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Hupy Abrahams.c. personal injury lawyers

August 20, 2018

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CITY CLERK'S OFFICE

A certified Civil Trial Specialist

by the National Board of Trial Advocacy

VIA SOUTHEAST WISCONSIN PROCESS

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

RE:

DuWayne D. Criter

Date of Accident: August 10, 2018

Dear Mr. Owczarski:

Enclosed please find the original and four copies of the Notice of Injury in the above referenced matter. Please file-stamp one copy and return it to me in the envelope provided.

Thank you for your cooperation in this matter. If you have any questions, please feel free to contact me.

Very truly yours,

Hupyand Abraham, S.C.

Dawn M. Rowe

Paralegal

DMR/ Enclosures

Our law firm has thousands of satisfied clients. We have contributed to our communities for more than 45 years.

NOTICE OF INJURY

TO: Jim Owczarski

City of Milwaukee Clerk

200 East Wells Street, Room 205

Milwaukee, Wisconsin 53202,

Ghassan A. Korban

Commissioner

City of Milwaukee Department of Public Works

Zeidler Municipal Building

841 North Broadway, Room 501

Milwaukee, Wisconsin 53202,

and

Kiewit Infrastructure Company

3555 Farnam Street

Omaha, Nebraska 68131

RE: DuWayı

DuWayne D. Criter

8049 60th Avenue

Kenosha, Wisconsin 53142

Date of Accident:

August 10, 2018

Location:

West St. Paul Avenue and North Plankinton Avenue

Milwaukee, Wisconsin 53203

PLEASE TAKE NOTICE, pursuant to Wis. Stat. § 893.80, that on August 10, 2018,

DuWayne D. Criter, an adult residing at the above address, was the operator of a motorcycle

traveling castbound on West St. Paul Avenue, at or near the intersection with North Plankinton

Avenue, in the City and County of Milwaukee, Wisconsin; that at the same time and place, the

front tire of the motorcycle operated by DuWayne D. Criter became stuck in the trolley tracks in

the road, which caused him to lose control and lay down his motorcycle; that the Kiewit

Infrastructure Company was operating within the course and scope of its employment and/or

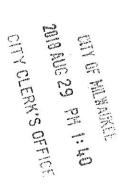
contract with the City of Milwaukee and/or the City of Milwaukee Department of Public Works

to construct the trolley tracks in the roadway; that the Kiewit Infrastructure Company negligently

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constructed and/or installed said trolley tracks; that the City of Milwaukee and/or the City of Milwaukee Department of Public Works had responsibility for the safety and maintenance of the roadway at the time and location of the accident; and that the City of Milwaukee and/or the City of Milwaukee Department of Public Works and/or Kiewit Infrastructure Company were negligent in failing to properly warn motorists of an unsafe condition in the roadway and/or otherwise failing to properly execute a ministerial duty with respect to the roadway and the safety of motorists traveling on that roadway, thereby creating an unreasonable risk of harm and thereby causing DuWayne D. Criter's injuries and damages.

As a result of this incident, DuWayne D. Criter sustained injuries and damages. A claim for damages under § 893.80(1d)(b) will be made at a later date.

Liability for DuWayne D. Criter's injuries and damages is attributed to the City of Milwaukee and/or the City of Milwaukee Department of Public Works as the governmental body responsible for maintaining the roadway at the time and location of the accident and pursuant to the theory of *Respondeat Superior*, in that it is liable for the acts of its employees, servants, agents, and/or volunteers operating in the course and scope of their employment and/or contract, in this case, the Kiewit Infastructure Company, who was responsible for constructing the trolley tracks at the time of the accident, while in the course and scope of its employment and/or contract with the City of Milwaukee and/or the City of Milwaukee Department of Public Works, resulting in DuWayne D. Criter's injuries and damages.

DATED at Milwaukee, Wisconsin this ______ day of August, 2018.

HUPY AND ABRAHAM, S.C. Attorneys for DuWayne D. Criter,

By:

Michael H. Hupy

State Bar Number: 1014322

Post Office Address: 111 East Kilbourn Avenue Suite 1100 Milwaukee, Wisconsin 53202 (414) 223-4800