

Wall, Audie J.

3426 North Fifth Street Milwaukee, Wisconsin 53212 414-265-2441

CITY OF MILWAUKEE

2003 MAY -5 AM 11:55

RONALD D. LEONHARDT
CITY CLERK

Claim Appeal - City of Milwaukee

TODAY'S DATE: MAY 2, 2003

STATEMENT OF APPEAL:

TO: CITY CLERK
ATTN: CLAIMS
200 E. WELLS STREET, ROOM 205
MILWAUKEE, WI 53212

FROM: Audie J. Wall
Address: 3426 N. 5th St.
Milwaukee, WI 53212
TEL. NO. 414-265-2441
DOB/AGE: March 23, 1935 / 67 Years Old
Witness: Kevin McKeown
Witness Tel. 414-466-2548

Page 1 of 2

Damages – Pain/Suffering Requested: \$5,000.00

Re: C.I. File No.: 03-S-130
Audie J. Wall - Injury due to Fall on January 14, 2003 on City Property (Milwaukee)

I, Audie J. Wall, received your response letter dated April 10, 2003 on April 16, 2003 responding to my original claim (file No. listed above). I am now appealing within the 21 day appeal period limits. This LETTER OF APPEAL is in response to your denying my original claim letter dated: February 5, 2003.

The fact that the City received only one complaint other than my own does not relinquish its responsibility to be liable for pedestrians injuries like the one's I have sustained. The repair work was conducted following my fall and this fact also is irreverent to my claim since my fall occurred when the sidewalk was hazardous.

The facts supporting my claim are as follows:

1. I sustained injury due to a fall on hazardous City of Milwaukee property
2. I sustained permanent scarring due to said fall.
3. I sustained sever pain, swelling, cuts and bruises of which I submitted photos.
4. The fall upset my hernia for several weeks following because part of the fall I landed belly-down hard on my stomach.

OFFICE OF
CITY ATTORNEY
CITY OF MILWAUKEE
RECEIVED
MAY -5 PM 3:49

May 2, 2003
City of Milwaukee
City Clerk
ATTN: Claims
Page 2 of 2

C.I. File No.: 03-S-130

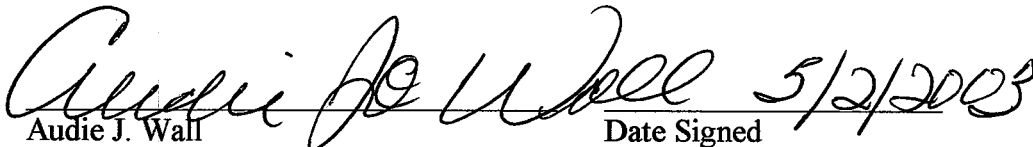
From: Audie J. Wall, Claimant
Add: 3426 N. 5th St.
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Damages – Pain/Suffering Requested: \$5,000.00

5. My doctor also witnessed my injuries: bruises, cuts and swelling 2 days following my fall (I have written documentation from my doctor verifying this fact) - I was hardly able to walk with the bruises and swelling, along with unbearable stomach pain with my hernia.
6. I have an eyewitness to said injury including name, and telephone number. This witness aided me after my fall.
7. I reported this fall also to a nearby local business owner who stated I was not the only person who'd fallen at this location, but in fact there were several falls. I have this person's name and telephone number as well.

I hereby request that the City of Milwaukee, under the provision of Wis. Stat. Sec. 62.65, allow my claim. Wis. Stat Sec. 893.80 has been fully complied with. The claimant by these Wisconsin Stats specifies that the City is liable for damages and injuries due to their negligence when involving City and/or State property.

I respectfully again request that \$5,000.00 be paid to satisfy my permanent scars and injuries as a result of my fall.


Audie J. Wall Date Signed 5/2/2003

Wall, Audie J.

CITY OF MILWAUKEE

3426 North Fifth Street Milwaukee, Wisconsin 53212

2003 MAR 12 PM 1: 10
414-265-2441

Filing of Claim against City of Milwaukee

RONALD D. LEONHARDT
CITY CLERK

TODAY'S DATE: FEBRUARY 5, 2003

STATEMENT OF CIRCUMSTANCES:

TO: CITY CLERK
ATTN: CLAIMS
200 E. WELLS STREET, ROOM 205
MILWAUKEE, WI 53212

Page 1 of 2

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Damages – Pain/Suffering Requested: \$5,000.00

On Tuesday, January 14, 2003 at 0825A.M. I, Audie J. Wall, was walking westbound on State Street at Old Third World Street, in route to Milwaukee Area Technical College (M.A.T.C. Downtown Campus) to a job assignment from Hatch Temporary Services.

Suddenly I found myself stumbling and falling onto the ground. I landed first on my knees and continued to fall ending up on my stomach with my chin approximately 1/4" from the concrete. I was picked up by a young man (black) named Kevin McKeown. He was helpful in seeing if anything was broken before he went on his way. I glanced down to see what could have caused my fall and noticed the un-even concrete side walk.

I have a stomach hernia I am being currently treated for by my doctor for some years now. This fall caused increased stomach pains for 2 weeks following my fall. My blue jean pants were ripped in the seams, my knees were severely bruised, skin broken, and swollen. I began to bleed from both knees.

I walked very slowly until I reached MATC. The instructor indicated that I should see a nurse. In doing so she brought me alcohol sponges, band-aids and anti-bacterial gel was used on both knees. I forcing myself, worked 7 1/2 hours in excruciating pain in both my stomach and knees.

Upon leaving the job at 4:45PM, I walked East on State Street to get the bus home. I stopped to see the owner of Lukas on State Street (located directly where I fell). I told him about the un-even sidewalk and my accident fall, I showed him also my red, swollen and scarred knee injuries. He then indicated he had previously reported to the City of Milwaukee the condition of the concrete walkway and how others have also fallen, but nothing had been done.

OFFICE OF
CITY ATTORNEY
CITY OF MILWAUKEE
RECEIVED
MAR 13 PM 3:25

February 5, 2003
City of Milwaukee
City Clerk
ATTN: Claims
Page 2 of 2

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I went home and took pictures of my injuries (enclosed). I then washed my knees with antibacterial gel, used peroxide and applied antibiotic ointment to my knees. I spent over 20 years working at Northwest General Hospital as a unit secretary assisting doctors and nurses and know how to treat an injury of this nature in terms of cleansing. My doctor also noted my injuries on January 17th, 2003 at an appointment I'd already had scheduled with him (Dr. Fetherston at the Glendale Clinic) located at 6900 Port Road, in Glendale, Wisconsin, 414-270-8100.

The following day, Wednesday, January 15, 2003 I was painfully and barely able to get around. My knees were almost un-functioning and my stomach felt like I was a punching bag – my knees and hernia was affected for 2 weeks. I did not feel well at all. I am 67 years old and thank God my bones were not broken at my age.

Concerning claim damages and pain and suffering unable to accept working assignments, I've listed the amount at the opening of this statement along with contact information of the young gentleman who witnessed my fall.

Please contact me if you have any questions or need further information.

THIS STATEMENT IS BOTH TRUE AND ACCURATE.

Audie J. Wall

Date Signed

p.s. The City has since repaired this site with some sort of black tar substance – I saw it just a few days ago – but it was not repaired on January 14, 2003 the day I took a fall.

