

Notice of Claim, West Allis – Rachel J. Richter



CLAIMANT CONTACT INFORMATION

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INSTRUCTIONS

Complete this form, print and sign it, and serve a hard copy upon the West Allis City Clerk. If you have questions about how to fill out this form, please contact a private attorney who can assist you.

NOTICE OF CLAIM

Date of incident: 01/23/2024 Time of day: 06:25
Location: Beloit Rd., westbound, less than 1/2 mile from the intersection of 76th St. (left lane/giant hole)

Describe the circumstances of your claim here. You may attach additional sheets or exhibits. Some helpful information may be the police report, pictures of the incident or damage, a diagram of the location, a list of injuries, a list of property damage, names and contact information for witnesses to the incident, and any other information relevant to the circumstances.

On 1-23-24, between 6:25-6:40am, I was driving from my home to a Franklin location, taking Beloit Rd. westbound from near my home at 1134 S. 49th St., to turn onto 76th St. Within 1/2 mile of turning onto 76th St. southbound, I was driving in the left lane with my Prius hybrid, going the speed limit or under with the slippery road surfaces and foggy conditions, when I finally saw a large rectangular hole cut out of the road in my lane and immediately tried to press down hard on the brakes but without sliding out of control with road conditions. My car still slid into the giant hole that appeared to be 4-6" deep, with absolutely no signs, no cones, no barrels--NOTHING warning any drivers it was there--under extremely horrible weather conditions. I had just had an ablation in my neck to burn the nerves from residual chronic pain and neck damage from an incident on 5-16-23 where an elderly man totaled my car and cracked and displaced my sternum, from which I'm still recovering. I was incredibly upset and angry that West Allis would be so extremely negligent, and I texted and voice messaged my best friend who is also my Healthcare POA, John Gaichas, to inform him what I had just been through (refer to screen shots). I was already icing my neck and taking pain medication every 8hrs from my ablation, and I absolutely did not need anymore injuries. I then started getting a bad virus within a few days of this incident, and it took me longer to figure out how to even report this/what to do about it. I wasn't driving much due to my medical issues and being sick, as I ended up on antibiotics with a severe sinus infection and they were ruling out pneumonia after this, on Feb. 9. I then noted the tire wall bulge to my passenger right front tire on 2-9-24, coming out of Urgent Care at Froedtert Tosa Center, and went straight to Heiser Toyota, where my carcare is done, to replace that tire with another I had on hand which was used but would still work for now, as I couldn't AFFORD a NEW TIRE with all my medical bills. Refer to Heiser invoice (noting cause).

Check one:

- I am seeking damages at this time (complete Claim Amount section below)
- I am submitting this notice without a claim for damages. This claim is not complete and will not be processed until I submit a claim for damages on a later date.

Signed: _____ Date: 02/17/2024

CLAIM AMOUNT

To complete this claim, attach an itemized statement of damages sought. If any damages are for repair to property, include at least 2 estimates for repairs.

The total amount sought is: \$ 91.07


SAVE **PRINT**

***Note: the form will not save the fillable information, so I am cutting & pasting it into a Word doc (see above); continued request below:

I am not asking for any other reimbursement from this incident other than the cheapest cost I could find to replace my tire, which was a snow tire, with an all-season tire from Walmart of comparable value to the tires on my vehicle. I was unable to afford to replace my tire with a new one, due to all of my already existing medical bills from an accident that was not my fault, which I'm still living through, and I absolutely didn't need MORE damages, from negligence in West Allis, as I'm trying to just take care of my medical needs and survive. I am showing a screenshot of an all-season tire/cost from Walmart below, which is still far cheaper than replacing with a snow tire (which is what my parents had purchased for me as a birthday/Christmas gift). As it's appearing to be an early spring, this would get the job done with somewhat less expense. You can also see from the attached invoice that I had to put another tire on to avoid a complete blowout and a potentially fatal accident, due to the tire wall bulge caused by the incident, to one of my tires. It's amazing that the remaining 3 tires appear to be still usable and are OK, so this is honestly a small expense, compared to the accident and medical expenses that this road negligence could have caused to me and many other people. I was informed that there are a high number of claimants from this date/incident. *I would hope that West Allis would put up barricades, barrels, signs, or other safety precautions in the future. Thanks to the fact that I was keeping a large distance around my car, there was no other vehicle behind/in front of me to cause an accident, but I don't think other people were that fortunate, from what I've heard.*

I am requesting that the \$91.07 for the Walmart all-season tire be reimbursed to me, so that I can actually put on a comparable tire and afford to drive safely, after this act of negligence in road safety, on the part of West Allis. The tire that was my only resource to replace it with functions for now but I was informed that it is not the best fit for safety as it doesn't match the other 3 tires and could potentially result in less traction on that replaced tire, if I don't put on a comparable tire. My healthcare POA/best friend's contact information: John Gaichas, c: 651-343-2561, email: jgaichas@comcast.net. Heiser Toyota's information is listed on the invoice.

Refer to cell phone screen shots below, as well as a transcript typed out of the portion of the voice message that relates to the incident:

<  John G cell ⌵ ⋮


Tuesday, January 23

It's glare ice this morning!! Be careful. Drive slow. Don't oversteer.

6:48 AM

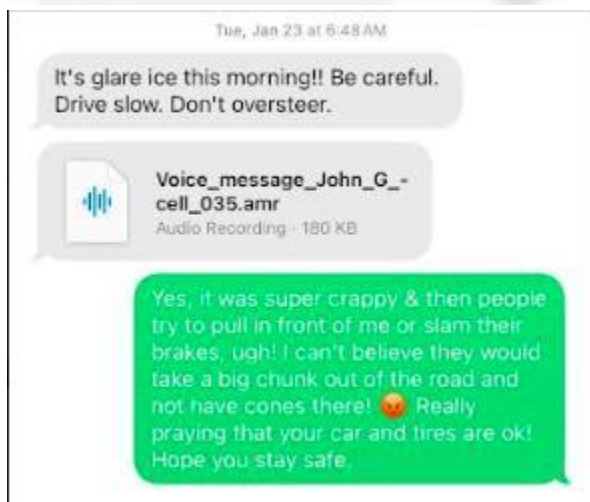
Yes, it was super crappy & then people try to pull in front of me or slam their brakes, ugh! I can't believe they would take a big chunk out of the road and not have cones there! 🙄 Really praying that your car and tires are ok! Hope you stay safe.

7:35 AM

<  John G cell ⌵ ⋮

I couldn't see it this morning with low visibility & slick roads, bad street lighting, & watching traffic most.

(the night prior/texts showing upcoming weather/conditions)



Transcript of voice message sent to John Gaichas right after 6:48am text above, relating what had just happened to my car on the drive:

“Hey, so, I wish you weren’t driving this morning at all, or today, it’s a nightmare out here! Like, literally stepping from the backdoor up to the garage, it’s like I’m wondering if I’m going to slip and kill myself. It’s like glare ice! So, it must have rained, frozen, and now it’s raining not snowing, on top of the ice! So, it’s literally like being in an ice skate. So, I decided to try to take the routes that even though GPS tried to take me other ways...I’m taking the ways...,with more traction that I know of, I don’t care about routes, I care about road quality...I was so @\$%# pissed! I like went to go down Beloit, and then instead of going down 60th, I was gonna take 76th. There’s one part on Beloit between 60th & 76th where they took a GIANT SQUARE OR

RECTANGLE OUT OF THE ROAD and they didn't put any @\$&% cone up, no warning, no nothing, all of a sudden you're driving and it's like...BOOM!!!!...and you just end up like, driving over it and in it, and your car like goes up and over on both sides. %*@\$% @\$%\$*!!! Like, you could literally wreck someone's entire set of tires and break their car that way...so, YEAH!! Like you needed that on top of the weather today, too...I swear! So, be careful. Don't oversteer! Drive slow. Give yourself plenty of stopping distance...Be careful today!"