

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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



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. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

February 17, 2004

Richard Effinger
8014 West Holt Avenue
Milwaukee, WI 53219

RE: Richard Effinger
C.I. File No: 03-S-478

Dear Mr. Effinger:

This office is in receipt of your claim in the amount of \$937.98, relating to damage sustained to your vehicle on November 18, 2003 when it hit an excavation in the roadway at 8014 West Holt Avenue.

Our investigation reveals that the Milwaukee Water Works records indicate that they excavated to repair a broken water main in the area of 8014 West Holt Avenue on September 29, 2003. Their crew excavated, made the necessary repairs and back-filled and black topped the excavation that day. The Infrastructure Services Division records indicate that a Street Maintenance crew started the permanent repairs for the site on October 31, 2003. The crew broke up concrete pavement and placed barricades over the excavation. On November 18, 2003 at 4:00 p.m. the night crew received a call about a cave in over a breakout at the site. By 4:30 p.m. the crew had placed two Type III barricades over the roadway cut. They do not know what happened to the original City barricades. The Water Works was also notified and made repairs on the same day. They had no notice of any complaints or problems regarding their excavation prior to this complaint. Upon notification of a hazard, the Infrastructure Services Division will send a repair crew to correct it usually within 24 hours. Prior to this complaint, the City had no notice of the hazard and because of this lack of notice, the City would not be liable. Accordingly, we are denying your claim.

2004 MAR - 3 PM 4:42
CITY OF MILWAUKEE
DONALD L. SCHRIFER
CITY CLERK

2004 MAR - 4 PM 1:28
CITY OF MILWAUKEE
RECEIVED
OFFICE OF
CITY ATTORNEY

Richard Effinger
February 17, 2004
Page 2

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

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:beg
1048-2003-3974:78086

I would like to appeal this denial of
\$1937.38 due to the removal of barricades
at 8014 W Holt Ave.

Richard Effinger
8005 W Holt Ave
Milwaukee WI 53219
414 604 9674

03/01/04

CLAIM AGAINST CITY OF MILWAUKEE

On Sept.29 there was a water main break in front of the address 8014 W. Holt Ave. The water dept. came and fixed the water break that evening. The backhoe needed to undermine the street to make the repair. The hole was back filled the following day, Sept. 30. A few weeks later a crew came out, sawed for a patch and hammered the concrete to get ready for permanent repairs. No more concrete was removed. Class A barricades with flashers were placed on location. On or about the weekend of Nov.15/16 the city had a great amount of rain. The water drained through the cracks of the road and settled the backfill, this settling plus the already hollow from the undermining created a huge void, the potential for a sinkhole. The barricades that were placed over the break had also been removed for some reason at this time.

On Nov. 18 at 2:45 p.m. Leanne Effinger with our son Ryan drove over the road patch. The 2003 Chevy Venture collapsed the roadway and the van bottomed out. Leanne did not stop but instinctively drove out of the sinkhole. The van was damaged while hitting the concrete edge while dropping into and getting out of the hole.

At 4 p.m. Nov. 18. I got home, found out what had happened and placed garbage carts around the hole so no further vehicles would fall into it. I later called street maintenance to place barricades around the hole which they did within hours.

Enclosed are estimates to repair the van plus pictures of the hole. We seek the sum of \$937.98 to restore the Venture to the condition before the accident.

You can reach me, Richard Effinger, at the following locations:

Work # 286-3682

Home: Richard Effinger
8005 W. Holt Ave.
Milwaukee Wi. 53219
414-604-9674

611019
11/18/03
CITY OF MILWAUKEE

CITY OF MILWAUKEE
RECEIVED
NOV 18 2003
MILWAUKEE, WI

RICHARD EFFINGER
 LEANNE EFFINGER
 8005 W HOLT AVENUE
 MILWAUKEE WI 53219

C-1-side



HOLZ

MOTORS, INC.

5961 SO. 108TH PLACE
 P.O. BOX 226
 HALES CORNERS, WI. 53130
 (414) 425-2400



SERVICE ADVISOR **KEVIN DRURY**

CODE 47280

REPAIR ORDER WRITTEN	DATE OFFERED BACK	STOCK NO.	VEHICLE IDENTIFICATION	CUST. NO.	TAG NO.	P.O. NO.	INVOICE PRINTED	INVOICE NO.
21NOV03	21NOV03	Y77782	1GNDX03E9YD294949	302618	T0185		21NOV03	704789
TIME IN	TIME READY	YEAR	MAKE & MODEL	TELEPHONE NO.		DELIVERY DATE	PREPARED BY	S/A
08:06	09:13	00	CHEVROLET VENTURE	604-9674		01MAY00	205	205
MILEAGE IN	MILEAGE OUT	LICENSE NO.						
33113	33113	857BFX						

A CUSTOMER STATES RIGHT FRONT WHEEL WAS DRIVEN INTO A SINK HOLE IN THE STREET-ADVISE O AND DOCUMANT ANY DAMAGE OR NEEDED REPAIRS DUE TO INCIDENT.
 42 PERFORM SUSPENSION INSPECTION FOR ESTIMATE ONLY.
 155 INT
 INSPECT SUSPENSION FOR DAMAGE AND FOUND FRONT C RADLE BENT AND DENTED FROM IMPACT-ESTIMATE FOR REPAIRS ATTACHED.

**THANK YOU FOR MAKING
 HOLZ MOTORS
 NUMBER 1
 YEAR AFTER YEAR!**

**PHONE
 414-425-2400**

**SERVICE DIRECT
 414-425-7180**

**BODY SHOP DIRECT
 414-529-7848**



**Goodwrench
 Service
 Plus**

The Plus Means Better

- UP-FRONT COMPETITIVE PRICING
- LIFETIME SERVICE GUARANTEE
- COURTESY ALTERNATE TRANSPORTATION
- TRAINED SERVICE TECHNICIANS

**** PRE-INVOICE ****

SERVICE DEPARTMENT HOURS:
 MONDAY - THURSDAY
 7:00 AM - 8:00 PM
 FRIDAY
 7:00 AM - 6:00 PM
 SATURDAY
 8:00 AM - 12:00 PM
 RESERVATION RECOMMENDED FOR
 MAINTENANCE AND REPAIRS

BODY SHOP HOURS:
 MONDAY - FRIDAY
 7:30 AM - 5:30 PM
 SATURDAY
 8:00 AM - 12:00 PM
 "GM QUICK LUBE" - NO APPOINTMENT NEEDED

DESCRIPTION	TOTALS
LABOR AMOUNT	0.00
PARTS AMOUNT	0.00
GAS,OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	0.00
TOTAL CHARGES	0.00
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	0.00

I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft, or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repairs thereto.



NOTE: A (W) or (B) in front of the part description indicates a Lifetime Warranty Part.

THANK you!

ON BEHALF OF SERVICING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR (1) YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVICING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

(SIGNED) **CUSTOMER COPY** GENERAL MANAGER OR AUTHORIZED PERSON DATE

RO NUMBER	DATE CLOSED	MILEAGE	S W R	Y P C	OP CODE	DESCRIPTION	OP CODE	DESCRIPTION	OP CODE	DESCRIPTION	OP CODE	DESCRIPTION
658284290	CT02	25376101740K7522				SUPPORT AND SEINFO		INFORMATION LI				
61101826	MAR01	131368685	CP2			LUBE, OIL, AND9997		MISC. SHOP CHA9998		LUBE-OIL-GREAS		
60337512	JAN01	89548023	CP2			LUBE, OIL, AND9998		LUBE-OIL-GREAS9997		MISC. SHOP CHA		

SHOWN ABOVE ARE THE MOST RECENT SERVICES PERFORMED ON YOUR VEHICLE.

CURRENT MILEAGE 33113

BASED ON THE CURRENT MILEAGE OF YOUR VEHICLE, THE MANUFACTURER RECOMMENDS THAT THE SERVICES MARKED WITH AN 'X' BE PERFORMED NOW.

LUBRICATE	LUBE, OIL AND FILTER	SAFETY CHECK	TUNE UP	REPLACE AIR CLEANER	REPLACE FUEL FILTER	SERVICE BATTERY AND CHARGING SYSTEM	REPLACE COOLING SYSTEM	REPLACE AUTOMATIC TRANSMISSION	ROTATE SERVICE	WHEEL TIGHTEN	RICK BALANCE	FRONT WHEEL BEARING	INSPECT BRAKES	INSPECT BRAKE SYSTEM	INSPECT AND ADJUST ALL BELTS	REPLACE WORN/SHOEN WHEEL BRACKS	SOCKS AND SET DRIVE	AM HEADLIGHTS	CARETAKER OVERALL	WASH AIR CONDITIONER	ADJUST PARKING BRAKE	SERVICE DIFFERENTIAL	
X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Motor vehicle repair practices are regulated by chapter ATCP 132, Wis. Adm. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911.



5961 SO. 108TH PLACE
P.O. BOX 226
HALES CORNERS, WI. 53130
(414) 425-2400
DIRECT LINE (414) 425-7180



TERMS: STRICTLY CASH UNLESS ARRANGEMENTS ARE MADE IN ADVANCE
I hereby authorize the repair work hereinafter set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipments by the supplier or transporter. I hereby grant you and/or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on vehicle to secure the amount of repairs thereto.

CUST. NO 302618 STOCK NO. Y77782 TAG NO. T0185 COLOR 72U.MED.REDFIRE PAGE 1 OF 1

DATE	VEHICLE IDENTIFICATION NUMBER	MILEAGE	DELIVER DATE	LICENSE NUMBER	YEAR	MAKE AND MODEL	WRITTEN BY	RO NUMBER
21NOV2003	1GNDX03E9YD294949	33113	01MAY00	857-BFX	00	CHEVROLET VENTURE	205	704789

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED. THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED THE ESTIMATE WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

NAME
RICHARD EFFINGER

TIME PROMISED
** WAITER **

1. I request an estimate in writing before you begin repairs.

ADDRESS
8005 W HOLT AVE

AUTHORIZATION CODE

2. Please proceed with repairs, but call me before continuing if the price will exceed \$ _____

CITY/STATE/ZIP
MILWAUKEE WI 53219

HOME PHONE
604-9674

3. I DO NOT want an estimate.

BILL TO:

BUSINESS PHONE

THIS PRICE FOR THE AUTHORIZED REPAIRS WILL NOT BE EXCEEDED IF THE MOTOR VEHICLE IS DELIVERED TO THE SHOP WITHIN 5 DAYS.

ENGINE NO. 3.4L.SFI.6.CYL
TRANSM. NO. 4.SPD.AUTO.W/OD

P.O. NO.
PROD. DATE 27APR00
LABOR RATE

ADDITIONAL WORK AUTHORIZED BY:

AXLE NO.

METHOD OF PAYMENT CASH

DATE TIME A.M. P.M. NO. CALLED NEW TOTAL ESTIMATE

SELLING DEALER 47280

WARRANTY EXPIRES 01MAY03

SHOP REPRESENTATIVE SIGNATURE

Do you want the replaced parts you are entitled to? Yes No

LINE	OP CODE	CUSTOMER CONCERNS AND DESCRIPTION
# A	S14	CUSTOMER STATES RIGHT FRONT WHEEL WAS DRIVEN INTO A SINK HOLE IN THE STREET-ADVISE O AND DOCUMENT ANY DAMAGE OR NEEDED REPAIRS DUE TO INCIDENT.

TERMS
 CHECK
 CREDIT CARD
 CASH

CAR RENTAL

SUBLETS

P.O. NO.

AMOUNT

P.O. NO.

AMOUNT

DISCLAIMER OF WARRANTIES
The dealer is not a party to any Manufacturer's warranty on parts or service contained herein. THE DEALER HEREBY EXPRESSLY DISCLAIMS ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE WITH RESPECT TO ANY PARTS, LABOR OR DIAGNOSTIC SERVICES FURNISHED UNDER THIS ORDER. Notice: You are entitled to inspect or receive any components, parts, or accessories replaced or removed by the shop.

SERVICE ADVISOR SIGNATURE X

CUSTOMER COPY

Holz Chevrolet
5961 S. 108th Pl.
Hales Corners, WI 53130
(414)425-7180

Customer: Leanne and Richard Effinger
Address: 8005 W. Holt Ave.
City, State: Milwaukee, WI 53219
Day Phone: 414-604-9674
Night Phone:
Fax:
Estimate Ref: 1075
Date: November 21, 2003
Time: 09:18 AM

Service Writer: Kevin Drury
Service Tech: #155:Ken Stoiber

VID: 1GNDX03E9YD294949
Mileage: 33113

Vehicle: 2000 Chevy Truck Venture V6-207 3.4L VIN E SFI

Description	Part #/Labor Rate	Qty	Price/Time	Extended
Cradle:Front Replace Front Suspension (B)	Labor 75.20 / hr	1	3.80	285.76
Cradle; Front P/N: 10339790		1	546.00	546.00
Alignment:Front Wheel:FWD	Labor 75.20 / hr	1	1.10	82.72
	Labor Total			368.48
	Parts Total			546.00
	Sub-Total			914.48
	Labor Tax 5.6%			20.63
	Parts Tax 5.6%			30.58
	Tax Total			51.21
	Total			\$ 965.69

Thank you for Choosing
 Estimate is good for 30 days

Signature _____

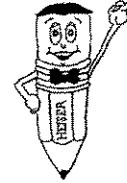
Date _____

CUSTOMER INVOICE

EF9674

1 5 9 6 9 5

INVOICE



HEISER CHEVROLET

10200 W. ARTHUR AVE.
WEST ALLIS, WISCONSIN 53227
(414) 327-2300

LEANNE EFFINGER
8005 W HOLT AVE
MILWAUKEE WI 53219
HOME: 414-604-9674 BUS:

PAGE 1

SERVICE ADVISOR: 4127 RON HAUKE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN / OUT	TAG
RED	2000	CHEVROLET VENTURE	1GNDX03E9YD294949	857BPX	33375/33375	T043
DEL. DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	PAYMENT	INV. DATE
01JAN1960			WAIT 09DEC03		CASH	09DEC2003
R.O. OPENED	DATE OFFERED BACK	OPTIONS: DLR:VO				
08:06	09DEC03	09:04	09DEC03			

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
A							
A CUSTOMER HIT POT HOLE IN STREET RIGHT FRONT - CHECK FOR DAMAGE							
100 WHEELS							
			429	CP		0.00	0.00
PARTS:			0.00	LABOR:		0.00	0.00
				OTHER:		0.00	0.00
				TOTAL LINE A:			0.00

DAMAGE TO RIGHT FRONT CRADLE PAST IS \$509.54. LABOR IS \$298.75. FOUR WHEEL ALIGNMENT IS \$79.95 TAX= \$49.74 FOR A TOTAL OF \$937.98

YOUR VEHICLE MAY STILL QUALIFY FOR A SERVICE CONTRACT BASED ON THE AGE AND THE MILES ON YOUR VEHICLE. * DON'T WAIT! SEE ONE OF OUR BUSINESS MANAGERS

* COVERAGE BASED ON MILEAGE OF 36,000 OR LESS

SERVICE HOURS MONDAY - FRIDAY 7:00 A.M. - 6:00 P.M. SATURDAY 8:00 A.M. - 3:00 P.M. PARTS HOURS MONDAY - FRIDAY 7:30 A.M. - 5:30 P.M. SATURDAY 8:00 A.M. - 3:00 PM	Completed Service Vehicles can be picked-up at Cashier's Office until 8:30 p.m. Monday - Friday and Saturday until 4:30 p.m. FREE SHUTTLE SERVICE Low Cost Rental Cars 24 Hour Towing (414) 272-2697 FREE BODY SHOP ESTIMATES CALL (414) 327-2300	EXCLUSION OF WARRANTIES Any warranties on the parts and accessories sold hereby are made by the manufacturer. The undersigned purchaser understands and agrees that dealer makes no warranties of any kind, express or implied, and disclaims all warranties, including warranties of merchantability or fitness for a particular purpose, with regard to the parts and/or accessories purchased; and that in no event shall dealer be liable for incidental or consequential damages or commercial losses arising out of such purchase. The undersigned purchaser further agrees that the warranties excluded by dealer, include, but are not limited to any warranties that such parts and/or accessories are of merchantable quality or that they will enable any vehicle or any of its systems to perform with reasonable safety, efficiency, or comfort.	<table border="1"> <thead> <tr> <th>DESCRIPTION</th> <th>TOTALS</th> </tr> </thead> <tbody> <tr> <td>LABOR AMOUNT</td> <td>0.00</td> </tr> <tr> <td>PARTS AMOUNT</td> <td>0.00</td> </tr> <tr> <td>GAS, OIL, LUBE</td> <td>0.00</td> </tr> <tr> <td>SUBLET AMOUNT</td> <td>0.00</td> </tr> <tr> <td>MISC. / ENVIRONMENTAL</td> <td>0.00</td> </tr> <tr> <td>TOTAL CHARGES</td> <td>0.00</td> </tr> <tr> <td></td> <td>0.00</td> </tr> <tr> <td>SALES TAX</td> <td>0.00</td> </tr> <tr> <td>PLEASE PAY THIS AMOUNT</td> <td>0.00</td> </tr> </tbody> </table>	DESCRIPTION	TOTALS	LABOR AMOUNT	0.00	PARTS AMOUNT	0.00	GAS, OIL, LUBE	0.00	SUBLET AMOUNT	0.00	MISC. / ENVIRONMENTAL	0.00	TOTAL CHARGES	0.00		0.00	SALES TAX	0.00	PLEASE PAY THIS AMOUNT	0.00
	DESCRIPTION	TOTALS																					
LABOR AMOUNT	0.00																						
PARTS AMOUNT	0.00																						
GAS, OIL, LUBE	0.00																						
SUBLET AMOUNT	0.00																						
MISC. / ENVIRONMENTAL	0.00																						
TOTAL CHARGES	0.00																						
	0.00																						
SALES TAX	0.00																						
PLEASE PAY THIS AMOUNT	0.00																						
MOTOR VEHICLE REPAIR PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE, ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISC. DEPT. OF TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911. * Repair price or additional authorization information may be on a separate form which is linked to the repair order by number or other unique identification.		CUSTOMER SIGNATURE X	Thank You!																				



