

CARLOS D. PALMER Attorney-at-Law 104 West Market Street P. O. Box 272 Greenwood, MS 38935-0272 (662) 392-0200



December 15, 2011

City Clerk ATTN: CLAIMS 200 E. Wells, Room 205 Milwaukee, WI 53202-3567

RE: Ms. Beatrice Smith

Claim and Demand vs City of Milwaukee for Injuries Sustained on (09/13/2011)

To Whom It May Concern:

Please find enclosed an affidavit statement of Callie Anderson regarding the above-referenced matter. Please accept this affidavit as a supplement to the packet of information that I sent to your office via letter dated December 15, 2011.

Thank you for your immediate attention to this matter.

With kindest regards, I am.

Sincerely,

Carlos D. Palmer Attorney-at-Law

enclosure

RONALD D. LEONHARD

Y BISHOTTA YTI-

SNII DEC SJ bW 3:00

DECEMBER 11.

STATE OF WISCONSIN

COUNTY OF MILWAUKEE

AFFIDAVIT OF CALLIE ANDERSON

- I, Callie Anderson, a resident of the Milwaukee, County of Milwaukee, State of Wisconsin, do hereby swear or affirm upon my oath as follows:
- I, Callie Anderson, am an adult resident of 2603 North 55th Street, Milwaukee,
 Milwaukee County, Wisconsin, and I am also the sister of Beatrice Smith of 106 Chapman
 Lane, Itta Bena, Mississippi.
- 2. I have been a resident of 2603 North 55th Street, Milwaukee, Milwaukee County, Wisconsin, since on or about June 29, 2011.
- 3. During my residence at said address, I have personal knowledge that there existed a large crack within the sidewalk of West Clark which runs adjacent to North 55th Street in Milwaukee, Milwaukee County, Wisconsin.
- 4. Because one side of the crack was so high, I have observed parents being forced to lift the front of their strollers to get past the area.
- 5. On the evening of September 13, 2011, I observed that my sister Beatrice Smith's right foot was swollen and her left knee was scrapped.
- 6. On the same evening, I then took my sister Beatrice Smith to the emergency room.
- 7. On or about September 29, 2011, I observed a city worker come out and make repairs to the sidewalk.

8. Further, Affiant saith not.

- allo Graeson

CALLIE ANDERSON

SWORN TO AND SUBSCRIBED before me, this the 12 day of December, 2011.

NOTARY PUBLIC

MY COMMISSION EXPIRES: 6 22 11



CARLOS D. PALMER Attorney-at-Law 104 West Market Street P. O. Box 272 Greenwood, MS 38935-0272 (662) 392-0200



December 15, 2011

City Clerk ATTN: CLAIMS 200 E. Wells, Room 205 Milwaukee, WI 53202-3567

RE:

Ms. Beatrice Smith

Claim and Demand vs City of Milwaukee for Injuries Sustained on (09/13/2011)

To Whom It May Concern:

On September 13, 2011, my client, Beatrice Smith, was injured by a fall that was caused by a severe crack on a sidewalk of West Clark Street which runs adjacent to 2603 North 55th Street in Milwaukee, Wisconsin. As a result of Mrs. Smith's fall, she sustained injury to her left knee and fractured her right foot, accumulated numerous medical bills and related expenses, missed two weeks of work, and experienced pain and suffering due to her injury and during her rehabilitative process.

At the time of this incident, the said sidewalk was owned and maintained by the city of Milwaukee, Wisconsin, and it was in such a state of disrepair as to place the general public at risk, such that eventually victimized Ms. Smith. Furthermore, the city failed to warn the public of the sidewalk's condition, neglected to fix the sidewalk in a reasonable time and manner, and/or failed to conduct a reasonable inspection of the aforementioned sidewalk. These failures by the city proximately caused the injuries suffered by Ms. Smith.

In support of Ms. Smith's claim, please find the following documents for your consideration: affidavit statement of Beatrice Smith, statement of Callie Anderson, medical reports and bills, statement of job pay scale, and pictures depicting the aforementioned sidewalk crack and injuries sustained by Ms. Smith.

Consequently, my client demands the total sum of \$25,000.00 as a fair settlement of her claims.

Please consider the above and foregoing matters, and advise me at your earliest convenience. may contact me with regard to any concern.

Thank you for your immediate attention to this matter.

With kindest regards, I am.

Sincerely,

Carlos D. Palmer Attorney-at-Law

SPII DEC 16.6W 3:00

BECEIVE CILA DE MICMVIRG C

STATE OF MISSISSIPPI

COUNTY OF LEFLORE

AFFIDAVIT OF BEATRICE SMITH

I, Beatrice Smith, a resident of the Greenwood, County of Leflore, State of Mississippi, do hereby swear or affirm upon my oath as follows:

- I, Beatrice Smith, am an adult resident of 106 Chapman Alley, Itta Bena, Leflore County Mississippi.
- 2. On September 13, 2011, I was visiting my relatives at 2603 North 55th Street in Milwaukee, Wisconsin 53210.
- 3. During the evening of September 13, 2011, I walked out to the side street of West Clark Street that was near my relatives' house in Milwaukee, Wisconsin, and I walked toward my vehicle to get some bottled water.
- 4. After retrieving the water, I crossed over a section of grass that ran next to and parallel with West Clark Street and then onto the sidewalk back toward my relatives' house.
- 5. Suddenly, my right foot twisted and I fell instantly onto the sidewalk without having the opportunity to catch my balance.
- 6. I recall that immediately after my fall I began experiencing excruciating pain within my right foot and a burning sensation on my left knee.
- 7. When I looked to see what had caused me to fall, I observed the broken section of the sidewalk and determined that it had caused me to fall to the sidewalk while I was on my way back to my relatives' house.

- 8. At the time of the accident, my relatives were not home.
- With no one to assist me and while in excruciating pain, I had to maneuver 9. myself into my relatives' house.
- 10. After getting into my relatives' house and sitting down, my right foot began to swell badly and my left knee was bleeding.
 - 11. Once my relatives arrived, I informed them about the incident.
 - 12. My sister immediately drove me to the emergency room.
 - 13. After the doctor took x-rays, I was informed that my right foot was fractured.
 - 14. Further, Affiant saith not.

SWORN TO AND SUBSCRIBED before me, this the 14 day of December, 2011.

Belly essac NOTARY PUBLIC MY COMMISSION EXPIRES: Oly 75-2017

To: Whom it may concern

From: Ms. Beatrice Smith

Date: October 20, 2011

RE: Injury, due to broken section in sidewalk

On the evening of September 13, 2011 at approximately 7:50 p.m., I, Beatrice Smith, fell on the sidewalk at 2603 North 55th Street and West Clark Street while visiting relatives in Milwaukee, Wisconsin 53210. As a result of me falling, I fractured a bone in my right foot and scarred my left knee. Prior to the incident, I walked out to the side street of West Clark to my vehicle to get some bottled water. After retrieving the water, I crossed over the grass area to proceed to walk back to the house. Suddenly, my right foot twisted and I fell instantly onto the sidewalk that I did not have time to catch my balance. I can recall my right foot being in excruciating pain and by left knee burning. Due to the fact that the incident happened so fast, I was on the sidewalk trying figure out what happened. That's when I observed the broken section in the sidewalk. At the time of the incident, my relatives were not at home. With no one to help, and while in excruciating pain, I had to maneuver myself into the house. After getting in the house and sitting down, I observe my right foot swelling and my left knee bleeding. Once my relatives arrived, I informed them of the incident. Immediately, my sister drove me to the emergency room. After the doctor took x-rays, I was informed that my right foot was fractured.

Sincerely,

| 09 30 1 | 1 |
|--|--------------------------|
| To: Whom it may Concern: | |
| I. Callie Anderson moved in a 2603 N. 55 \$\frac{1}{2} St. on June 29 \$\frac{1}{2} 2011 ar} I notice there were a Crack on the Sidewalkon the west side of Clarke The parement is so high parents to Lift the front of there Strollers | nd e. have s to |
| Get Over it. ON Septmember 29th Worker Came out to make repa on the pavement | |
| Thank you Very Much We Callie Stoke | rison |
| | |
| | |

09/30/2011

\$113.00

4707*73083731.1 PATIENT NAME

(0.412,000.00

BEATRICE SMITH

INSURANCE DENIED PAYMENT. IF YOU HAVE ANY QUESTIONS, CALL YOUR INSURANCE COMPANY. PAYMENT IS YOUR RESPONSIBILITY. PLEASE MAIL PAYMENT IN FULL TODAY!!

Place of Service: WAUWATOSA CENTER OP Referring Doctor: STEVEN MATES DO

MAKE CHECKS PAYABLE TO: MIDWEST AREA PHYSICIANS LLC PO BOX 49 PITTSBURGH PA 15230-0049 877/883-5818

SEE REVERSE SIDE FOR IMPORTANT OIL: INC. IMPORTANTION

Page 1 of 1 Amoun

09/13/2011 09/13/2011

Date

Doctor
JOHN T GRUM,MD

JOHN T GRUM, MD

Code 73630RT 73562LT Description
FOOT COMP MIN 3 VIEWS
RAD EXAM KNEE 3 VIEWS

53.00 60.00

09/29/2011

ANTHEM BC/BS

09/29/2011

Pay or Access your account: www.peryourhealth.com Account Nbr: 4707-73083731 Password: 2WPNHY

For questions call, 877/883-5818 and when prompted enter your identification number as follows 4707*73083731*1 BILLING OFFICE HOURS ARE FROM 9:00am to 4:00pm.

PLEASE DETACH AND RETURN THE BOTTOM FORTION WITH DAYMON'S

MIDWEST AREA PHYSICIANS LLC PO BOX 49 PITTSBURGH PA 15230-0049

Temp-Return Service Requested

ITIS*249*73083731.1

MED575.A3W04Q000076.J097UO.049246 047488 4707

BEATRICE SMITH 106 CHAPMANS ALY ITTA BENA MS 38941

المطاملات الطامان المارك المارك المرامات المرامات المارك المارك المارك المارك المارك المارك المارك المارك

4707*73083731.1

BEATRICE SMITH

97/30/2011

AMOUNT DUF

West distrib

MasrerCard

VISA

DUCOVER

\$113.00

To make credit card payments:

www.peryourhealth.com (see statement detail for account number and password) or call 1-877-883-5818

MAKE CHECKS PAYABLE AND REMIT TO:

halfddaldddlalladladddladddalddald

Prescription and Assignment of Benefits



·3070 N. 51st St. Suite 406 Milwaukee, WI 53210





1444 S. 113th St., West Allis, WI 53214

| 414-874-6171 Fax: 414-874-6119 | 414-258-2800 Fax: 414-777-5157 |
|--|---|
| SMITH BEATRICE DOB: 10/07/59 51 y sex: F MR: 1208107 MATES STEVEN M ACCT*: 73083731 | Physician Signature: Physician Signature: |
| Rx Date: 11 11 | ICD9 Code(s): |
| DX. () Host (MO) Live | |
| 🖺 Right 🗅 Left 🛭 Bilateral | Length of need:WeeksMonths:Lifetime |
| □ Cervical collar, flexible (foam) L0120 ** □ Cervical collar, semi-rigid, 2-pc L0172 □ Rib belt A4466 ** □ Sacroiliac orthosis, flexible L0621 □ Lumbar orthosis, flexible L0625 □ Shoulder orthosis abduction restrainer L3650 □ Shoulder orthosis, acromio/clavicular, immobilizer L3670 □ Elbow orthosis, elastic A4466 ** □ Elbow orthosis, w/adj joints L3760 □ Wrist hand finger orthosis, w/o joints L3807 □ Wrist hand orthosis, cock up L3908 □ Wrist orthosis, elastic A4466 ** □ Hand finger orthosis, flexion glove L3912 □ Hand orthosis, metacarpal FX L3923 □ Hand finger orthosis w/o joints L3923 □ Upper extremity orthosis, humeral L3980 □ Finger orthosis, PIP/DIP w/joint L3925 □ Hand finger orthosis, non torsion joints L3929 □ Knee orthosis w/condylar pads A4466 ** | ☐ Walker folding adj E0135 ☐ Walker folding with wheels and glides E0143 ☐ Walker bariatric folding adj E0148 ☐ Walker bariatric folding with wheels and glides E0149 ☐ Walker wheeled with seat E0143 & E0156 ☐ Walker bariatric wheeled with seat E0148 & E0156 ☐ Walker platform attachment E0154 ☐ Walker wheel attachment E0155 ☐ Walker leg extension E0158 ☐ Walker skis/glides E1399 ☐ DME, not otherwise specified E1399 |
| ☐ Knee orthosis elastic knee cap A4466 ** ☐ Knee immobilizer L1830 | □ Lower extremity orthosis, not specified L2999 □ Upper extremity orthosis, not specified L3999 □ Garment, belt, sleeve elastic or similar A4466 ** |
| ☐ Knee post-op brace, rigid, hinged L1832 ☐ Knee orthosis, Swedish type L1850 | OtherHCPC |
| ☐ Ankle support stabilizing brace L1906 ☐ Ankle foot orthosis, plastic L1930 ☐ Ankle stirrup brace gel/pneumatic L4350 ☐ Walking boot, pneumatic L4360 ☐ Walking boot, non-pneumatic L4386 ☐ Static ankle foot orthosis L4396 ☐ Surgical cast boot/post op shoe L3260 ☐ Heel pad, depression for spur L3480 | By signing this document you are acknowledging that you have received the item(s) listed and read and accept the terms and conditions on the back of this document. $\frac{1}{2} = \frac{1}{2} = \frac{1}{2}$ Beneficiary (or Parent/Guardian/Legal Rep) Signature Date |
| ☐ Compression arm sleeves L8010/S8424 ☐ Sling A4565** ☐ Heel/elbow protectors E0191 ** ☐ Cushion, pillow, wedge-positioning E0190 ** | Relationship Reason Beneficiary Cannot Sign Representative's address |
| Product: 2 WRAP MA Retail 521 1668 + 36 M 175. | |

ST JOSEPH REGIONAL MEDICAL CTR

5000 W CHAMBERS STREET MILWAUKEE, WI 53210

Statement on: 09/23/11 at 08:29 AM

Guarantor: SMITH BEATRICE

106 CHAPMAN ALLEY

ITTA BENA, MS 38941-0000

Patient: SMITH BEATRICE Visit #: 73083731

| Date | Svc Code | Description | Units | Debits | Credits |
|--|--|--|-----------------------|---|---------|
| 09/13/11 09/13/11 09/13/11 09/13/11 09/13/11 09/13/11 | 12808187 18008016 59290714 59290735 69870471 69879554 | ACETAMIN TAB 500MG UD DIPH/PERT (ACEL) TET UC KNEE LT 3 VIEWS UC FOOT RT 3+ VIEWS VACCINE ADMIN ONE VAC URGENT CARE LEVEL 4 | 2 1 1 1 1 | 4.00 169.20 291.00 324.00 25.00 720.00 | |
| * - Not po | sted | | | Balance: | 1533.20 |

PAGE: 1



GREENWOOD ORTHOPEDIC CLINIC

204 8th Street Greenwood, MS 38930

R. BRUCE NEWELL, M.D. ASA BENNETT, M.D. DANECA DIPAOLO. M.D. Office Teaphone industrial a After Hours Answering Service 6624-5842-35 Fax 66245542375

RETURN TO WORK STATUS

| EMPLOYEE NAME Boatrice State Smith |
|---|
| DATE_ 092011 |
| DOCTOR'S NAME Beneeff |
| DIAGNOSIS Jy. 00 Base of 5th metataisal Pr. foot |
| RETURN TO WORK DATE |
| RESTRICTIONS light duty - No steading more than 30 minutes of a line - Nest job professed where she can prop foot up referred where RETURN APPOINTMENT DATE + 4 weeks |
| TREATMENT PLAN Boot vs. Post-op Shoe (pl. chaice) |
| RX5 |
| PROGRESS NOTES |
| COMMENTS |
| DOCTOR'S STANATURE |

Nextuen - Greenwood Lettore Clinic Network



×

🏹 NextGen - Greenwood Leflore Clinic Network

Case Mgmt

No Motes

Lisassections

Disulance

General

MAKE CHECKS PAYABLE TO:

Greenwood Leflore Clinic Network PO Box 1410

Greenwood, MS 38935-1410

| 061572806 | | \$ |
|----------------|-----------------|-------------|
| TAX ID NUMBER | SHOW AMOL | INT |
| 12/14/11 | \$0.00 | 18851 |
| STATEMENT DATE | PAY THIS AMOUNT | ACCOUNT NBR |

ENCOUNTER INVOICE 786847

ADDRESSEE:

ITTA BENA, MS 38941-0000 USA

□ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side. REMIT TO:

Greenwood Leflore Clinic Network
PO Box 1410

Greenwood, MS 38935-1410

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYMENT

| | | | | | * | |
|---|------------------------------------|------------------------------------|----------------|------------------|---|---------------------------------|
| DATE | PATIENT NAME | PROVIDER | CPT4 | DIAG | DESCRIPTION OF SERVICE | AMOUNT |
| A LONG TO A STREET OF THE STREET, A STREET OF THE STREET, AND A STREET, | SMITH, BEATRICE SMITH, BEATRICE | Bennett, Joseph Bennett, Joseph | 99213 73630 | 825.25 825.25 | OFFICE/OUTPATIENT VISIT, EST (QTY 1) X-RAY EXAM OF FOOT (QTY 1) *Cash (QTY 1) | \$75.00 \$116.00 -\$11.25 |
| 11/22/11 | | a Was I | | | *Cash (QTY 1) | -\$17.40 |

| ACCOUNT NBR | CHARGES | PAYMENTS | REFUNDS/ ADJUSTMENTS | ESTIMATED BALANCE DUE FROM INSURANCE | BALANCE DUE FROM PATIENT |
|-------------|----------|----------|-------------------------|--------------------------------------|--------------------------|
| 18851 | \$191.00 | -\$28.65 | \$0.00 | \$162.35 | \$0.00 |

MESSAGE:

PLEASE PAY
THIS AMOUNT »»» \$0.00

| PID: 000000323991 Pay Date: 09/ SMITH, BEATRICE | 09/30/2011 | Frequ | Frequency: S | AGENCY: 0551 CORR-INSTITUTIONS | | STATE | EFT Number: 325016209 STATE OF MISSISSIPPI | 5016209 ISSIPPI |
|--|---|--|---|---|---|-----------------|---|--------------------------------------|
| PAY PERIOD Semi-monthly (pai | PERSONAL | | | AFTER-TAX DEDUCTIONS: ACCIDENT COLONIAL | | บี | CURRENT 24.03 | Y-T-D |
| Period Beginning 09/01/2011 Period End Date 09/15/2011 Pay Date 09/30/2011 Pay Rate 29.482.18 | Federal Marital Status Federal Tax Exempt Federal Add'l Tax State Marital Status | ital Stat Exempt 1 Tax al Status | cus S 1 0.00 | CORR PEACE OFF ASSOC MS PUBLIC EMPLOYEES CREDIT UNION BOSTON MUTUAL LIFE MASE - STATE EMPLOYEE ORGANIZATION DUE | DIT UNION | N DUE | 2.50 150.00 15.00 6.00 | 45.00 2100.00 270.03 108.00 |
| re Date y Date | State Tax Exempt State Add'l Tax | cempt Tax | 00. | A | ONS | 1 | 197.53 | 2955.48 |
| EARNINGS: CALL BACK HRS WRKED PD STRAIGHT | TIME | | 1330.81 | | | | 549.10 1 679.32 1 | 12320.73 |
| KEGULAK SCHEDULE IIME WUKNED FLSA COMP SYS BUYOUT HOLIDAY(S) ACCRUED SYS BUYOUT | | 0.00 | 5481.53 1839.13 | LEAVE AS OF August | Beq. | Earned | Used | Ending |
| TOTAL GROSS PAY | | 1228.42 | 30763.03 | PERSONAL MEDICAL RISA COMP TIME | 2130.80 674.00 35.64 | 16.00 | 000 | 2146.80 680.00 48.02 |
| PRE-TAX DEDUCTIONS: HEALTH INS | U | CURRENT 10.00 | Y-T-D 180.00 | FLOATING HOLIDAY AGENCY COMP TIME | 36.00 | 0.00 | 0.00 | 36.00 |
| PRE-TAX COMPDENT DENTAL INSURANCE PRE-TAX STATE LIFE INSURANCE | ANCE | 3.54 | 111.60 | ELECTRONIC FUND TRANSFE Amount Deposited into # | TRANSFER TRANSACTIONS into #7707269418 | TONS: | | 679.32 |
| TOTAL PRE-TAX DEDUCTIONS | | 19.74 | 355.32 | Funds available on 09/30/2011 | 0/2011 | 1 1 1 1 1 1 1 1 | 1 | 1 |
| TAXES: SOCIAL SECURITY-OASDI FEDERAL INCOME TAX MEDICARE STATE INCOME TAX PUBLIC EMPL. RETIREMENT | 5 1 1 1 1 1 1 1 | CURRENT 50.81 110.92 17.54 42.00 | Y-T-D 1277.91 3400.15 441.15 1122.00 2768.72 | | | | | |
| TOTAL TAXES | 1 | 331.83 | 9009.93 | | | | | |







