

GRANEF. LANGLEY City Attorney

LINDA ULISS BURKE VINCENT D. MOSCHELLA DANIELLE M. BERGNER MIRIAM R. HORWITZ Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

May 12, 2015

Action Management, LLC Attn: Jacob Lishanski 12525 N. Woodland Drive

Mequon, WI 53092

THOMAS J. BEAMISH MAURITA F. HOUREN JOHN J. HEINEN SUSAN E. LAPPEN JAN A. SMOKOWICZ PATRICIA A. FRICKER HEIDI WICK SPOERL KURT A. BEHLING GREGG C. HAGOPIAN ELLEN H. TANGEN JAY A. UNORA MARYNELL REGAN KATHRYN Z. BLOCK ADAM B. STEPHENS KEVIN P. SULLIVAN THOMAS D. MILLER JARELY M. RUIZ **ROBIN A. PEDERSON** MARGARET C. DAUN JEREMY R. MCKENZIE MARY L. SCHANNINS PETER J. BLOCK NICHOLAS P. DESIATO JOANNA GIBELEV JENNY YUAN T.C. MAKAYA KAIL J. DECKER

ALLISON N. FLANAGAN LA KEISHA W. BUTLER

Assistant City Attorneys

THOMAS O. GARTNER

STUART S. MUKAMAL

RE: C.I. File No. 1030-2015-742

Communication from ACTION MANAGEMENT, LLC

Dear Mr. Lishanski:

We have received your claim for the amount of \$3,206.00 in relation to the vehic damage you sustained on January 13, 2015 at the intersection of South & and West Bottsford Avenue.

Our investigation revealed our city vehicle was traveling northbound through the uncontrolled intersection of South 45th Street and West Bottsford Avenue. Your employee was traveling westbound on Bottsford Avenue. Per the police report, it appeared our vehicle had already entered the intersection when we were struck in the front passenger side by your vehicle. Based on this information, it appears the driver of your vehicle was the proximate cause of the accident.

The damage to your vehicle was not the result of any negligence of the City of Milwaukee and therefore the City is not legally liable for your damage. Therefore, we are denying your claim.

OIL OLEMA'S OFFICE

2015 MAY 29 P I: 25

THA DE WITHVIRKET



CITY OF MILWAUKEE
2015 MAR - 6 A II: 53

CITY CLERK'S OFFICE

March 04, 2015

From: ACTION MANAGEMENT, LLC

12525 N. Woodland Dr., Mequon, WI 53092

Ph. 414 324-7817; Email: jlishanski@gmail.com

To: City Clerk

Attn: Claims

200 E. Wells St., Room 205, Milwaukee, WI 53202

Re: car accident 01.13.2015

To Whom It May Concern,

With this letter the Action Management LLC is filing a claim and submitting the following information in order to get the claim process started and settle the damage reimbursement.

The following is a description of the car accident that occurred on Tuesday 01/13/2015 at approximately 11:00 am:

On the uncontrolled intersection of S. 45th Street and W. Bottsford Ave. the truck 1998 Ford F150 pickup, owned by Action Management LLC, was struck to the front driver's side by the "City" vehicle # 24171 2010 Ford Escape with Municipal plate# 78987.

Based on where the impact occurred on the intersection and the direction of each car involved in this accident, it appears that the driver of the "City" vehicle # 24171 did not pay attention to the hindrance from the right side of the uncontrolled intersection (Detailed police report attached to this claim).

As a result of this car accident the Ford F150, owned by Action Management LLC, is in non-repairable (total loss) condition.

The Action Management, LLC files the claim and asking to reimburse the car replacement costs in amount of \$3,206.00. For support of the claim value see attached 2 car value estimates from KBB and AutoTrader.com.

Jacob Lishanski - Owner

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893.80 Claims against governmental bodies or officers, agents or employes; notice of injury; limitation of damages and suits. (1) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employe of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

- (a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employe under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employe; and
- (b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

To File A CLAIM with The CITY OF MILWAUKEE:

You will need the following information

DATE of Incident ///3//s

"City" Vehicle Number 29 17/

Wisconsin Motor Vehicle MV4000e 01/2005 Accident Report

HJ55LFM

PK2011	

DOT Document Number Document Override Number HJ55LFM Reportable Accident Amended On Emergency Agency Accident Number Police Number 15-129 15-129 6 - Total Units 7 - Total Injured 8 - Total Killed 4 - Accident Date 5 - Time of Accident (Military Time) 00 01/13/2015 1102 02 11 - Accident Location 3 - Municipality 2 - County INTERSECTION **GREENFIELD - 69, CITY** MILWAUKEE - 40 15 - Est. Dist 15 - Hwy. Dir 14 - Bus/Fmt/Rmp FUNI 15-129 14 - On Hwy No. 14 - On Street Name W BOTTSFORD AVE 16 - Business/Frontage/Ramp 16 - Fr/At Hwy No. 1B - From/At Street Name S 45TH ST GENERAL INFORMATION 13 - Longitude 17 - Structure Type 17 - Structure Number 12 - Latitude 93 - Manner of Collision 80 - First Harmful Event ANG! F MOTOR VEHICLE IN TRANSPORT **Surface Туре** 112 - Access Control 113 - Road Curvature 113 - Road Terrain BLACKTOP (BITUMINOUS) - 2 NO CONTROL **LEVEL/FLAT** STRAIGHT 115 - Traffic Way NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC) 117 - Relation To Roadway ON-ROADWAY 114 - Light Condition 116 - Road Surface Condition 118 - Weather DAYLIGHT SNOW/SLUSH SNOW 15-129 Fire Photos Taken Traller or Towed Hit and Run **Government Property** ACCIDENT# Name's Exchanged \boxtimes Truck, Bus, or Hazardous Materials Load Spillage **Construction Zone** 79 - E M S Number 103 Witness Statements Measurements Taken Supplemental Reports Operator/Pedestrian 24 - Speed Limit 81 - Most Harmful Event: Collision With 23 - Dir Of Travel Unit Status MOTOR VEHICLE IN TRANSPORT WEST 36 - Operating as Classified 37 - Endorsements Operating Commercial Motor Vehicle D CLASS 31 - Expiration Year 29 - Driver's License Number 30 - State 34 - On Duty Accident C5280006238108 W 2017 25 - First Name ·25 - Operator/Pedestrian Last Name 25 - Middle Initial 25 - Suffix CAMACHO HERNANDEZ ARMANDO 32 - Date Of Birth 33 - Sex 10/21/1982 MALE 26 - Address Street & Number 26 - PO Box 1927 S CONGO AVE FL 2 27 - City 27 - State 27 - Zip Code 28 - Telephone Number MILWAUKEE (414) 334-9686 EXT. 53204 39 - Seat Position 40 - Safety Equipment FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR) SHOULDER-BELT-AND-LAP-BELT-USED 38 - Injury Severity 41 - Airbag 42 - Ejected N - NO APPARENT INJURY **NOT-EJECTED** NON-DEPLOYED Medical Transport **OPERATOR/PEDESTRIAN** 43 - Trapped/Extricated 92 - Pedestrian Location 92 - Pedestrian Action **NOT-TRAPPED** 119 - What Driver Was Doing 120 - Traffic Control 62 - No. of Citations Issued **GOING-STRAIGHT** NO-CONTROL 64 - 1st Statute No. 64 - 2nd Statute No. 64 - 3rd Statute No. 64 - 5th Statute No. 64 - 4th Statute No. 122 - Driver Factors SPEED-TOO-FAST-FOR-CONDITIONS 88 - Oriver or Pedestrian Cond. 89 - Substance Presence APPEARED NORMAL NEITHER-ALCOHOL-NOR-DRUGS-PRESENT 90 - Alcohol Test 90 - Alcohol Content 91 - Drug Test **TEST NOT GIVEN** TEST-NOT-GIVEN

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32 - Date Of Birth 10/11/1957

33 - Sex MALE

Wisconsin Motor Vehicle Accident Report MV4000e 01/2005 PK2011

HJ55LFM

													
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Accident	Report
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UNIT #1 WAS WB W. BOTTSFORD AVE. AND STRUCK UNIT #2 WHICH WAS NB S. 45 ST.

Greenfield	d Police Department	Supplementary Report				
Incident Report Number: 15-000129	Incident Location: S 45 St/W Bottsfor	rd Ave		Incident Date: 01/13/2015		
New Incident:		Original CFS Code - 1:	New CFS Cade -1 :	New CFS Code - 2:		
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SUMMARY

Tuesday, 01/13/15, 11:06AM

On the above date and time, I was sent to a two car PDO on South 45th Street at West Bottsford Avenue.

Upon my arrival, I located both vehicles and operators involved. Both vehicles were in the intersection facing a northwesterly direction. I checked for injuries however with negative results.

I spoke with the operator of vehicle #2 inside of my squad. He was identified with a Wisconsin drivers license as ANDREW E. KUBIACZYK, M/W, DOB 10/11/57. Vehicle #2 was identified as a 2010 Ford Escape white in color bearing Municipal plate #78987. KUBIACZYK informed me that he was driving northbound on South 45th Street going approximately 20-25 miles per hour. He informed me that the other vehicle was westbound on West Bottsford Avenue. He told me that he could not say that he looked and did not know if he was distracted then they slammed into each other. I asked him if he saw the other vehicle before the accident and he stated "no." He informed me that he looked left then looked right as he was entering the intersection and did not see him as it happened too quickly. There was no time for reaction. I asked him where he was at the time of impact and he indicated that he was in the middle of the intersection. He indicated that he did not stop at the intersection. He informed me that he was checking water meters automatically and that he had to drive slowly to do it approximately 20-25 miles per hour.

I then spoke with the operator of vehicle #1 inside of my squad. He was identified with a Wisconsin drivers license as ARMANDO NMI CAMACHO HERNANDEZ, M/W, DOB 10/21/62. Vehicle #1 was identified as a 1998 Ford F150 pick up truck, red in color, bearing Wisconsin truck registration #KW1145. CAMACHO HERNANDEZ informed me that he was driving westbound on West Bottsford Avenue going approximately 25 miles per hour. He indicated the other vehicle was northbound on 45th Street. He indicated that he thought there was no stop sign so he thought that he had the right of way and they collided right in the middle. I asked him who entered the intersection first and he indicated that he thought they entered at the same time. He informed me that he tried to stop when he saw that the other vehicle was not stopping. He indicated that he had no intention of stopping because he thought he had the right of way.

Upon checking the vehicles I saw that vehicle #1 had extensive front end damage predominantly on the driver's side including the hood, front bumper, and front drivers side quarter panel. The front drivers side wheel was misaligned. There was further damage which appeared to have been caused by a

Reporting Officer(s): Gasiorowski, James B.		Payroll Number: 135		Payroll Number:		R	eport Date: 01/13/2015
Reviewed by:	Payroll Number:		Copy To:	····	Page:		
Falk, Charles J.	107					1 (Of 3

Greenfield Police Department

Continuation

Incident Report Number

Incident Location:

15-000129 S 45 St/W Bottsford Ave

Incident Date: 01/13/2015

secondary impact with vehicle #2. This damage consisted of damage to the rear quarter panel in front of the rear drivers side wheel and the back of the drivers side cab. Vehicle #2 sustained damage to the front passenger side quarter panel, front bumper, and hood. There was a crease in the front drivers side quarter panel from the large amount of force from the initial impact. The front passenger side tire was also flat. There was further damage on the vehicle from a secondary impact. This damage was located on the passenger side corner of the rear bumper, rear passenger side quarter panel, and passenger side taillight.

Based on where the impact occurred in the intersection it appeared that Vehicle #2 had entered the intersection before Vehicle #1. It also appeared based on the amount of damage that vehicle #1 was exceeding the posted 25 mile per hour speed limit. I did not issue any citations.

Vehicle #2 was towed from the scene by a City of Milwaukee DPW tow truck. Vehicle #1 was towed from the scene by a tow company contacted by the driver of vehicle #1.

Officer James Gasiorowski, #60 JG/ao

NAMES

Driver-1

Camacho Hernandez, Armando M of 2454 S 6 St, Milwaukee, WI, 53215

DOB: 10/21/1962

Home Phone: (414) 334-9686

Driver-2

Kubiaczyk, Andrew E W/M of 3751 S Austin St, Milwaukee, WI, 53207

DOB: 10/11/1957

Cell Phone: (414) 482-2695

Passenger

Santiago-Aguilar, Fernando M of 3704 W Burnham St, Milwaukee, WI,53215 DOB: 03/20/1985

VEHICLE

Driver-1

Year: 1998 Make: Ford Model: F150 Pick Up

Color: Red

Reporting Officer(s):	ID Number	ID Number	}	Pages:	
Gasiorowski, James B.	135			ءَ ا	Of
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Greenfield Police Department

Incident Location:

S 45 St/W Bottsford Ave

Continuation

Incident Date: 01/13/2015

Plate#: KW1145-WI Expiration Year: 2015 Vin#: 1FTZX1725WNA57712

Driver-2

Incident Report Number

15-000129

Year: 2010 Make: Ford Model: Escape

Color: White

Plate#: 78987-WI Expiration Year: 2004 Vin#: 1FMCU5K31AKA85891

Reporting Officer(s):

Gasiorowski, James B.

ID Number 135

Pages:

ID Number

3 Of 3



Kelley Blue Book The Trusted Resource*





Advertisement

Sell To Private Party

1998 Ford F150 Super Cab Pricing Report



Style: Short Bed Mileage: 170,000



Private Party Values valid for your area through 2/26/2015

Vehicle Highlights

Fuel Economy: City 15/Hwy 19/Comb 17 MPG

City 15/Hwy 19/Comb 1/ MP

Drivetrain: 2WD

Doors: 3

Drivetrain: 2WD

EPA Class: Standard Pickup Trucks

Country of Origin: United States

Max Seating: 6

Engine: V6, 4.2 Liter

Transmission: Automatic

Body Style: Pickup

Country of Assembly: United States

Your Configured Options

Our pre-selected options, based on typical equipment for this car.

(II) Options that you added while configuring this car.

Engine

V6, 4.2 Liter
Transmission
Automatic
Drivetrain
2WD

Accessory Packages

1 XL

Braking and Traction

ABS (4-Wheel)

Comfort and Convenience

Air Conditioning

Steering

Power Steering

Entertainment and Instrumentation

AM/FM Stereo

Safety and Security

Dual Air Bags

Exterior

Third Door
Wheels and Tires

Steel Wheels

Glossary of Terms

Kelley Blue Book® Trade-in Value - This is the amount you can expect to receive when you trade in your car to a dealer. This value is determined based on the style, condition, mileage and options indicated.

Trade-In Range - The Trade-In Range is Kelley Blue Book's estimate of what you can reasonably expect to receive this week based on the style, condition, mileage and options of your vehicle when you trade it in to a dealer. However, every dealer is different and values are not guaranteed.

Kelley Blue Book® Private Party Value - This is the starting point for negotiation of a used-car sale between a private buyer and seller. This is an "as is" value that does not include any warranties. The final price depends on the car's actual condition and local market factors.

Private Party Range - The Private Party Range is Kelley Blue Book's estimate of what you can reasonably expect to receive this week for a vehicle with stated mileage in the selected condition and configured with your selected options, excluding taxes, title and fees when selling to a private party.

Tip:

It's crucial to know your car's true condition when you sell it, so that you can price it appropriately. Consider having your mechanic give you an objective report.

Excellent Condition - 3% of all cars we value. This car looks new and is in excellent mechanical condition. It has never had paint or bodywork and has an interior and body free of wear and visible defects. The car is rust-free and does not need reconditioning. Its clean engine compartment is free of fluid leaks. It also has a clean title history, has complete and verifiable service records and will pass safety and smog inspection.

Very Good Condition - 23% of all cars we value. This car has minor wear or visible defects on the body and interior but is in excellent mechanical condition, requiring only minimal reconditioning. It has little to no paint and bodywork and is free of rust. Its clean engine compartment is free of fluid leaks. The tires match and have 75% or more of tread. It also has a clean title history, with most service records available, and will pass safety and smog inspection.

Good Condition - 54% of all cars we value. This car is free of major mechanical problems but may need some reconditioning. Its paint and bodywork may require minor touch-ups, with repairable cosmetic defects, and its engine compartment may have minor leaks. There are minor body scratches or dings and minor interior blemishes, but no nist. The tires match and have 50% or more of tread. It also has a clean title history, with some service records available, and will pass safety and smog inspection.

Fair Condition - 18% of all cars we value. This car has some mechanical or cosmetic defects and needs servicing, but is still in safe running condition and has a clean title history. The paint, body and/or interior may need professional servicing. The tires may need replacing and there may be some repairable rust damage.

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© 2015 Kelley Blue Book Co., Inc. All rights reserved. 2/20/2015-2/26/2015 Edition for Wisconsin 53215. The specific information required to determine the value for this particular vehicle was supplied by the person generating this report. Vehicle valuations are opinions and may vary from vehicle to vehicle. Actual valuations will vary based upon market conditions, specifications, vehicle condition or other particular circumstances pertinent to this particular vehicle or the transaction or the parties to the transaction. This report is intended for the individual use of the person generating this report only and shall not be sold or transmitted to another party. Kelley Blue Book assumes no responsibility for errors or omissions. (v.15023)



Kelley Blue Book Values for

1998 Ford F150 Regular Cab Short Bed

Value as of 03/04/2015 for Vir. 5.305 / Effective dates: 02/27/2015 -- 03/05 00/15

ZIP: 53092

Mileage: 170000

Vehicle Details:

Year: 1998

Make: Ford

Model: F150 Regular Cab

Trim: Short Bed

Drive: 2WD

Transmission: Automatic

Engine: V8, 4.6 Liter

Optional Equipment:

XL, Air Conditioning, Power Steering, AM/FM Stereo, Dual Air Bags, Steel Wheels,

Fair Market Range***

Fair Market Range \$2,168 - \$3,395

*** The Fair Market Range for used cars is Kelley Bittle Book's estimate of what a consumer can reasonably expect to pay this week in their area for this year, make and model used vehicle with typical mass and configured with their selected options, excluding taxes title and fees, when buying from a dealer, Each dealer sets and controls its own pricing.

Private Party Value**

Condition:	Range*
Excellent(3%)	\$2,486
Very Good(23%)	\$2,315
Good(54%)	\$1,997
Fair(18%)	\$1,703

^{**}The Kellay Blue Bluck() Private Party Value is the starting point for negotiation of a used-nor sate between a private buyer and seller. This is at less the value that does not include any warranties. The final sates if the depends on the car's actual condition and local market factors.

квв.сом

Condition & Value Definitions

Excellent

"Excellent" condition means that the vehicle looks new and is in excellent mechanical condition. This vehicle has never had any paint or bodywork and does not need reconditioning. The engine compartment is clean and free of fluid leaks. This vehicle is free of rust. The body and interior are free of wear or visible defects. The tires all

3/4/2015 Value a Car

condition. This vehicle has had minor or no paint or bodywork, and requires minimal reconditioning. The engine compartment is clean and free of fluid leaks. This vehicle is free of rust. The body and interior have minimal signs of wear or visible defects. The tires all match and have 75% or more of tread remaining. This vehicle has a clean title history and will pass a safety and smog inspection. Most service records are available.

Good

"Good" condition means that the vehicle has some cosmetic repairable defects and is free of major mechanical problems. The paint and bodywork may require minor touch-ups. The engine compartment may have minor leaks. This vehicle has only minor cosmetic or no rust. The body may have minor scratches or dings and the interior has minor blemishes characteristic of normal wear. The tires match and have at least 50% of tread remaining. Though it may need some reconditioning, it has a clean title history and will pass safety and smog inspection. Some service records are available.

Fair

"Fair" condition means that the vehicle has some cosmetic defects that require repairing and/or replacing and requires some mechanical repairs. The paint and bodywork may require refinishing and body repair. The engine compartment has leaks and may require a tune up. This vehicle may have some repairable rust damage. The body has dings, chips, or scratches and the interior has substantial wear, and may have small tears. The tires may need replacing. This vehicle needs servicing, but is still in reasonable running condition. Has a clean title history. A few service records are available.

Kelley Blue Book® Private Party Value

The Kelley Blue Book® Private Party Value is the starting point for negotiation of a used-car sale between a private buyer and seller. This is an "as is" value that does not include any warranties. The final sales price depends on the car's actual condition and local market factors.

Kelley Blue Book® Trade-in Range

The Trade-In Range is Kelley Blue Book's estimate of what a consumer can reasonably expect to receive this week based on the style, condition, mileage and options of the vehicle when they trade it in to a dealer. However, every dealer is different and values are not guaranteed.

Kelley Blue Book® Fair Market Range (Used Car)

The Fair Market Range for used cars is Kelley Blue Book's estimate of what a consumer can reasonably expect to pay this week in their area for this year, make and model used vehicle with typical miles and configured with their selected options, excluding taxes, title and fees, when buying from a dealer. Each dealer sets and controls its own pricing.

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