

# CITY OF MILWAUKEE

Form CA

GRANT F. LANGLEY  
City Attorney

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

CITY OF MILWAUKEE  
RECEIVED

2005 FEB -2 PM 3: 37

OFFICE OF  
CITY ATTORNEY



OFFICE OF CITY ATTORNEY  
800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

BEVERLY A. TEMPL  
THOMAS O. GARTN  
BRUCE D. SCHRIMP  
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SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAM/  
THOMAS J. BEAMIS/  
MAURITA F. HOURE  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKE  
HEIDI WICK SPOERL  
KURT A. BEHLING  
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ELLEN H. TANGEN  
MELANIE R. SWANK  
JAY A. UNORA  
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LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROI  
DAWN M. BOLAND  
KATHRYN M. ZALEW

Assistant City Attorne

January 14, 2005

Joseph Rosso  
3352 North Pierce Street  
Milwaukee, WI 53212

RE: Joseph Rosso  
C.L. File No. 04-S-272

Dear Mr. Rosso:

We have received your claim in the amount of \$1,398.33, relating to the alleged damage sustained to your vehicle on July 31, 2004 when a branch fell from a city owned tree, growing adjacent to 3347 North Pierce Street, causing damage to your vehicle parked in front of 3351 North Pierce Street.

Our investigation reveals that the Forestry Division was not notified of this alleged loss. Their records further noted they have followed their normal and customary procedures with the subject tree. Since the City was not negligent in this matter, it cannot accept liability, as such, 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

ROBERT M. OVERHOLT  
Investigator Adjuster

RMO: mb  
1068-2004-2384:88951

CITY OF MILWAUKEE  
FEB -2 PM 1: 38  
RIMMALL, J. LEONHARDT  
CITY CLERK

*I would like to Appeal  
this claim 2/1/05  
Joseph J. Rosso*

CITY OF MILWAUKEE  
RECEIVED

'04 AUG 13 PM 1:44

8-9-04

To whom it May Concern:

On 7-31-04 between 7:30 & 9:00 AM.  
my Mercury Sable, 2002 was parked  
in front of 3351 N. Pierce St. a tree  
in front of 3347 N. Pierce St lost a  
large branch & it fell on the hood  
of my car causing damage. The tree (curb)  
had been trimmed last year for  
it is dying. Enclosed are pictures,  
2 estimates & the name of a arborist.

Cherry Gray  
3359 N. Pierce  
Mil. WI 53212

961-1652

Thank You

JOSEPH ROSSE  
3352 N. Pierce  
Mil. WI 53212

562-0152

CITY OF MILWAUKEE

2004 AUG 12 PM 12:27

RONALD J. SCHMIDT  
CITY CLERK

X Joseph Rosse

BESSON AUTO BODY  
 9400 WEST NATIONAL AVENUE  
 WEST ALLIS, WI 53227-1412  
 OFFICE: (414) 476-1660 FAX: (414) 453-5833  
 FEDERAL ID # 39-1220994

CD LOG NO 4009-1      DATE 08/03/04

SHOP: BESSON AUTO BODY	INSP DATE: 08/03/04
ADDRESS: 9400 W NATIONAL AVE	CONTACT: KEVIN MINKLEY
CITY STATE: WEST ALLIS, WI	PHONE 1: (414) 476-1660
ZIP: 53227-1412	PHONE 2: (414) 321-9825
	FAX: (414) 321-9825

OWNER: ROSSO, JOSEPH	HOME PHONE: (414) 562-0152
ADDRESS: 3352 N. PIERCE ST.	WORK PHONE: (414) 328-7929
CITY STATE: MILWAUKEE, WI	FAX: (414) 687-6696
ZIP: 53212-	

LIC#:	STATE:	VIN: 1MEHM55S72G618407
BODY COLOR:		MILEAGE:
CONDITION:		ACCTNG CTL#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UC=RECONDITIONED PRT	UM=REMAN/REBUILT PRT
EU=REPLACE SALVAGE	EP=REPLACE PXN	PC=PXN RECONDITIONED
PM=PXN REMAN/REBUILT	TE=PARTL REPL PRICE	ET=PARTL REPL LABOR
IT=PARTIAL REPAIR	I=REPAIR	L=REFINISH
BR=BLEND REFINISH	TT=TWO-TONE	CG=CHIPGUARD
SB=SUBLET	N=ADDITIONAL LABOR	RI=R&I ASSEMBLY
P=CHECK	AA=APPEAR ALLOWANCE	RP=RELATED PRIOR
UP=UNRELATED PRIOR		

2002 MERCURY SABLE    LS PREMIUM 4DOOR SEDAN    6CYL GASOLINE 3.0 DOHC  
 CODE: R3533D/C OPTNS D/24GQSICFL

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES	TWO-STAGE - INTERIOR SURFACES
BUMPER COVER MOUNTED FOG LAMPS	DRIVER POWER SEAT
HEATED REMOTE CONTROL MIRRORS	KEYLESS ENTRY SYSTEM
ANTI-LOCK BRAKE SYSTEM	CLIMATE CONTROLLED A/C
ALARM SYSTEM	

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
RI	0041		HEADLAMP ASSY, HALOG LT	R&I ASSEMBLY				0.2	1
RI	0042		HEADLAMP ASSY, HALOG RT	R&I ASSEMBLY				0.2	1
E	0083		PANEL, HOOD	YF4Z16612BA	409.92			1.7	1
L	0083	13	PANEL, HOOD	REFINISH				5.3	4
I	0103		FENDER, FRONT	LT REPAIR				3.0	*1
L	0103		FENDER, FRONT	LT REFINISH				2.2	4
BR	0104		FENDER, FRONT	RT BLEND REFINISH				1.1	4
E	0076		NAMEPLATE, FENDER	LT F6RZ16098KA	4.53			0.2	1
E	0077		NAMEPLATE, FENDER	RT F6RZ16098KA	4.53			0.2	1
EC	M14		CORROSION PROTECTION	ECONOMY PART	20.00*				*4*

2002 MERCURY SABLE LS PREMIUM 4DOOR SEDAN  
CD LOG NO 4009-1

EC M17	COVER CAR EXTERIOR	ECONOMY PART	8.00*	*4*
SB M60	HAZARD. WSTE. REM.	SUBLET REPAIR	5.00*	*1*

12 ITEMS

MC MESSAGE(S)  
13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS				418.98
OTHER PARTS				28.00
PAINT MATERIAL				223.60
PARTS & MATERIAL TOTAL				670.58
TAX ON PARTS & MATERIAL @			5.600%	37.55
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	46.00	2.5	3.0	253.00
2-MECH/ELEC	65.00			
3-FRAME	46.00			
4-REFINISH	46.00	8.6		395.60
5-PAINT MATERIAL	26.00			
LABOR TOTAL				648.60
TAX ON LABOR		@	5.600%	36.32
SUBLET REPAIRS				5.00
TAX ON SUBLET		@	5.600%	0.28
TOWING				
STORAGE				

GROSS TOTAL 1,398.33

NET TOTAL 1,398.33

ADP SHOPLINK U3053 ES CD LOG 4009-1 DATE 08/03/04 08:14:52AM R6.35 CD 06/04  
HOST LOG  
(C) 1998 - 2004 ADP CLAIMS SOLUTIONS GROUP, INC.

2.2 HRS WERE ADDED TO THIS EST. BASED ON ADP TWO-STAGE REFINISH FORMULA.

-----  
ESTIMATE IS OPEN TO HIDDEN DAMAGES.

CAR-O-LINER  
UNIBODY  
REPAIR SYSTEM

# WESTWAY AUTO BODY INC.

1412 S. 62nd St.  
West Allis, WI 53214

Phone: 259-1119 • Fax 259-8081

- COMPLETE AUTO BODY REPAIRS
- RENTAL CARS
- INSURANCE WORK

## ESTIMATE AND REPAIR ORDER

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_ SHEETS

Car Owner: JOE ROSSO Business Phone: \_\_\_\_\_ Date: 9-5-04  
 Address: 3352 N PIERCE MILW CITY: \_\_\_\_\_ Home Phone: 414 562-0152  
 Insurance Co.: \_\_\_\_\_ Phone: \_\_\_\_\_ Est. No.: \_\_\_\_\_  
 Repair Order No.: \_\_\_\_\_  
 I.D. # 1MEHM55726G18492 Adjuster: \_\_\_\_\_ Retain Parts  Customer Initial: \_\_\_\_\_

YEAR: 02 MAKE: MERCUER MODEL: SABLE LS LICENSE NO.: \_\_\_\_\_ ODOMETER: \_\_\_\_\_  
 Destroy Parts

Repair	Description of Labor or Material	LABOR HRS	PARTS	MISC	SUBLET NET & PAINT
✓	HOOD	4.2	1.4	41400	
✓	L FRT FENDER	2.0	3.0		
	R&F L BELT MLD		.3		
	" SIDE MLD		.5		
	" MIRROR		.4		
✓	24V DOHC ENG L-		.3	458	
	R&F TRIM PNL		.5		
	" DOOR HANDLE		.6		
✓	24V DOHC ENG R-		.3	458	
	BLEND & CLEAR (2.8)				
	REFINISH 25 INGS	8.7			
	PAINT + MAT				217.50
	COVER FOR REFINISH	.2		5.00	
	CORROSION PROTECTION	.2		15.00	
	WASTE REMOVAL			4.90	

16.4 HRS. OF LABOR @ \$ 46 PER HR. \$ 757.40

The above estimate is based on our inspection and does not cover additional parts or labor which may be required after the work has started. Worn or damaged parts, not evident on first inspection, may be discovered and you will be contacted for authorization for additional work. Parts prices subject to change without notice. This estimate is good for \_\_\_\_\_ days.

Insurance Deductible: \_\_\_\_\_ Estimator: \_\_\_\_\_  
 ACKNOWLEDGEMENT: I have read and understand the above estimate and authorize repair service to be performed, including sublet work and acknowledge receipt of this estimate. An express mechanic's lien is hereby acknowledged on above car, truck, or vehicle to secure the amount of repairs thereto.

THIS WORK AUTHORIZED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 WORK ACCEPTED BY: \_\_\_\_\_ DATE \_\_\_\_\_

ESTIMATE AMOUNT \$ \_\_\_\_\_

Revised Estimate \$ \_\_\_\_\_

Customer's O.K. By \_\_\_\_\_

Time	Date Called	By Whom

Deposit \$ \_\_\_\_\_

Chgs. if not Repaired \$ \_\_\_\_\_

PARTS	423.18
PAINT MATERIALS	217.50
BODY MATERIALS	24.90
SUBLET	1419.98
TAX	79.52
ADVANCE CHARGES	
<b>TOTAL</b>	<b>1499.50</b>

Thank You

*Joseph Russo*

OFFICE OF THE CITY CLERK  
Milwaukee, Wisconsin

# INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a state-law claim against the City, a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of the instruction sheet. Generally the statute requires the claimant to serve on the City Clerk a document stating the circumstances of the claim. The document must be signed by the claimant, or his/her agent or attorney, and should be served within 120 days of the event.

The claimant must also present to the City Clerk 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.)

Submitting the following additional information will allow the City to act on your claim more promptly:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number the claimant can be reached during business hours.
3. As detailed a description of the incident as possible, including the date, time and location.

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.

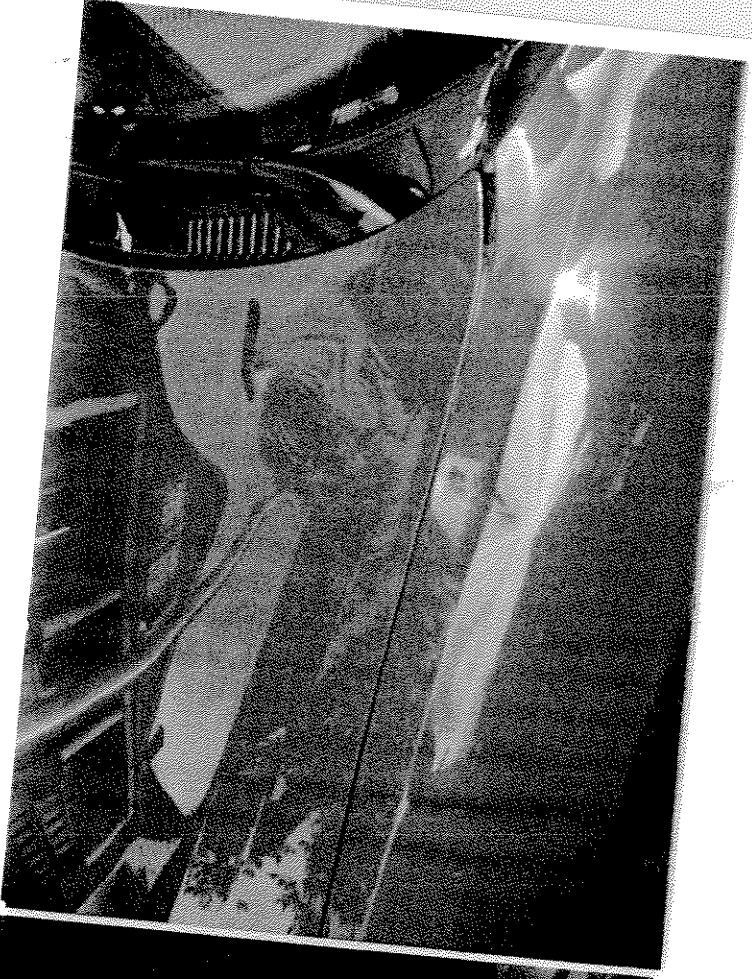
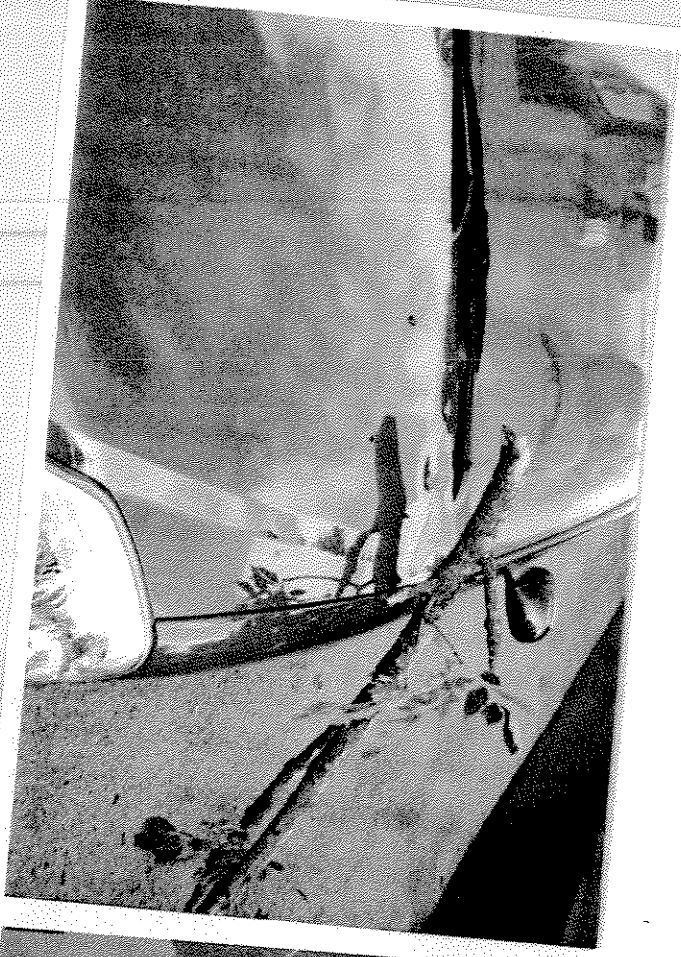
Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis to determine if reimbursement is legally required.

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.

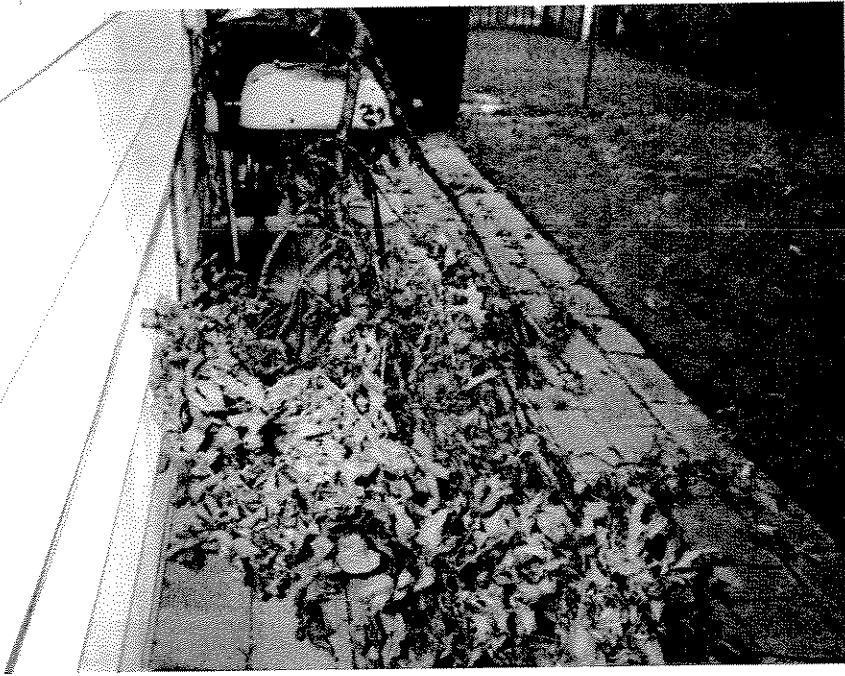












This is the branch  
that fell from the tree.  
we put it in our yard.

