

May 26, 2021

Joseph P and Tierra C DiCarlo  
1602 N 48th Street  
Milwaukee WI 53208

Re: C.I. File No. 1068-2020-1540

Dear Milwaukee City Clerk,

We received a denial of our claim, letter dated May 7, 2021. We are requesting a hearing to appeal this decision.

The letter we received from you requests a photocopy of the envelope showing the post mark. We do not have the envelope, but are sending in this request within the required 21 days from the date on your letter.

We look forward to communication about a hearing regarding our claim.

Sincerely,



Joseph P and Tierra C DiCarlo

OFFICE OF CITY ATTORNEY  
02 JUN 21 AM 10:30

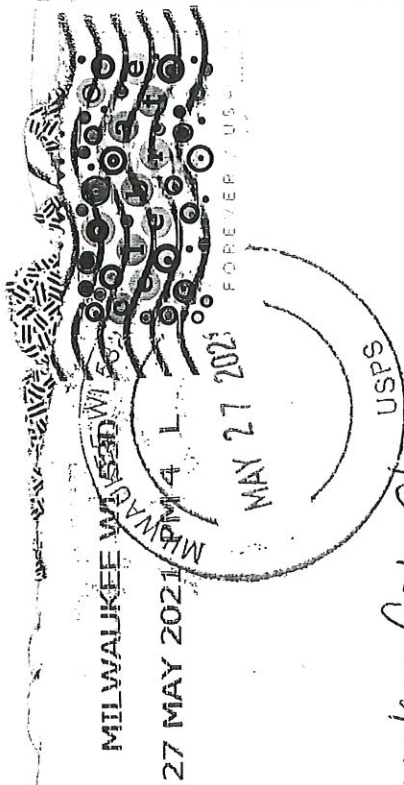
CITY OF MILWAUKEE  
2021 JUN - 1 PM 3:52  
CITY CLERK'S OFFICE

DiCarlo  
1602 N 48th St  
Milwaukee WI 53208

CITY CLERK'S OFFICE

2021 JUN - 1 PM 3:52

CITY OF MILWAUKEE



Milwaukee City Clerk  
200 E Wells St Rm 205  
Milwaukee WI 53202

53202-2025



Joseph P. DiCarlo  
Tierra C. DiCarlo  
1602 N. 48<sup>th</sup> Street  
Milwaukee, WI 53208

Milwaukee City Clerk

**Attn: CLAIMS**

200 E. Wells St., Room 205

Milwaukee, WI 53202-3567

October 7, 2020

Dear Milwaukee City Clerk,

Incident:

On June 11, 2020 at approximately 5:20pm, a large branch from a city-maintained tree on Galena Street (between the sidewalk and street) adjacent to the property of Joseph and Tierra DiCarlo at 1602 N. 48<sup>th</sup> Street, broke off from the tree and fell onto the DiCarlo property causing property damage. While this incident happened during a brief period of strong winds, the large tree branch (approximately 1+ foot in diameter and 30 feet long with a large array of smaller branches/leaves) hanging over the DiCarlo property had displayed signs of deterioration, rotting, cracking and mold for almost 2 years prior to the incident.

After evaluating the damage, we called the city (reference # 8124116) at 7:08pm to inform them of the situation and damage. City forestry workers arrived at approximately 10:10pm that night. The two workers (supervisors) who initially arrived and evaluated the situation stated that the branch was rotten, evidenced by large fungus growing on the tree and the cracks on the tree located by the crux of fallen branch and tree trunk. They also noted that rotting was evidenced by the dark brown wood on the inside of the fallen branch. When looking at the tree, one supervisor stated "This was total negligence on the city to not remove this branch." FYI - The forestry workers did an excellent job removing the fallen branch, and provided us an information sheet about claims when we inquired.

History:

Previous to this incident, Tierra DiCarlo made attempts over the past year to have the city forestry department address the concern of the rotting tree branch. During 2019, Tierra DiCarlo placed a call to the city stating the concern of the deteriorating nature of the tree branch and the concern of it breaking off and causing property damage. A city worker from the forestry department came out to evaluate that tree and agreed and stated to Tierra DiCarlo (while both viewing the rotting tree branch) that the branch was showing signs of rotting and should be removed. The worker stated that he would return

Joseph P. DiCarlo  
Tierra C. DiCarlo  
1602 N. 48<sup>th</sup> Street  
Milwaukee, WI 53208

the next day to remove the branch. During the next week, city workers arrived and removed a branch from a different tree near the property, but did not remove the noted tree branch. Tierra DiCarlo called the city again to inform them that the wrong tree branch was removed, but no one from the city returned to remove the correct rotting tree branch.

Damage:

When the tree branch fell onto the property, it damaged the 6 foot tall wooden fence (including ripping out a fence post), destroyed the patio furniture (glass patio table and chairs), and tore down the cable and electricity (power) lines/wires, and metal conduit housing the electric wires from the meter to the connection (metal conduit ripped off of the siding of the house). Gardening mulch was infused with glass from the shattered patio table, and a variety of plants and decorative lighting (on the fence) were also destroyed. The fallen tree branches also scraped / scratched the paint on the roof and doors of our new vehicle parked on our property (these scratches in the paint were noticed in the daylight the following day).

**\*See attached pictures of damage.**

Costs to repair damage (with explanation):

<b>\$466.10</b>	<b>Electrician costs to restore power (electricity) to house</b>	<b>-Invoice</b>
	Note: WE Energies reconnected power line from pole to house but electrician was necessary to reconnect lines from meter (house) to line connection on house, including destroyed metal conduit.	
<b>\$6.99</b>	<b>Silicone</b>	<b>-Receipt</b>
	Note: Silicone necessary to seal metal conduit to house siding (after electrician replaced the conduit).	
<b>\$37.37</b>	<b>Fence post and hardware</b>	<b>-Receipts</b>
	Note: Personally replaced fencepost and fence panel. No labor charged (only parts cost).	
<b>\$200</b>	<b>Patio furniture</b>	<b>-Receipt</b>
	Note: Replaced with comparable pre-owned furniture to reduce costs.	

Joseph P. DiCarlo  
Tierra C. DiCarlo  
1602 N. 48<sup>th</sup> Street  
Milwaukee, WI 53208

**\$ 68.13**                      **Decorative lighting (\$50.56) and garden mulch(\$17.57)**                      -Receipts

Note: Minimal garden replacements were made to reduce costs.

**\$132.93**                      **Buff out scratches on vehicle**                      -lower estimate of 2

Note: Estimates for buffing out scratches and touching up the paint on vehicle to reduce the risks of rusting (future costs from damage) due to paint scratches from tree branches / electric wires.

**\*See attached receipts, invoices and estimates.**

**Total Requested Claim      \$911.52**

Joseph P. DiCarlo  
414-254-3320  
[joedicarlo16@gmail.com](mailto:joedicarlo16@gmail.com)



10-9-2020

Tierra C. DiCarlo  
414-534-4965  
[tzandrews@hotmail.com](mailto:tzandrews@hotmail.com)

Property at:  
1602 N. 48<sup>th</sup> Street  
Milwaukee, WI 53208



**ELECTRIC DONE RIGHT**

invoice

MIDWEST MASTERS  
3830 s. lenox  
Milwaukee wi. 53207  
262-308-4265  
midwestmastersno1@gmail.com

Invoice No : 212  
Date : 6/12/2020  
Customer ID : 15

Dicarlo  
joedicarlo16@gmail.com  
1602 n 48th st.  
Milwaukee wi.  
53208-0000

414-534-4965

BEN GABOR repair service drop to house

5	labor	\$60.00	\$	300.00
1	materials list	\$166.10	\$	166.10

#8717  
\$466.10  
6/15/20

Subtotal	\$	466.10
Sales Tax @ 0.00%	\$	-
<b>TOTAL</b>	\$	<b>466.10</b>

Make all checks payable to MIDWEST MASTERS .

Silicon

THANK YOU FOR SHOPPING AT  
WAUWATOSA ACE HARDWARE  
(414) 476-0333



fence post

More saving.  
More doing.™

4100 N. 124TH ST WAUWATOSA WI 53222  
STORE MGR MICHAEL KAMPS (414) 353-5471

4923 00061 74403 07/15/20 11:50 AM  
SALE SELF CHECKOUT

082474063002 PFDKENDPBSGA <A> 29.96  
BEHR PREM P&F PAINT 6300 DEEP 1160Z  
042206270016 NOZZLE <A> 9.98  
MULTI PATTERN REAR TRIGGER NOZZLE  
090489124717 4X4-8 #2PT <A> 13.98  
4X4-8FT #2 PT GC

SUBTOTAL 53.94  
SALES TAX 2.97  
TOTAL \$56.91

XXXXXXXXXXXX1879 VISA

USD\$ 56.91  
TA

AUTH CODE 115115/1615667  
Chip Read  
AID A0000000031010

VISA CREDIT



4923 61 74403 07/15/2020 8051

RETURN POLICY DEFINITIONS  
POLICY ID DAYS POLICY EXPIRES ON  
A 1 180 01/11/2021

Due to COVID-19, we have extended our  
returns policy for most items.  
Please see homedepot.com for details.

\*\*\*\*\*

DID WE NAIL IT?

Take a short survey for a chance TO WIN  
A \$5,000 HOME DEPOT GIFT CARD

Opine en español

www.homedepot.com/survey

User ID: H89 154018 149156  
PASSWORD: 20365 149095

Entries must be completed within 14 days  
of purchase. Entrants must be 18 or  
older to enter. See complete rules on  
website. No purchase necessary.

06/24/20 6:20PM EAC 560 SALE

10064 1 EA \$6.99 EA  
SILICONE I W&D CLR10.10Z \$6.99  
33180 1 EA \$1.39 EA  
TAPE ELECT3/4X60'VYL ACE \$1.39  
9000480 1 EA \$1.19 EA  
CANDY RAISINETS 1.580Z \$1.19

SUB-TOTAL:\$ 9.57 TAX:\$ .53  
TOTAL:\$ 10.10  
BC AMT:\$ 10.10

BK CARD#: XXXXXXXXXXXX1879  
MID:\*\*\*\*\*1888 TID:\*\*\*3111  
AUTH: 814202 AMT:\$ 10.10  
Host reference #:096004 Bat#

Authorizing Network: VISA

Chip Read  
CARD TYPE:VISA EXPR: XXXX

AID : A0000000031010  
TVR : 8080008000  
IAD : 06010A0360A000  
TSI : 6800  
ARC : 00  
MODE : Issuer  
CVM : No CVM  
Name : VISA CREDIT  
ATC :00EF  
AC : C61CD1798833A55F  
TxnID/ValCode: 543270

Bank card USD\$ 10.10



==>> JRNL#A96004 <<==  
CUST NO:14

THANK YOU JOSEPH P DICARLO  
FOR YOUR PATRONAGE

Acct: CASH CUSTOMER

Customer Copy

Use Your  2%  
BIG CARD REBATE  
**MENARDS**

**MENARDS - W. MILWAUKEE**  
2101 Miller Park Way  
W. Milwaukee WI 53219

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for items on this receipt will be in the form of an in store credit voucher if the return is done after 10/20/20

If you have questions regarding the charges on your receipt, please email us at:  
WMILfrontend@menards.com



Sale Transaction

4X4 BOLT DOWN POST BASE 1712814	14.99
WEDGE ANCHORS-3/8X2-1/4 2327312 4 @1.55	6.20
<b>TOTAL</b>	<b>21.19</b>
TAX MILWAUKEE-WI 5.5%	1.17
<b>TOTAL SALE</b>	<b>22.36</b>
VISA CREDIT 1879	22.36
Auth Code:412294	
Chip Inserted	
a0000000031010	
TC - 0ea7db21fb12688e	
<b>TOTAL NUMBER OF ITEMS =</b>	<b>5</b>

*fence post hardware*

THE FOLLOWING REBATE RECEIPTS WERE  
PRINTED FOR THIS TRANSACTION:  
585

GUEST COPY

The Cardholder acknowledges receipt of goods/services in the total amount shown hereon and agrees to pay the card issuer according to its current terms.

THIS IS YOUR CREDIT CARD SALES SLIP  
PLEASE RETAIN FOR YOUR RECORDS.

THANK YOU YOUR CASHIER



More saving.  
More doing.<sup>SM</sup>

4100 N.124TH ST WAUWATOSA, WI 53222  
STORE MGR MICHAEL KAMPS (414)353-5471

4923 00062 29876 07/15/20 11:58 AM  
SALE SELF CHECKOUT

887430093711 HANGER BOLT <A> 0.98  
HANGER BOLT PLAIN 5/16"-18X3"

SUBTOTAL 0.98  
SALES TAX 0.05  
TOTAL \$1.03

XXXXXXXXXXXX1879 VISA USD\$ 1.03

AUTH CODE 115195/1621830 TA

Chip Read  
AID A0000000031010 VISA CREDIT

*fence post hardware*



4923 62 29876 07/15/2020 5676

RETURN POLICY DEFINITIONS  
POLICY ID DAYS POLICY EXPIRES ON  
A 1 180 01/11/2021

Due to COVID-19, we have extended our returns policy for most items. Please see homedepot.com for details.

\*\*\*\*\*  
DID WE NAIL IT?

Take a short survey for a chance TO WIN  
A \$5,000 HOME DEPOT GIFT CARD

Opine en español

www.homedepot.com/survey

User ID: H89 64964 60103  
PASSWORD: 20365 60041

Entries must be completed within 14 days of purchase. Entrants must be 18 or older to enter. See complete rules on website. No purchase necessary.



# FB Marketplace Sale

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## INVOICE

To: Tierra DiCarlo  
Milwaukee, WI

Date: 8/2/2020

Description	Quantity	Unit Price	Cost
Wrought Iron Table	1	\$100.00	\$100.00
Wrought Iron Chairs	4	\$25.00	\$100.00
Total			<b>\$200.00</b>

Replacement  
mulch



MENARDS - W. MILWAUKEE  
2101 Miller Park Way  
W. Milwaukee WI 53219

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for  
items on this receipt will be in the form  
of an in store credit voucher if the  
return is done after 01/03/21

If you have questions regarding the  
charges on your receipt, please  
email us at:

WMILfrontend@menards.com



Sale Transaction

RED MULCH		
1803036	5 @3.33	16.65
TOTAL		16.65
TAX MILWAUKEE-WI 5.5%		0.92
TOTAL SALE		17.57
VISA CREDIT 1879		17.57
Auth Code:315021		
Chip Inserted		
a000000031010		
TC - 4a6cc3fcbu610dcf		

TOTAL NUMBER OF ITEMS = 5

THE FOLLOWING REBATE RECEIPTS WERE  
PRINTED FOR THIS TRANSACTION:  
611

GUEST COPY

The Cardholder acknowledges receipt of  
goods/services in the total amount shown  
hereon and agrees to pay the card issuer

Replacement lights for  
Back yard



MENARDS - W. MILWAUKEE  
2101 Miller Park Way  
W. Milwaukee WI 53219

KEEP YOUR RECEIPT  
RETURN POLICY VARIES BY PRODUCT TYPE

Unless noted below allowable returns for  
items on this receipt will be in the form  
of an in store credit voucher if the  
return is done after 01/03/21

If you have questions regarding the  
charges on your receipt, please  
email us at:

WMILfrontend@menards.com



Sale Transaction

25CT C9 STANDARD MULTI		
2841623	4 @11.98	47.92
TOTAL		47.92
TAX MILWAUKEE-WI 5.5%		2.64
TOTAL SALE		50.56
VISA CREDIT 1879		50.56
Auth Code:315073		
Chip Inserted		
a000000031010		
TC - 7d03defa39ab7441		

TOTAL NUMBER OF ITEMS = 4

THE FOLLOWING REBATE RECEIPTS WERE  
PRINTED FOR THIS TRANSACTION:  
611

GUEST COPY

The Cardholder acknowledges receipt of  
goods/services in the total amount shown  
hereon and agrees to pay the card issuer  
according to its current terms.

# ACCI•DENT

7564

DENTS • BUMPERS • TOUCH UPS

*"Like it never even happened"*

6045 N Flint Rd • Glendale, WI 53209

Name Terra DiCarlo

Tele# 534 4965

Model 2017 Hond CR-U

Color Drk Red

Paint Rpr \_\_\_\_\_

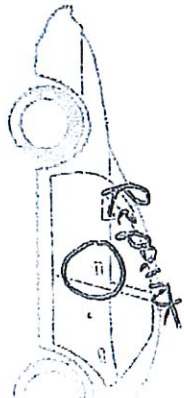
Dents \_\_\_\_\_

Touchup included (t)

Notes Repaint Doorhandle \$175.

+ Buff All Damaged panels - wet sand if needed \$225

Total \$400



damndents.com

414.305.5005

# CALIBER COLLISION

**CALIBER - WEST ALLIS**  
RESTORING THE RHYTHM OF YOUR LIFE  
1434 SOUTH 113TH STREET, WEST ALLIS, WI  
53214  
Phone: (414) 607-8810  
FAX: (414) 607-8830

Workfile ID: 08857a86  
Federal ID: 33-0730794

## Preliminary Estimate

**Customer: Dicario, Tierra**

Written By: Donald Koskovich

Insured: Dicario, Tierra Policy #: Claim #:  
Type of Loss: Date of Loss: Days to Repair: 0  
Point of Impact: 09 Left T-Bone (Left Side)

**Owner:** Dicario, Tierra (414) 534-4965 Cell  
**Inspection Location:** CALIBER - WEST ALLIS  
1434 SOUTH 113TH STREET  
WEST ALLIS, WI 53214  
Repair Facility  
(414) 607-8810 Business  
**Insurance Company:** CUSTOMER PAY

## VEHICLE

2017 HOND CR-V EX-L AWD w/Navigation 4D UTV 4-1.5L Turbocharged Gasoline Gasoline Direct Injection burgandy

VIN: 5J6RW2H84HL011549 Interior Color: grey Mileage In: 43,185 Vehicle Out:  
License: AJE9352 Exterior Color: burgandy Mileage Out:  
State: WI Production Date: 1/2017 Condition: Job #:

### TRANSMISSION

Automatic Transmission  
4 Wheel Drive

### POWER

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Mirrors  
Heated Mirrors  
Power Driver Seat  
Power Passenger Seat

### DECOR

Dual Mirrors  
Privacy Glass  
Console/Storage  
Overhead Console  
Wood Interior Trim

### CONVENIENCE

Air Conditioning  
Intermittent Wipers  
Tilt Wheel  
Cruise Control  
Rear Defogger  
Keyless Entry  
Alarm  
Message Center  
Steering Wheel Touch Controls  
Rear Window Wiper  
Telescopic Wheel  
Climate Control  
Navigation System  
Backup Camera  
Remote Starter  
Intelligent Cruise  
Home Link

### RADIO

AM Radio  
FM Radio  
Stereo  
Search/Seek  
Auxiliary Audio Connection  
Satellite Radio  
**SAFETY**  
Drivers Side Air Bag  
Passenger Air Bag  
Anti-Lock Brakes (4)  
4 Wheel Disc Brakes  
Traction Control  
Stability Control  
Front Side Impact Air Bags  
Head/Curtain Air Bags  
Hands Free Device  
Blind Spot Detection

Lane Departure Warning

### ROOF

Electric Glass Sunroof

### SEATS

Bucket Seats  
Reclining/Lounge Seats  
Leather Seats  
Heated Seats

### WHEELS

Aluminum/Alloy Wheels

### PAINT

Clear Coat Paint

### OTHER

Fog Lamps  
Rear Spoiler  
Signal Integrated Mirrors  
**TRUCK**  
Power Trunk/Gate Release

**Preliminary Estimate**

**Customer: Dicarío, Tierra**

2017 HOND CR-V EX-L AWD w/Navigation 4D UTV 4-1.5L Turbocharged Gasoline Gasoline Direct Injection burgaundy

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		<b>FRONT DOOR</b>					
2	*	Rpr RT Handle, outside w/body color molten lava				<u>1.0</u>	<u>0.0</u>
		Note: try to buff handle and doorif scrstch doesnt come out will have to paint					
3		<b>PILLARS, ROCKER &amp; FLOOR</b>					
4	*	Rpr LT Aperture panel				<u>1.0</u>	<u>0.0</u>
		Note: try to buff sail panel if scuffs dont come out will have to paint					
<b>SUBTOTALS</b>					<b>0.00</b>	<b>2.0</b>	<b>0.0</b>

**ESTIMATE TOTALS**

Category	Basis	Rate	Cost \$
Parts			0.00
Body Labor	2.0 hrs @	\$ 63.00 /hr	126.00
Subtotal			126.00
Sales Tax	\$ 126.00 @	5.5000 %	6.93
<b>Grand Total</b>			<b>132.93</b>
Deductible			0.00
<b>CUSTOMER PAY</b>			<b>0.00</b>
<b>INSURANCE PAY</b>			<b>132.93</b>



OFFICE OF THE CITY CLERK  
Milwaukee, Wisconsin

## INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a claim against the City a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed at the bottom of this instruction sheet. Generally the statute requires the claimant to submit to the City Clerk:

1. A document stating the circumstances of the claim which must be signed by the claimant, or his/her agent or attorney. This document should be filed within 120 days of the event.
2. A document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated.

*(The above information may be combined in a single document.)*

The following information should also be submitted to allow the City to promptly act on your claim:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number where the claimant can be reached during business hours as well as the claimant's e-mail address, if any.
3. As detailed a description of the incident as possible, including the date, time and place.

All information should be submitted to:

City Clerk  
ATTN: CLAIMS  
200 E. Wells St., Room 205  
Milwaukee, WI 53202-3567

### ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis in determining if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.

**893.80** Claims against governmental bodies or officers, agents or employees; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.