

Thibodeau, Johnson,  
& Feriancek, PLLP  
Trial Lawyers

Jerome D. Feriancek\*†‡

RECEIVED

SEP 9 - 2016

OFFICE OF  
CITY ATTORNEY

Writer's Email:  
jdf@trialgroupnorth.com

September 2, 2016

State of Wisconsin  
Attorney General  
114 East Stat Capitol  
Madison, WI 53707-7857

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

9-9-16  
10:26 AM  
[Signature]

Via Email: mark@lciwi.com

Mark LaLonde  
LaLonde Contractors, Inc.  
1609 Lincoln Ave.  
Waukesha, WI 53186

Via Email: bob@habermehlelectric.com

Bob Habermehl  
Habermehl Electric, Inc.  
9542 S. 58th St.  
Franklin, WI 53132

Re: State Project ID: 2060-11-70  
Federal Project ID: WISC 2015 005  
South Howell Ave.: W. Layton Ave. to Howard Ave.  
STH 38  
Milwaukee County  
US Bank Branch - 4015 S. Howell Ave., Milwaukee, WI 53207  
Our File: 551.001

CITY OF MILWAUKEE  
2016 SEP -9 AM 10:26  
CITY CLERK'S OFFICE

Dear Madam or Sir:

We represent US Bank with regard to the recovery of money expended to repair damage sustained at the branch referenced above. A storm sewer line was damaged in the fall of 2015 during road work near the US Bank branch at 4105 S. Howell Ave. The destruction of the pipe prevented the proper drainage of storm water and caused large amounts of water to back up onto US Bank property, rendering its drive thru inoperable among other issues. The damage to the line occurred during a project commissioned by the Wisconsin Department of Transportation (WISDOT) and administrated by the City of Milwaukee. LaLonde Contractors was, under our impression, the prime contractor on the project and LaLonde's subcontractor for the installation of fiber optic cable was Habermehl Electric, Inc. This letter shall serve to fulfill the notice requirements of Wisconsin Statute 893.80 regarding notice of claims to local and state government. It should be noted that both the State of Wisconsin and the City of Milwaukee have had actual notice of this claim since October of 2015.

\* Also a Member of Wisconsin Bar Association

† Civil Trial Specialist Certified by the Minnesota State Bar Association

‡ Qualified Neutral under Rule 114 of the Minnesota Rules of General Practice

800 Lonsdale Building • 302 West Superior Street • Duluth, Minnesota, 55802

Telephone (218) 722-0073 • Facsimile (218) 722-0390

September 2, 2016

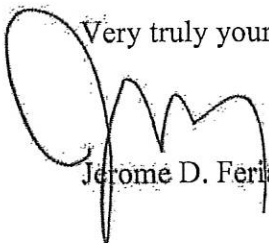
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On September 29, 2015 there was significant flooding at the US Bank branch at 4015 S. Howell Ave. in Milwaukee, WI. Throughout the fall the property continued to flood during rains. The City of Milwaukee was contacted and Roger A. Reed, P.E. of the City of Milwaukee Department of Public Works visited the site to investigate. US Bank's contractor, Viox Services, discovered a portion of the storm sewer line under S. Howell Ave. had a total blockage. A representative of the City was on site when this blockage was discovered and contacted Mr. Reed as well as the WISDOT. All present concurred in determining that the blockage was caused when a fiber optic "6" pack was run down S. Howell Ave. Upon further investigation it became apparent that the contractor who installed the fiber optic lines had dug through the storm sewer line to lay the conduit and then encased it in concrete. The City's representative and the WISDOT representative authorized Viox to make the necessary repairs to the damaged storm sewer line so that the US Bank property would drain. US Bank was instructed to submit a bill to the City of Milwaukee after the project was completed. US Bank has been in contact with all parties regarding reimbursement for this expense. To date, no reimbursement has been made.

The pipe was destroyed through the negligence of WISDOT, the City of Milwaukee, LaLonde Contractors, and/or Habermehl Electric. US Bank bears no fault and must be reimbursed for the cost to repair the destroyed line. Enclosed is a copy of the invoice from Viox Services, US Bank's contractor for the repair work, which totals \$21,959.26. Please submit this information to the appropriate parties and/or insurers in order to begin the reimbursement process.

Please contact us with any questions. We hope to resolve this matter in an efficient manner, without resorting to litigation, considering the rather small amount at stake.

Very truly yours,



Jerôme D. Feriancek

JDF:bjg  
Enclosure

cc: US Bank, Sherrie L. Hartin-King

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OFFICE OF  
CITY ATTORNEY

CITY OF MILWAUKEE  
2016 SEP -9 AM 10:27  
CITY CLERK'S OFFICE



15 West Voorhees  
Cincinnati, OH 45215  
Phone: (513) 9488469

Please send remittance to:  
EMCOR Facility Services Inc.  
dba Viox Services  
LOCATION NO. 347  
CINCINNATI, OHIO 45264-0347

**INVOICE**  
508998

Page 1 of 1

PURCHASE ORDER

PAYMENT TERMS	AMOUNT DUE
Net 30 Days	\$21,959.26

BILL TO:	US Bank
	777 E. Wisconsin Avenue
	Attn: Robin Preston
	Milwaukee, WI 53202

INVOICE DATE	CUSTOMER ID
1/29/2016	364095
	JOB NUMBER
	6821913646

JOB	Milwaukee - Howell @ Norwich
SITE	4015 South Howell Avenue
	3978
	Milwaukee - Howell @ Norwich
	Milwaukee, WI 53207

JOB LOCATION:	Milwaukee, WI
CONTRACT NUMBER:	82193646
CONTRACT DESCRIPTION:	Site ID#3978
	Water backup issues
	4015 South Howell Avenue

DESCRIPTION	AMOUNT
Water Backup Issues	20,794.75
<b>TOTAL SALES:</b>	<b>20,794.75</b>
<b>SALES TAX:</b>	<b>1,164.51</b>
<b>INVOICE AMOUNT:</b>	<b>\$21,959.26</b>
<p>ADDITIONAL BILLING INFORMATION:</p> <p>Water backed up several times in creek at DU since road construction. City looked at and stated not their issue. Had lines jetted and cameraed and found break in line at sidewalk and in road due to new fiber lines that were installed during road construction, that goes to the city storm line. Contractor to dig up and repair. USB to bill city contractor, City officials were on site and saw issues.</p>	
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