPORTING OFFICER

P.O. Mark A. Perrhe

PAYROLL #

64652

LOC CODE

37

SUPERVISORS SIGNATURE

[Signature]

INCIDENT INFORMATION

INCIDENT

P00 Accident

DATE OF INCIDENT / ACCIDENT

08-23-01

VICTIM

LOCATION OF INCIDENT / ACCIDENT

4418 W. North Ave

DIST.#

3

JUVENILE LAST NAME

FIRST

MIDDLE

DATE OF BIRTH

DETAINED

ORDERED TO MCCC

OTHER

QUANTITY

TYPE OF PROPERTY

DESCRIPTION

SERIAL #

CODE #

VALUE

I Observed a small dent and paint transfer on the driver side door of HARRY's auto. There was also paint transfer and a scratch to the side marker light of the fire engine. Sgt 386, IO Tech STANON, responded to the scene and 14 photos were taken. HARRY was issued a citation for O.V.C. #

It shall be noted, W. North Ave was extremely tight in space and congested due to construction at the time of the accident.

REPORTING OFFICER

P.O. Neal C. Kell *Perkins*

PAYROLL #

64692

LOC CODE

38

SUPERVISORS SIGNATURE

[Signature]