

RECEIVED

JUN 17 2015

OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE

2015 JUN 15 A 11:34

CITY CLERK'S OFFICE

Jose Antonio Vargas
2601 South 26th Street
Milwaukee, WI 53204
(414) 514-3444

I am requesting an appeal yet again and would like to move to a hearing.

You have told me the city is not liable under 2011 Wisconsin act 132 for any damages that occur to my vehicle. To my knowledge under the Wisconsin act Section 893.80(1) if I can prove that the city has been negligent on this matter with the street then the city becomes liable.

Some of the pictures I have sent in my first claim were taken from real life view using google maps has shown actual street view up to 5 years ago showing the damage and can prove that the street has been damaged and unkempt. If that isn't enough I have also contacted different city departments and found out that there was 55 reports filed along that street from 60th to 54th and Morgan. Some of them where you have actually had to pay out because the city knew they were liable. If I have to go to court because you have rejected my claim again then I will have to do so.

The city should be held liable for the damage to my vehicle and I can prove without a doubt that the street has been neglected for a long period of time. 55 reports is a lot for 1 year and shows in itself how neglectful the city has been.

I am not asking for extra money or the two day I have had to miss from work I am just asking for the damages and the towing that I have had to pay for and that the city should be held accountable for.

If I have to go to court I will be asking for court expenses as well, and I know that if I have to go to court my chances seem pretty good that I will win this dispute. So I will ask again for you to look at my claim and decide what actions you would like to take.

Thank You,

Jose Antonio Vargas

06/10/15

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CITY ATTORNEY

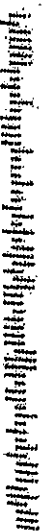
Jose Vargas
2061 S. 26th Street
Milwaukee, WI 53204

Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee, WI 53202

MILWAUKEE WI 530
JUN 17 2015 PM 5:1



53202357099



Jose Antonio Vargas
2061 S. 26th Street
Milwaukee, Wi 53204
(414)514-3444

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MAY 28 2015

OFFICE OF
CITY ATTORNEY

CITY OF MILWAUKEE
2015 MAY 22 PM 3:14
CITY CLERK'S OFFICE

I am filing a claim against the city of Milwaukee for the damage to my vehicle estimated at \$2,746.16 and \$ 260.32 for towing expenses.

On May 6, 2015 at approximately 8:45p.m it was dark and very foggy. I was driving down Morgan Ave. and I came across a pot hole that damaged my car severely. When my tire and rim came into contact with the pot hole everything around my tire snapped off because of the impact and I lost control of my car and served over to the side of the road.

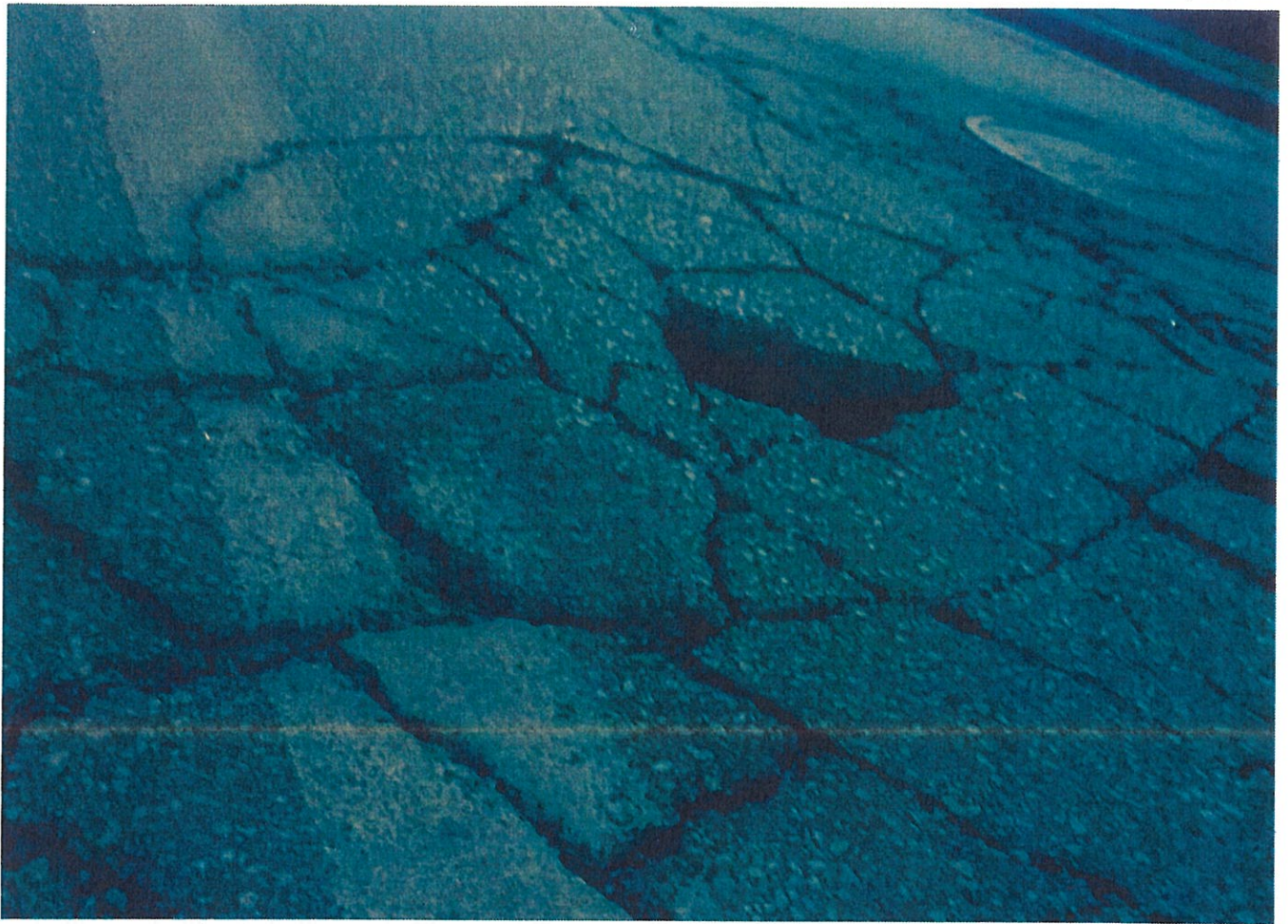
I immediately called the city and police to report the hole and the damage done to my car. About 15 to 20 minutes after the phone call was placed a city employee came and put up road blocks around the pot hole, followed by two police officers who I asked to come look at the damage that was done.

I have went around the neighborhood and many have had complaints about the condition of the road. I also have evidence that the condition of that road has been neglected and unkempt for longer than several years at least. People around the neighborhood also state how they have to take alternate routes because of the condition of the street and the damage it can cause to their vehicles.

I am seeking reimbursement for the cost I now have to put into my car and the towing costs. I have had to miss a day's work because of the wreck my car was in caused by the pot hole. I cannot go to my insurance as I have an older car and am only covered by liability. I believe the city should be liable because of the bad condition of the street the only thing I did wrong that night apparently was drive down the wrong street.

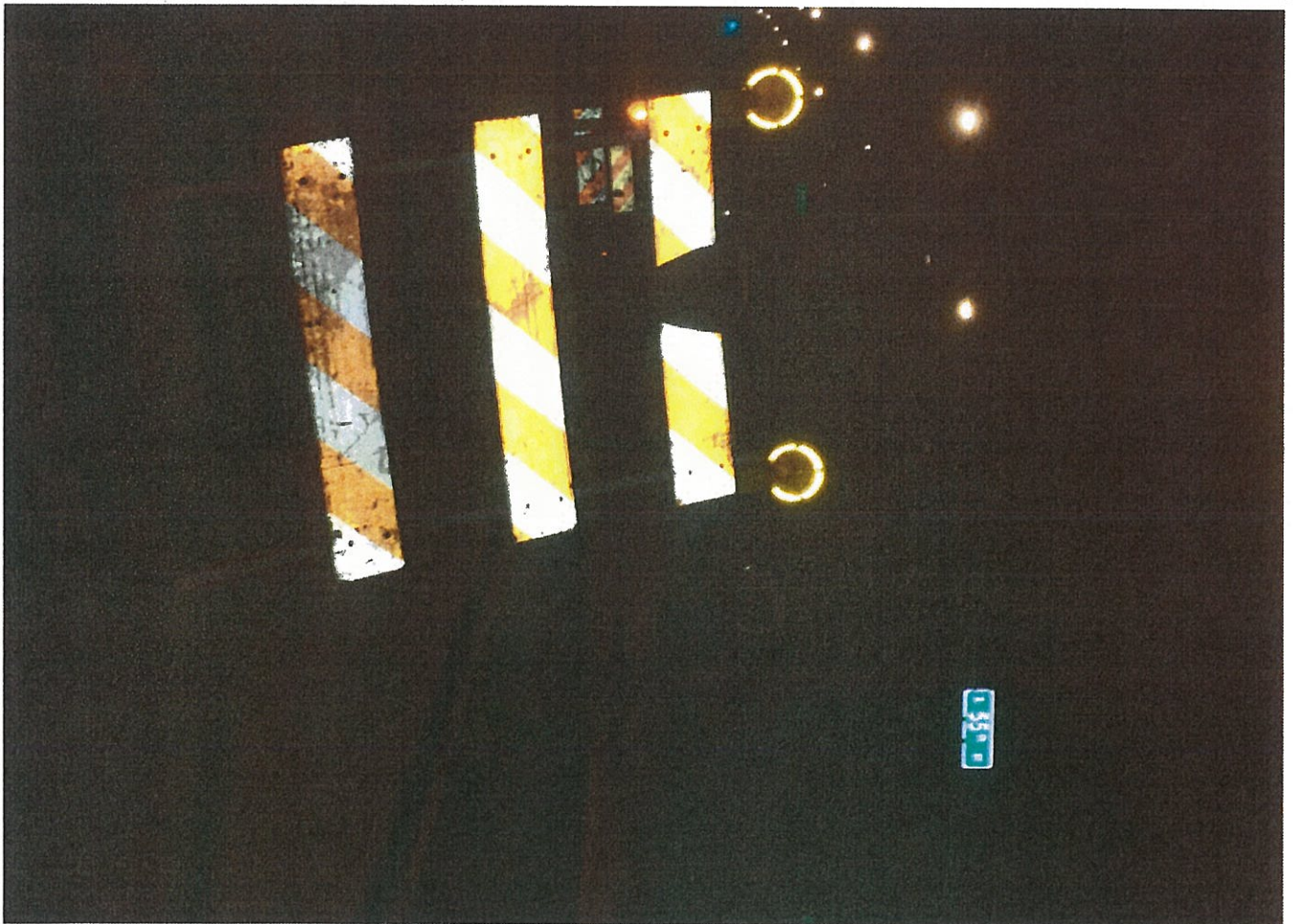
Thank You, Jose Vargas

Date: 5/14/2015

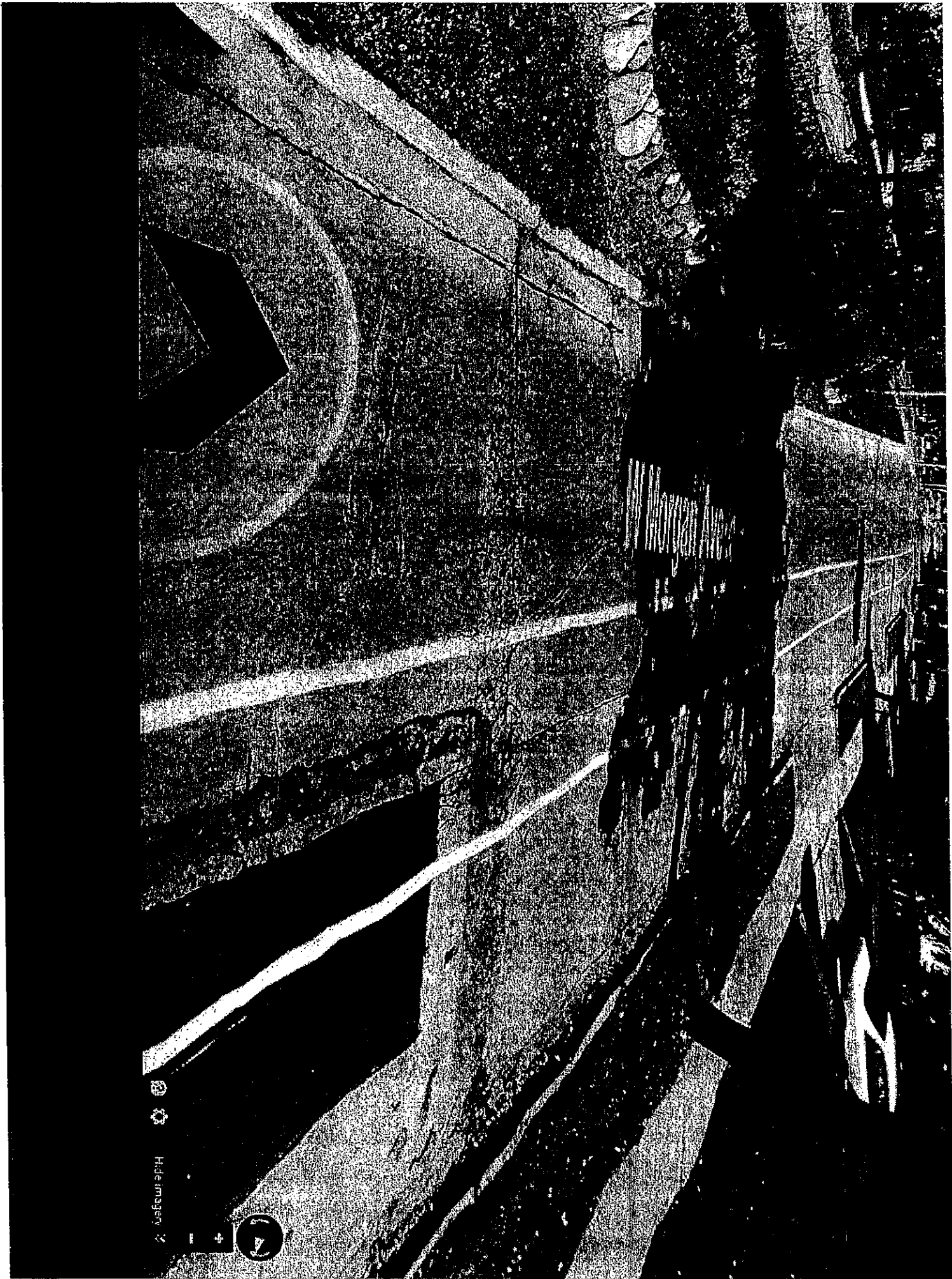


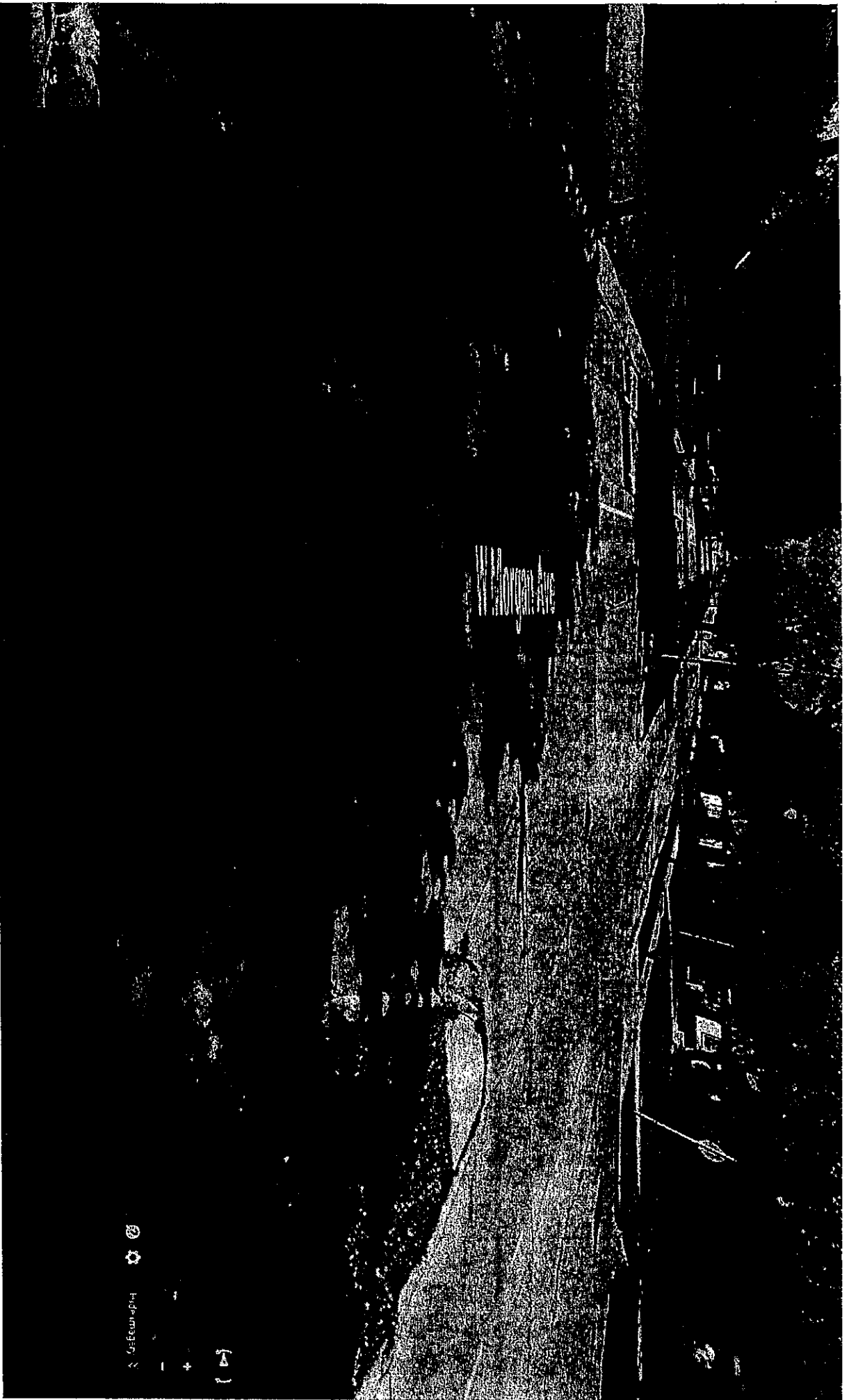






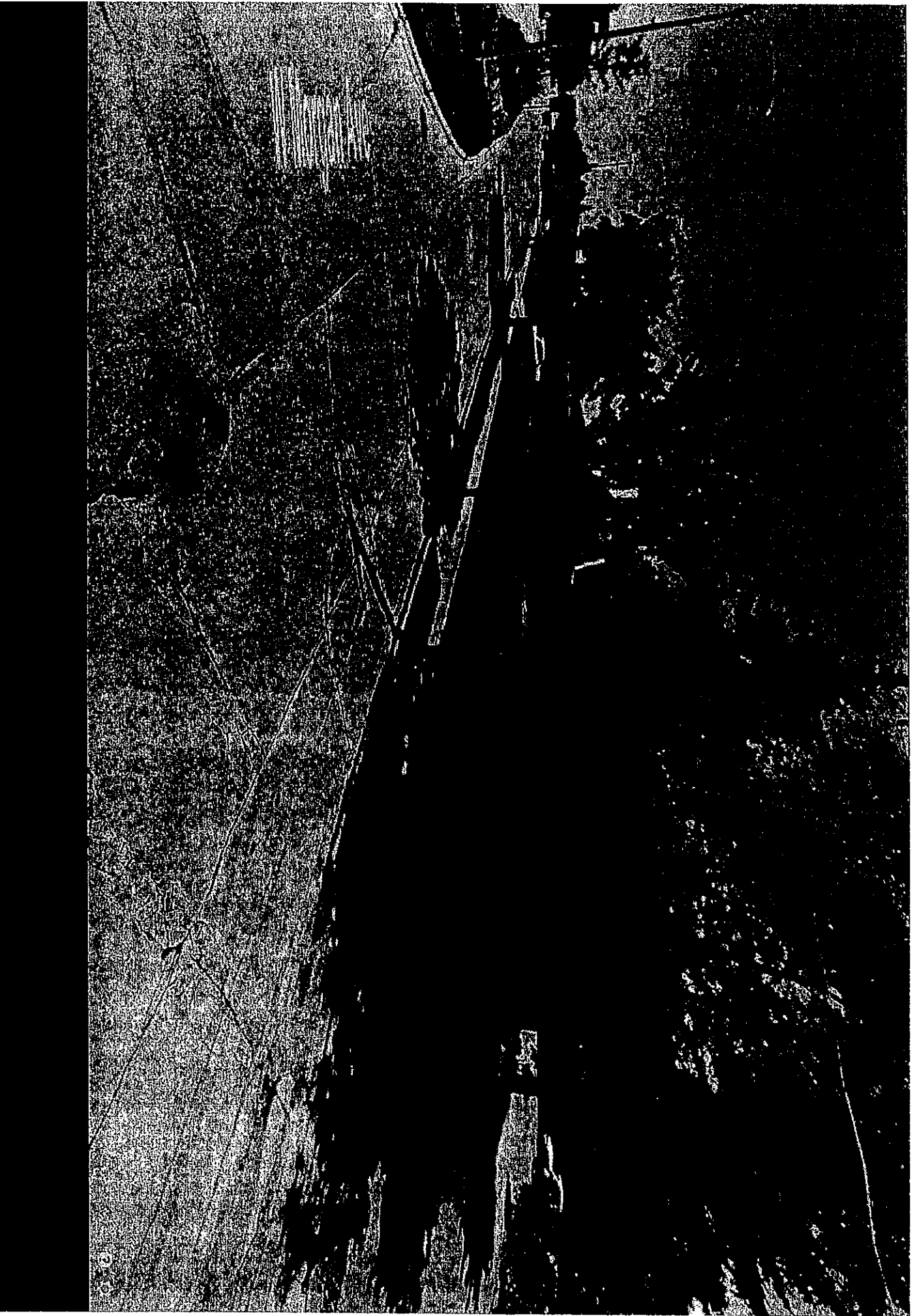
as of October 2014

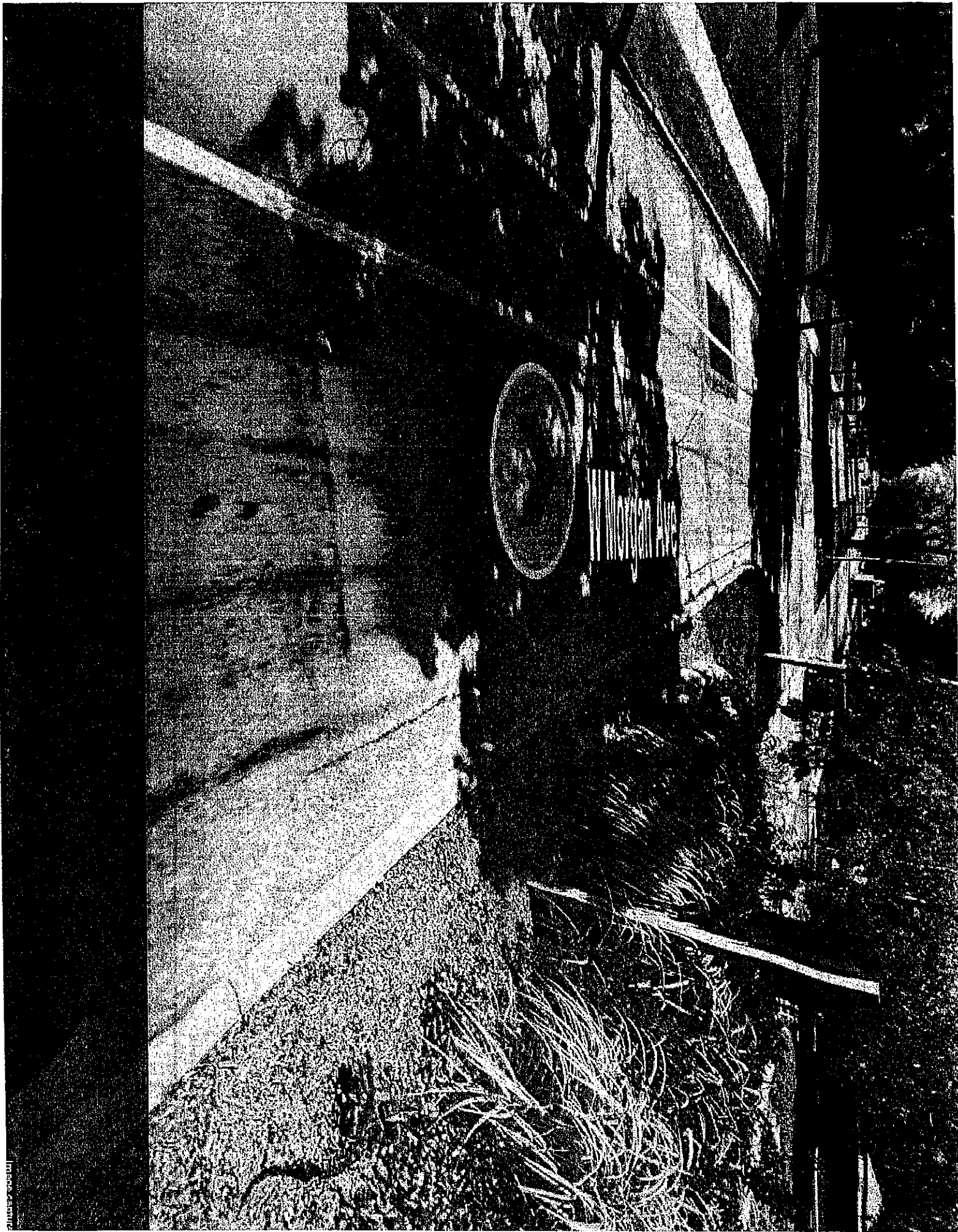




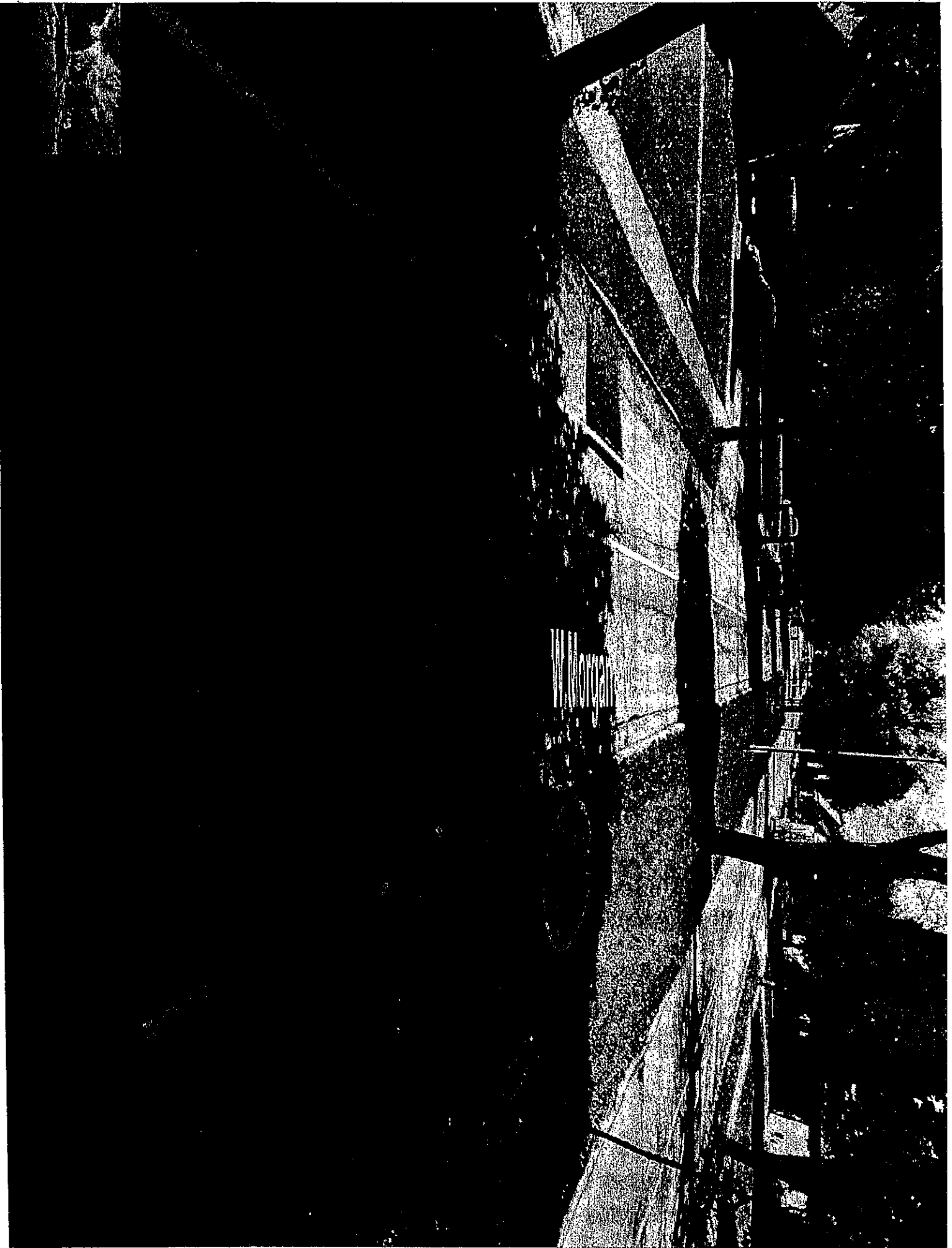
05 of October 2014

05 of July 2011.





2025. 11/11/2011



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MAY 28 2015

M & S AUTOMOTIVE

3633 W. BURNHAM STREET

MILWAUKEE, WI 53215

Ph:414-727-7475, Fax:(414) 727-7470

OFFICE OF
CITY ATTORNEY**INVOICE**

#17518 Page 1 of 1

5/12/2015, 4:13 PM

Estimate #150512001

Facility #: 1

JOSE VARGAS
2061 S 26TH
MILWAUKEE, WI 53215CELL: 414-514-3444
:
ACCOUNT #:2003 HONDA ACCORD
987RPP (WI)
ODOM IN/OUT: 167990 / 167990
1HGCM82653A013375
3.0L 6 Cyl.

300.23 Visa

Sales: 110:Counter, Sale
Tech: 105:SHAUN BUCKETT #ASE CERTIFIED

Qty	Item Number	Loc	Description	ST	Each	Misc	Extended
DRIVETRAIN REPAIRS							
1	CUSTOM		LEFT CV SHAFT	RO	79.03		79.03
			Shop Supplies:				3.95
105			Sub-Total DRIVETRAIN REPAIRS:				82.98
Steering & Suspension							
1	CUSTOM		LEFT LOWER BALL JOINT	RO	37.93		37.93
1.2	LABOR		CUSTOM	R	74.00		88.80
1	ALIGNMENT		ALIGNMENT	RO-	65.00		65.00
			Shop Supplies:				9.59
105			Sub-Total Steering & Suspension:				201.32

Parts	181.96
Labor	88.80
Shop Supplies	13.54
Sub-Total	284.30
STATE Tax	14.22
COUNTY Tax	1.42
STADIUM Tax	0.29
Grand Total	300.23

THANK YOU FOR CHOOSING M&S AUTOMOTIVE
WE APPRECIATE YOUR BUSINESS
All repairs are covered by a 12/12 warranty parts
and labor unless otherwise specified.

M&S AUTOMOTIVE LLC ACCOUNTS RECEIVABLE CONDITIONS

In the event of default of payment when due of any indebtedness created by acceptance of materials and labor provided by M&S Automotive, M&S Automotive shall be entitled to the interest any such indebtedness from the date due at the highest legal rate plus reasonable attorney's fees and court costs, should M&S Automotive choose to employ an attorney to collect any such indebtedness after default.

CUSTOMER SIGNATURE: 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.

5/12/2015

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LOU'S AUTO BODY - A CARSTAR COLLISION REPAIR CENTER
3940 S. 13TH ST.
MILWAUKEE, WI 53221
(414) 481-9449 FAX: (414) 481-7415

OFFICE OF
CITY ATTORNEY

*** PRELIMINARY ESTIMATE ***

05/13/2015 01:29 PM

Owner

Owner: JOSE VARGAS

Inspection

Inspection Date: 05/13/2015 01:29 PM

Inspection Type:

Appraiser Name: RC

Appraiser License # :

Remarks

ANY COURT APPEARANCE RESULTING FROM THIS ESTIMATE IS SUBJECT TO A \$250.00 PER HOUR EXPERT WITNESS FEE, STARTING FROM TIME WE LEAVE OUR FACILITY UNTIL WE RETURN, PLUS ANY TRAVEL EXPENSES INCURRED

Vehicle

2003 Honda Accord EX V6 2 DR Coupe
6cyl Gasoline 3.0 VTEC
6 Speed Manual

Lic Expire:
Veh Insp# :
Condition:
Ext. Refinish: Two-Stage

VIN: 1HGCM82653A013375
Mileage Type: Actual
Code: H1273C
Int. Refinish: Two-Stage

Options

AM/FM In-dash CD Changer
Aluminum/Alloy Wheels
Center Console
Dual Airbags
Head Airbags
Keyless Entry System
Lighted Entry System
Power Door Locks
Power Steering
Rem Trunk-L/Gate Release
Tachometer
Tinted Glass

Air Conditioning
Anti-Lock Brakes
Climate Control For A/C
Dual Power Seats
Heated Front Seats
Leather Seats
Overhead Console
Power Mirrors
Power Windows
Side Airbags
Telescopic Steering Whl
Traction Control System

Alarm System
Bucket Seats
Cruise Control
Garage Door Opener
Intermittent Wipers
Leather Steering Wheel
Power Brakes
Power Moonroof
Rear Window Defroster
Strg Wheel Radio Control
Tilt Steering Wheel

Damages

Line	Op	Guide	MC Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
------	----	-------	----------------	--------------	-------	------	----	-------	---

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MAY 28 2015

OFFICE OF
CITY ATTORNEY2003 Honda Accord EX V6 2 DR Coupe
Claim #:

05/13/2015 01:29 PM

Stripes And Mouldings

1	E	176	01	Mldg,Rocker Panel LT	71850SDNA11ZB	\$308.67	INC	SM
2	RI	259		Mldg,Front Door Side LT	R & I Assembly		0.2	SM

Front Bumper

3	E	6		Cover,Front Bumper	04711SDPA90ZZ	\$323.03	2.1	SM
4	L	6	13	Cover,Front Bumper	Refinish		4.0	RF
					2.8 Surface			
					0.6 Two-stage setup			
					0.6 Two-stage			
5	E	26		Shim,Front Bumper LT	71198SDAA01	\$8.75	INC	SM

Front Body And Windshield

6	E	103		Fender,Front LT	04630SDNA90ZZ	\$274.97	1.7	SM
7	L	103		Fender,Front LT	Refinish		3.4	RF
					2.3 Surface			
					0.5 Edge			
					0.6 Two-stage			

Front Doors

8	BR	207		Door Shell,Front LT	Blend Refinish		1.3	RF
					0.9 Blend			
					0.4 Two-stage			
9	RI	241		Mldg,Front Door Belt LT	R & I Assembly		0.4	SM
10	RI	229		Mirror,Outer R/C LT	R & I Assembly		0.3	SM
11	RI	223		Cyl,Front Door Lock LT	R & I Assembly		0.7	SM
12	RI	227		Handle,Front Door Otr LT	R & I Assembly		0.3	SM

Quarter And Rocker Panel

13	I	161	07	Panel,Bodyside Front LT	Repair		2.0*	SM
14	L	161	10	Panel,Bodyside Front LT	Refinish		1.4*	RF
					1.0 Surface			
					0.4 Two-stage			

14 Items

MC Message

01	CALL DEALER FOR EXACT PART # / PRICE
07	STRUCTURAL PART AS IDENTIFIED BY I-CAR
10	INCLUDES AUDATEX TIME TO CLEAR ENTIRE PANEL
13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

Estimate Total & Entries

Gross Parts	\$915.42	
Paint & Materials	\$404.00	
Parts & Material Total		\$1,319.42
Tax on Parts & Material	@ 5.600%	\$73.89

Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$56.00	5.7	2.0	7.7	\$431.20
Mech/Elec (ME)	\$95.00				
Frame (FR)	\$65.00				
Refinish (RF)	\$56.00	10.1		10.1	\$565.60
Paint & Materials	\$40.00				

Labor Total		17.8 Hours	\$996.80
Tax on Labor	@ 5.600%	\$55.82	
Gross Total			\$2,445.93
Net Total			\$2,445.93

05/13/2015 01:31 PM

Page 2 of 3

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2003 Honda Accord EX V6 2 DR Coupe
Claim #:

OFFICE OF
CITY ATTORNEY

05/13/2015 01:29 PM

Alternate Parts Y/00/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53221 Default

Audatex Estimating 7.0.417 ES 05/13/2015 01:31 PM REL 7.0.417 DT 04/01/2015
Copyright (C) 2015 Audatex North America, Inc.

2.6 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

Op Codes

* = User-Entered Value
EC = Replace Economy
ET = Partial Replace Labor
TE = Partial Replace Price
L = Refinish
TT = Two-Tone
BR = Blend Refinish
CG = Chipguard
AA = Appearance Allowance

E = Replace OEM
OE = Replace PXN OE Srpls
EP = Replace PXN
PM = Replace PXN Reman/Rebld
PC = Replace PXN Reconditioned
SB = Sublet Repair
I = Repair
RI = R & I Assembly
RP = Related Prior Damage

NG = Replace NAGS
UE = Replace OE Surplus
EU = Replace Recycled
UM = Replace Reman/Rebuilt
UC = Replace Reconditioned
N = Additional Labor
IT = Partial Repair
P = Check

Audatex
a Solara company

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OFFICE OF
CITY ATTORNEY



"DAMAGE FREE"
TOWING

N & S TOWING, INC.

1719 So. 83rd Street • West Allis, WI 53214

476-8697 • Fax 476-7828

- 24 HOUR ROAD SERVICE -



FLAT BED SERVICE

TOWED FOR <u>Mary J. Kessel</u>		DATE <u>5/6/15</u>		CASH	<input checked="" type="checkbox"/>
ADDRESS <u>3940 S. Pennsylvania</u>	City <u>St Francis</u>	State <u>WI</u>	ZIP <u>53235</u>	CHARGE	<input checked="" type="checkbox"/>
FLATBED <input checked="" type="checkbox"/> SERVICE CALL	MAKE <u>Honda</u>	MODEL <u>Accord</u>	YEAR <u>03</u>	DRIVER	<u>JP</u>
LICENSE # <u>987-ABC STATE WIS</u>	LOCATION <u>534 Major</u>	TO <u>2061 S. 24</u>		TRUCK #	<u>40</u>
VIN # <u>1HGM82603AG13375</u>	MILEAGE <u>—</u>				<u>7</u>
NAME					
ADDRESS	PHONE ()				
DL # <u>K240-5909-0705-05</u>	DOB <u>6/15/90</u>				
ACC#	EXP: <u>1/1</u>				
I agree to not hold N&S Towing responsible for damages done to my vehicle due to services provided by them unless negligence can be proven and also I agree to pay total amount of invoice according to card issuers agreement and/or N&S Towing's billing policy if credit voucher.		ADVANCE CHARGES			
	STORAGE <u>1/1</u>	TO <u>1/1</u>			
	AUTHORIZATION # <u>032345</u>	TAX	<u>5</u>		<u>32</u>
	TOTAL		<u>100</u>		<u>32</u>

X Mary J. Kessel

X

OWNER/REPRESENTATIVE

71004

DRIVER

ALL STAR TOWING
 2640 W. Greves St.
 Milwaukee, WI 53233
 (414) 324-7897 Fax (414) 345-9701
 Storage, Winching, Jump Start, Lock Out, Flat Tire
 Light, Medium, Heavy Duty Towing

029733

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 MAY 28 2015
 OFFICE OF
 CITY ATTORNEY

TOWING REPORT

OWNER	NAME	Jose Vargaf		
	ADDRESS	P. N. V. A. L.		
	CITY	STATE	ZIP	
	PHONE	414-514-3444		

PAY METHOD	
<input checked="" type="checkbox"/> CASH	
<input type="checkbox"/> CHECK #	
<input type="checkbox"/> CREDIT CARD	
<input type="checkbox"/> ON ACCOUNT	

DATE	TIME	AM	REQUESTED BY	MILEAGE BEFORE TOW
5-16-15	1:30	PM		
YEAR	MAKE/MODEL/COLOR	REGISTRATION NO.		
2003	FORD A AC	1 HGC M 826 53 A 01 337 S		
DRIVER	J. V. A. L.	LICENSE NO.		
		987-RPC		
LOCATION OF VEHICLE	TOWED TO			
2001 526	3033 5th Ave			
MILEAGE	SERVICE TIME	EXTRA TIME		
FINISH	FINISH	FINISH		
START	START	START		
TOTAL	TOTAL	TOTAL		

<input type="checkbox"/> SLING/HOIST TOW	<input type="checkbox"/> FLAT TIRE	<input type="checkbox"/> SINGLE LINE WINCHING
<input checked="" type="checkbox"/> WHEEL LIFT	<input type="checkbox"/> OUT OF GAS	<input type="checkbox"/> DUAL LINE WINCHING
<input type="checkbox"/> FLAT BED/RAMP	<input type="checkbox"/> WRECK	<input type="checkbox"/> SNATCH BLOCKS
<input type="checkbox"/> START	<input type="checkbox"/> RECOVERY	<input type="checkbox"/> SCOTCH BLOCKS
<input type="checkbox"/> LOCK OUT		

I HAVE BEEN ADVISED THAT MY VEHICLE MAY BE DAMAGED IF WINCHED, TOWED, UNLOCKED OR LEFT ON UNATTENDED PREMISES. I RECOGNIZE THE DIFFICULTY INVOLVED AND I AGREE NOT TO HOLD THE TOWING SERVICE RESPONSIBLE FOR SUCH DAMAGE SHOULD IT RESULT.

SIGNATURE OF CAR OWNER OR AGENT	DATE
<i>[Signature]</i>	5-11-15

VEHICLE WILL NOT BE RELEASED UNTIL TOWING SERVICE IS PAID.

REMARKS	MILEAGE CHG.	
	TOWING CHG.	
	LABOR CHG.	
	STORAGE CHG.	
SIGNATURE OF TOW OPERATOR	SUBTOTAL	
	TAX	
	TOTAL	160

OFFICE OF THE CITY CLERK
Milwaukee, Wisconsin

INSTRUCTIONS FOR FILING A CLAIM AGAINST THE CITY OF MILWAUKEE

To file a state-law claim against the City, a claimant must comply with Section 893.80(1), Wis. Stats., a copy of which is printed on the reverse side of the instruction sheet. Generally the statute requires the claimant to serve on the City Clerk a document stating the circumstances of the claim. The document must be signed by the claimant, or his/her agent or attorney, and should be served within 120 days of the event.

The claimant must also present to the City Clerk a document stating the address of the claimant and a statement of the relief sought. If money damages are sought, a specific sum must be stated. (The above information may be combined in a single document.)

Submitting the following additional information will allow the City to act on your claim more promptly:

1. Proof of the amount of the claim by means of either itemized receipts or two itemized estimates.
2. A phone number the claimant can be reached during business hours.
3. As detailed a description of the incident as possible, including the date, time and location.

All information should be submitted to:

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

ADDITIONAL INFORMATION

Before you can file a lawsuit against the City of Milwaukee for reimbursement, State law requires that you first follow the claim procedures established by the City Clerk.

Filing a claim against the City does not automatically guarantee reimbursement from the City. However, the City examines each claim on an individual basis to determine if reimbursement is legally required.

In order to obtain reimbursement for a claim against the City, you must prove that the City or its employees acted unlawfully or negligently.

Only the City Attorney or the Common Council and the Mayor can authorize payment of a claim against the City. Any other representations made by City employees are not legally binding on the City.



mon - fri
8:00am - 4:45pm

893.80 Claims against governmental bodies or officers, agents or employees; 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 employee 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 employee 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 the the defendant officer, official, agent or employee; 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.

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MAY 28 2015

OFFICE OF
CITY ATTORNEY

My name is James Lawhorn I am writing this statement cause the roads on Morgan Ave are very bad the last few years. ~~It~~ been really bad to were when I pull out of my apartment onto Morgan I immediately try to get off this street to the next one so that I don't get anymore damage to my shocks and struts. I live at 5609 W. Morgan Ave Apt F, thank you

James Lawhorn

PV-17 06/14 MILWAUKEE POLICE DEPARTMENT
CRIME VICTIM RESOURCES

Contact Officer: P.O. Holzem
Incident Number: 151262881 Incident Date: 5.6.15
District / Unit: 6/6221 Shift Hours: 3p-11p
Phone Number: 935-9262

The Contact Officer is your primary source for general information regarding the investigation as well as arrests and the status of property in police custody.

Victims of crimes have the following rights under Wis. Stats. §950.04 Basic Bill of Rights for Victims and Witnesses.

- To be treated with fairness, dignity, and respect for your privacy by public officials, employees or agencies.
- To have your interest considered when the court is deciding whether to grant a continuance in the case.
- To attend court proceedings in the case.
- Assistance with an employer to minimize your loss of pay resulting from your cooperation with the criminal justice system.
- To select and be accompanied by a service representative to attend court proceedings.
- To request and be given the results of testing to determine the presence of communicable disease.
- To not be the subject of a law enforcement officer's or district attorney's order, request or suggestion that you submit to a lie detector test.
- To be informed about the process by which you may file a complaint.
- To not have your personal information disclosed by an employee.
- To be provided a waiting area to use during hearings.
- To have your interests considered by the court regarding a preliminary hearing.

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