

**WRITTEN NOTICE OF CIRCUMSTANCES OF CLAIM
PURSUANT TO SECTION 893.80(1d)(a), WIS. STATS. (2017)**

TO: City of Milwaukee Clerk
Milwaukee City Hall Room 205
200 East Wells Street
Milwaukee, Wisconsin 53202

City of Milwaukee
Department of Public Works
Attn: Ghassan Korban - Commissioner
841 North Broadway, Room 501
Milwaukee, Wisconsin 53202

CITY CLERK'S OFFICE
2017 MAY 10 PM 3:22
CITY OF MILWAUKEE

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MAY 11 2017

OFFICE OF
CITY ATTORNEY

NOTICE OF CIRCUMSTANCES OF CLAIM as required by Section 893.80(1d)(a), Wis.

Stats. (2011), is hereby served upon the City of Milwaukee City Clerk pursuant to Section.


801.11(4)(a)3, that Edward Mendoza suffered personal injuries and has a claim therefore under the following circumstances:

1. That Edward Mendoza, is an adult who currently resides at 2230 North 26th Street, Milwaukee, Wisconsin 53205.
2. That on or about the 6th day of February, 2017, at approximately 6:39 p.m., Edward Medoza was operating his red 1992 Ford F150 pick up truck and was traveling northbound on North 30th Street. There was no stop sign visible and he entered the intersection with West Center Street in Milwaukee, Wisconsin. At the same time and place a black 2000 Lexus owned and operated by Kendron Weston of 3547 North 12th Street, Milwaukee, Wisconsin 53205 was traveling eastbound on West Center Street when Mr. Mendoza entered the intersection and the two vehicles collided, flipping Mr. Mendoza's vehicle over, and causing injuries and damages Mr. Mendoza's person and truck.
3. That the City of Milwaukee and the City of Milwaukee Department of Public Works were negligent, jointly and severally, for failing to correct the stop sign at North 30th Street and West Center Street that was turned and not visible to drivers.
4. That as a direct and proximate result of the joint and several negligence of the City of Milwaukee and the City of Milwaukee Department of Public Works, Mr. Mendoza was caused to suffer severe and likely permanent personal injuries and sustained the loss of his vehicle as it was damaged beyond its value of economic repair.

PLEASE TAKE NOTICE that this is a **Notice of Circumstances of Claim** under Section 893.80(1d)(a), Wis. Stats. (2011). It is **not a claim** under Section 893.80(1d)(b), Wis. Stats. 2011. **Therefore, there is nothing for the parties served herein to allow or disallow with respect to this document.** After Edward Medoza's treatment is completed and his injuries are evaluated, he will present a claim under Section 893.80(1d)(b), Wis. Stats. (2011) for the parties served herein to allow or disallow as they see fit. There is no requirement that Edward Mendoza serve a claim, as a opposed to a **Notice of Circumstances of Claim**, within 120 days of his February 6, 2017 injury. See Figgs v. City of Milwaukee, 121 Wis.2d 44, 357 N.W.2d 548 at 522 (1984).

Dated this 27th day of March, 2017.

CARLSON, BLAU & CLEMENS, S.C.
Attorneys for the Claimant, Edward Mendoza

By: 
George E. Chaparas
State Bar No.: 1029489

P. O. ADDRESS
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Wisconsin Motor Vehicle Crash Report

MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53201
(414) 933-4444

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Document Number Override		Primary Crash Document #		Agency Crash Number		Investigating Officer/Deputy P. MOODY	
Crash Date 02/06/2017		Crash Time 06:39 PM		Date Arrived 02/06/2017		Time Arrived 06:48 PM	
Date Notified 02/06/2017		Time Notified 06:41 PM		Total Units 02		Total Injured 02	Total Killed 00
<input type="checkbox"/> On Emergency	<input type="checkbox"/> Hit and Run	<input type="checkbox"/> Lane Closure	<input type="checkbox"/> Work Zone		<input type="checkbox"/> Trailer or Towed		
<input checked="" type="checkbox"/> Government Property	<input type="checkbox"/> Active School Zone		School Bus Related No		Tags		
<input checked="" type="checkbox"/> Reportable	Crash Type DT4000 (Standard Crash)				<input type="checkbox"/> Amended	<input type="checkbox"/> Secondary Crash	

Description

<p>Diagram</p>	Reconstruction By
	Photos By
	Additional Information None

Narrative: I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report. ON MONDAY, FEBRUARY 6TH, 2017, MY PARTNER PO JUSTIN FERRARI AND I WERE DISPATCHED TO AN ACCIDENT COMPLAINT. UPON ARRIVAL, OFFICERS SPOKE WITH WITNESSES FRANK R. POST- SCIUGA, (W/M, DOB: 05-01-1976) AND REBA Q BEARDEN, (F/B, DOB: 06-19-1987) WHO BOTH STATED THAT THEY OBSERVED UNIT 1 TRAVELING N/B ON N 30TH ST AT A VERY HIGH RATE OF SPEED, FAILING TO STOP AT THE STOP SIGN AND COLLIDED INTO UNIT 2, WHO HAD THE RIGHT OF WAY AND NO TRAFFIC SIGNALS. OFFICERS OBSERVED THE STOP SIGN ON THE SOUTH SIDE OF CENTER ST WAS OBSTRUCTED TO UNIT 1'S VIEW. UNIT 1'S DRIVER WAS OPERATING A VEHICLE WITHOUT MOTOR VEHICLE INSURANCE AND WAS ISSUED A CITATION. UPON UNIT 2 BEING STRUCK BY UNIT 1, UNIT 2 CAME TO REST BY A TREE LOCATED ON THE NORTH SIDE OF W CENTER ST AND UNIT 1 CAME TO REST AFTER COLLIDING INTO A CITY OF MILWAUKEE BUS STOP POST.

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Location

INTERSECTION ON W CENTER ST AT N 30TH ST IN THE CITY OF MILWAUKEE IN MILWAUKEE COUNTY	Latitude 43.067909654	Longitude -87.951092665
	X Coordinate 422563.1875	Y Coordinate 4768795
	Structure Type	

Crash Scene

First Harmful Event Motor Veh In Transport	First Harmful Event Location On Roadway	
Manner of Collision 08--Front To Side	Light Condition Dark/Unlit	
Road Surface Condition(s) Dry	Roadway Factor(s) Sign Obscured/Miss	
Environment Factor(s) None		
Weather Condition(s) Clear		
Animal Type	Relation To Trafficway Trafficway - On Road	
Crash Classification - Location Public Property	Crash Classification - Jurisdiction No Special Jurisdiction	
Tribal Land	Access Control No Control	Special Study
Within Interchange Area YES	Junction Location Intersection	Intersection Type Four-Way Intersection

Unit Summary

UNIT 01	Unit Status In Transit	Vehicle Operating As Classification D CLASS	Unit Type Truck		
	Vehicle Type Utility Truck/Pickup Truck	Operating As Endorsements			
	Total Occs 1	Train/Bus # Injured	Total # Citations Issued 1	Total Trailers 0	Total HazMat Types 0
	Insurance? NO	Direction Of Travel Northbound	<input type="checkbox"/> Pre CrashTire Mark	Speed Limit 30	Total Lanes 2
	Most Harmful Event: Collision With Motor Veh In Transport	Special Function No Special Function	Emergency Motor Vehicle Use Not Applicable		
	Traffic Way Two-Way, Not Divided	Traffic Control Stop Sign	Traffic Control Inoperative/Missing YES		
	Surface Type Blacktop (Bituminous)	Road Curvature Straight	Road Grade Level		
	Truck Bus or HazMat No	Reporting Threshold No			

Vehicle

UNIT VEHICLE 01	License Plate Number HN1266	Plate Type LTK - Light Truck	St WI	Country of Issuance UNITED STATES
	Vehicle Identification Number 1FTDF15Y7NLA43728	Make FORD	Year 1992	Model F150
	Color RED - Red	Body Style PK - PICKUP	Bus Use Not A Bus	
	Initial Contact Point 12--Front	Vehicle Damage		
	Extent Of Damage No Damage	No Damage		

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01 UNIT VEHICLE	Towed Due To Damage Towed Due To Disabling Damage	Vehicle Removed By ALWAYS
	What Driver Was Doing Going Straight	Vehicle Factors
	Driver Prior Action Other	Not Applicable
	Driver Actions Failed To Yield Right-Of-Way	
Driver Distractions Not Distracted		
Vehicle Owner		
01 VEHICLE OWNER	Individual EDWARD MENDOZA	Address 2230 N 26TH ST MILWAUKEE, WI 53205 , US
	Sequence Of Events	
01	Event Motor Veh In Transport	
02	Event	
03	Event	
04	Event	

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UNIT INDIVIDUAL	Driver EDWARD MENDOZA		Citations Issued 1	Sex Male	
	Date of Birth 04/16/1957		Race HISPANIC		
	Address 2230 N 26TH ST MILWAUKEE, WI 53205 , US		Driver License Number M5322205713600 State: Wisconsin Country: UNITED STATES		
01 001	Equipment On Duty Crash		Safety Equipment		
	Seat Position 1--Front Seat-Left Side (Driver/Motorcycle/Bicycl		Shoulder & Lap Belt		
	Helmet Use		Helmet Compliance		
	Eye Protection		Tint Compliance		
UNIT INDIVIDUAL	Injury Injury Severity Suspected Minor Injury		Airbag Non Deployed		
	Ejected Not Ejected		Ejection Path Not Ejected/Not Applicable	Trapped/Extricated Not Trapped	
	Medical Transport EMS Ground		EMS Agency Identifier 13	EMS Run #	
	Hospital FROEDTERT MEMORIAL LUTHERAN HOSPITAL		Date of Death	Time of Death	
01 001	Non Motorist Striking Unit #		Prior Action	Location	
	Action		To/From School		
	Action Other				
UNIT INDIVIDUAL	Drug & Alcohol <input type="checkbox"/> Suspected Alcohol Use		<input type="checkbox"/> Suspected Drug Use		
	Alcohol Test Given Test Not Given		Alcohol Test Type	Alcohol Test Results	
	Drug Test Given Test Not Given		Drug Test Type	Drug Test Results	
	Drug Type				
Individual Condition Appeared Normal					
Violations					
01	UTC Number R189422	Issue To? 001	Statute Number 344.62(1)	Seq Num 001	Description OPERATE MOTOR VEHICLE W/O INSURANCE

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Unit Summary

02	Unit Status In Transit		Vehicle Operating As Classification D CLASS		Unit Type Automobile	
	Vehicle Type Passenger Car				Operating As Endorsements	
UNIT	Total Occs 1	Train/Bus # Injured	Total # Citations Issued 0	Total Trailers 0	Total HazMat Types 0	
	Insurance? YES	Direction Of Travel Eastbound	<input type="checkbox"/> Pre Crash Tire Mark	Speed Limit 30	Total Lanes 2	
	Most Harmful Event: Collision With Motor Veh In Transport		Special Function No Special Function		Emergency Motor Vehicle Use Not Applicable	
	Traffic Way Two-Way, Not Divided		Traffic Control No Control		Traffic Control Inoperative/Missing NO	
	Surface Type Blacktop (Bituminous)		Road Curvature Straight		Road Grade Level	
Truck Bus or HazMat No			Reporting Threshold No			

Vehicle

02	License Plate Number MV8042		Plate Type DLR - Dealer	St WI	Country of Issuance UNITED STATES	
	Vehicle Identification Number JT8BH28F9Y0168056		Make LEXUS	Year 2000	Model LS	
UNIT	Color BLK - Black		Body Style 4D - 4DR		Bus Use Not A Bus	
	Initial Contact Point 3--Right Side Middle		Vehicle Damage			
02	Extent Of Damage Disabling Damage		2--Right Side Front, 3--Right Side Middle			
	Towed Due To Damage Towed Due To Disabling Damage		Vehicle Removed By ALWAYS			
	What Driver Was Doing Going Straight		Vehicle Factors			
UNIT	Driver Prior Action Other		Not Applicable			
	Driver Actions No Contributing Action					
Driver Distractions Not Distracted						

Vehicle Owner

02	Individual KENDRON J WESTON (000) 000-0000		Address 3547 N 12TH ST MILWAUKEE, WI 53206 , US		
	VEHICLE OWNER				

Sequence Of Events

01	Event Motor Veh In Transport
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UNIT	02	Event	
	03	Event	
	04	Event	
	Policy Holder		
	Insurance Company	Individual	
	PROGRESSIVE-ADVANCED-INSURANCE-CO	KENDRON WESTON	

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UNIT 02	INDIVIDUAL 002	Individual					
		Driver KENDRON J WESTON (000) 000-0000	Citations Issued 0	Sex Male			
		Address 3547 N 12TH ST MILWAUKEE, WI 53206 , US		Date of Birth 12/25/1969	Race BLACK		
		Driver License Number W2355106946505 State: Wisconsin Country: UNITED STATES					
UNIT 02	INDIVIDUAL 002	Equipment	On Duty Crash	Safety Equipment			
		Seat Position 1--Front Seat-Left Side (Driver/Motorcycle/Bicycl	Shoulder & Lap Belt				
		Helmet Use	Helmet Compliance				
		Eye Protection	Tint Compliance				
UNIT 02	INDIVIDUAL 002	Injury	Injury Severity Suspected Minor Injury	Airbag Deployed-Front			
		Ejected Not Ejected	Ejection Path Not Ejected/Not Applicable	Trapped/Extricated Not Trapped			
		Medical Transport EMS Ground	EMS Agency Identifier 5	EMS Run #			
		Hospital FROEDTERT MEMORIAL LUTHERAN HOSPITAL	Date of Death	Time of Death			
UNIT 02	INDIVIDUAL 002	Non Motorist	Striking Unit #	Prior Action	Location	To/From School	
		Action					
		Action Other					
		Drug & Alcohol	<input type="checkbox"/> Suspected Alcohol Use		<input type="checkbox"/> Suspected Drug Use		
UNIT 02	INDIVIDUAL 002	Alcohol Test Given Test Not Given	Alcohol Test Type	Alcohol Test Results			
		Drug Test Given Test Not Given	Drug Test Type	Drug Test Results			
		Drug Type					
		Individual Condition Appeared Normal					

Property Owner

PROP OWNER 01	Government CITY OF MILWAUKEE (414) 286-2150	Address 200 E WELLS ST MILWAUKEE, WI 53202 , US

Fixed Objects Struck

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01	Striking Unit 01	Struck Object Traffic Sign Post	Damage Tag Number 0
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