

SERVICE AND PROCESSING OF CLAIMS

Plaintiff or Claimant: Wardlawky Law Firm on behalf of Peter Troia

Date: 12/13/18 3:04 pm

- In-person
 - Process Server
 - Claimant
 - Other _____

By mail

By email

By fax

Received by: J. Lomanster

- Hand deliver to: Ann Marie or Janel
- Forwarded to Attorney's Office by Ann Marie or Janel
- Response from Attorney's Office
- Common Council Agenda: Yes No



December 13, 2018

RECEIVED

DEC 13 2018

CITY OF WEST ALLIS
CITY CLERK

VIA PERSONAL SERVICE

City of West Allis
Attn: City Clerk
7525 West Greenfield Avenue
Milwaukee, WI 53214

FRANK T. CRIVELLO II
VICTOR C. HARDING
WERNER A. REIS, M.D.
KRISTA LAFAVE ROSOLINO
MICHAEL I. TARNOFF

Re: **WRITTEN ITEMIZATION OF CLAIM**
Our Client: Peter Troia
Date of Injury: April 6, 2017

KEITH E. TROWER
ALSO ADMITTED IN ILLINOIS

Dear Clerk:

GERALD J. BLOCH
OF COUNSEL
TED M. WARSHAFSKY
1926-2012
MERTON N. ROTTER
1930-2013

As required by Wis. Stat. § 893.80, please accept this letter as the written itemization of the claim of Peter Troia, 4430 West Tumble Creek Drive, Franklin, Wisconsin 53132. I am following up on the letter from Attorney Tarnoff dated November 27, 2017. Attorney Merten of the City has previously been provided the medical records and bills that Mr. Troia incurred as a result of the collision. These documents are not being reproduced with this letter, but if you require them, please let me know. His medical damages are as follows:

Provider Name	Dates	Amount
Aurora Health Care	4/6/17; 4/14/17	\$604.00
Aurora Health Care – West Allis	4/6/17	\$3,445.45
City of West Allis MVA	4/6/17	\$250.00
City of West Allis Fire Department	4/6/17	\$793.44
	TOTAL	\$5,092.89

PARALEGAL &
TECHNICAL STAFF:

JOBETH BARRETT
ENGINEERING
STEPHANIE A. LAURICH
TORTS

SUE M. SOCZKA
TORTS

JENNIFER THIERMANN
PRODUCTS

ALA WITKOWSKA
TORTS

JOHN R. SCHATZMAN
INVESTIGATOR

MONICA KLING
ACCOUNTING MANAGER

ROE WIERSGALLA
OFFICE MANAGER

City of West Allis employee Thomas Orr was operating a garbage truck from the passenger side of the truck when the collision occurred. As described in the police report, the front-left of the garbage truck was damaged in the collision. Mr. Troia was operating his Mercury Milan and was struck on the driver's side middle and rear of his vehicle. The damage was severe and the vehicle was removed. Enclosed is a copy of the police report.

The physical property damage indicates that Mr. Troia was proceeding with the green light at the time of the collision. It is nearly impossible that Mr. Troia would have been speeding through a red light with such sufficient speed so as to position his vehicle in front of the garbage truck at the time of the collision. This is illogical and does not comport with the physical evidence.

Merely two days before this collision, Mr. Orr was operating a garbage truck when he caused another collision. In that collision on April 4, 2017, he stopped at a stop sign and proceeded into an intersection and struck a vehicle operating with the right of way. Mr. Orr was negligent in that collision, just as he was negligent in the collision with Mr. Troia .



Significant damage to the rear driver's side of Mr. Troia's vehicle.



Damage to the front of West Allis's garbage truck due to the collision.



Mr. Troia was bleeding profusely at the scene due to a scalp laceration. As evidenced in the photos above, the bleeding continued down his face and into his work badge. Mr. Troia was transported by ambulance to West Allis Memorial Hospital where he underwent a brain CT scan, which was normal. He had a 2-inch laceration to his scalp, which was closed with 8 sutures. He was told to relax and not be physically active with his children while the sutures healed. Mr. Troia returned to his physician 10 days later to have the sutures removed. He still has a permanent scar where the sutures were placed.

Based upon the foregoing, we would recommend that our client accept \$15,092.89 in full settlement of his claim. After you have had a chance to review this file, please contact the undersigned so we can discuss its equitable disposition.

This Notice of Claim is intended to comply with the notice requirements of § 893.80. If you believe this notice for some reason does not comply with that statute, please notify us in a timely manner of any deficiency so that we can send another notice correcting the error. I look forward to hearing from you regarding this demand. Thank you.

Very truly yours,

WARSHAFSKY, ROTTER, TARNOFF & BLOCH, S.C.

Krista G. LaFave Rosolino
Email: kristar@warshafsky.com

enclosures