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May 24, 2024

Attorney Todd R. Korb
HUPY AND ABRAHAM, S.C.
111 E. Kilbourne Ave., Suite 1100
Milwaukee, WI 53227

RE: Communication from Attorney Todd R. Korb on behalf of
Demetris Dyson and Tyrone Cross
C.I. File Nos. 1030-2023-1948 and 1030-2023-1949

Dear Attorney Korb:

We have received your claims for the amounts of \$36,073.32 and \$22,404.86 in relation to injuries your clients, Demetrius Dyson and Tyrone Cross, sustained on August 25, 2023, when a City of Milwaukee Fleet truck allegedly made contact with your client's vehicle at the intersection of North Teutonia Avenue and West Villard Avenue.

Our investigation determined the Department of Public Works (DPW) City of Milwaukee driver was in the process of turning right onto West Villard Street from North Teutonia Avenue on August 25, 2023. Our driver states he did not see, hear, or feel any indication that he made contact with your client's vehicle. The DPW supervisor who responded to the location determined that none of the extensive damages on your client's vehicle were consistent with being struck by the DPW truck.

Inasmuch as our DPW driver was not distracted in any way and made a proper right hand turn at the intersection, and since there is no evidence that contact was made, the City of Milwaukee cannot accept liability in this case. Accordingly, we are denying your claims.

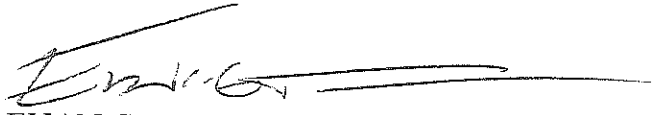
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Attorney Todd R. Korb
HUBY AND ABRAHAM, S.C.
May 24, 2024
Page Two

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



EVAN C. GOYKE
City Attorney



PATRICIA KLOSIEWSKI
Investigator Adjuster

PK/cdr

June 11, 2024

Evan C. Goyke and Patricia Klosiewski
Milwaukee City Hall, Suite 800
200 East Wells Street
Milwaukee, Wisconsin 53202

RE: Clients: Demetris Dyson and Tyrone Cross
Date of Incident: 08/25/2023
C.I. File Nos: 1030-2023-1945 and 1030-2023-1949

Dear Evan C. Goyke and Patricia Klosiewski:

We have received your denial regarding the claims for our clients, Demetrius Dyson and Tyrone Cross, for injuries sustained on August 25, 2023, when a City of Milwaukee Fleet truck hit our clients' vehicle at the intersection of North Teutonia Avenue and West Villard Avenue.

Attached you will find a denial letter from GEICO, the insurance issued to the driver of our clients' vehicle at the time of the accident. GEICO's investigation of the accident found that our clients' driver was not at fault, but rather, the City of Milwaukee employee was at fault for making a wide turn and striking our clients' vehicle.

Under WIS. STAT. § 346.31(2),

Both the approach for a right turn and the right turn shall be made as closely as practicable to the right-hand edge or curb of the roadway. If, because of the size of the vehicle or the nature of the intersecting roadway, the turn cannot be made from the traffic lane next to the right-hand edge of the roadway, the turn shall be made with due regard for all other traffic.

See also, Fields v. Creek, 21 Wis. 2d 562, 124 N.W.2d 599 (1963) (holding that "the jury could reasonably find that the defendant was negligent in . . . making a right turn from an improper portion of the roadway under sec. 346.31(2)"). By making right turn from the wrong lane, without properly moving as close as practicable to the right-hand edge or curb of the roadway, and by failing to show due regard for all other traffic, including our clients' vehicle, the City of Milwaukee driver was negligent in this accident.

We are requesting a hearing to appeal this decision and would also like to inquire whether you would consider a 50/50 liability split for this accident. Please let us know if you would consider agreeing to a 50/50 liability split in this accident.

Sincerely,
Hupy and Abraham, S.C.

/s/ Todd R. Korb
Attorney for the Plaintiffs

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ILLINOIS: Bloomington | Gurnee | Rockford IOWA: Cedar Rapids | West Des Moines | Quad Cities

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GEICO Secure Insurance Company

One Geico Center
Macon, GA 31296-0001



11/08/2023

Hupy And Abraham Sc

111 E Kilbourn Ave STE 1100
Milwaukee, WI 53202-6675



Company Name: GEICO Secure Insurance Company
Claim Number: 875580467 0000 002
Loss Date: Friday, August 25, 2023
Policyholder: Giigii Gray
Driver: Albert Gray
Claimant Vehicle: 2011 Nissan
Claimant Driver: Albert Gray
Clients: Demetrius Savonte Dyson & Tyrone Cross

Dear Hupy And Abraham Sc,

We have investigated the circumstances of the loss referred to above. Our obligation as an insurer is to pay damages for which our insured is legally liable.

According to the information available to us to date, our investigation indicates the damages occurred because Jerry D Williams, Employee of the City of Milwaukee made a wide turn striking my insured. As we have found our insured to not be at fault, Bodily Injury Coverage for your clients would not be applicable. However, there is another Geico claim that has been set up using Medical Payments Coverage, which would be the applicable coverage in this scenario. Any questions regarding treatment for your clients please reach out to that adjuster Lizzette Hashim contact: 520-546-2525, Claim # 8755804670000001, as they are the ones handling the injury claims from here out.

Based on these facts, it does not appear that our insured is legally liable for damages as a result of this loss. We are, therefore, unable to issue any payment at this time.

If you have any further information that differs from the above or if you disagree with our determination, please let us know.

Sincerely,

April Murphy
317-795-3342
Claims Department

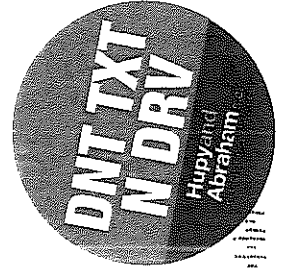


Huppy & Abraham s.c.
personal injury lawyers

111 EAST KILBOURN AVENUE, SUITE 1100
MILWAUKEE, WISCONSIN 53202

RETURN SERVICE REQUESTED

Evan C. Goyke and Patricia Klosiewski
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Milwaukee, Wisconsin 53202



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