

# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
2008-0497	Claim	Claim Report
Janet A. O'Connor communication regarding vehicle damage allegedly sustained at 856 S. 74 St. on May 23, 2008.		
Introduced: 8/5/2008		Controlling Body: Administration & Finance Committee

### COMMITTEE RECOMMENDATION

*POF*

ACTION  
DATE:  
SEP 16 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak				
		Czaplewski				
		Kopplin	✓			
		Lajsic	✓			
		Narlock	✓			
		Reinke				✓
		Roadt				
		Sengstock				
	✓	Vitale	✓			
		Weigel				
TOTAL			4	0		1

### SIGNATURE OF COMMITTEE MEMBER

*Kurt Kopplin*

Chair

Vice-Chair

Member

### PLACE ON FILE

### COMMON COUNCIL ACTION

ACTION  
DATE:  
SEP 16 2008

MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
		Barczak	✓			
		Czaplewski	✓			
		Kopplin	✓			
		Lajsic	✓			
	✓	Narlock	✓			
		Reinke				✓
		Roadt	✓			
		Sengstock	✓			
		Vitale	✓			
		Weigel	✓			
TOTAL			9			1

## **STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL**

### **ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

### **PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

### **SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

### **LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

### **ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale





OFFICE OF THE CITY ATTORNEY

Scott E. Post  
City Attorney

Sheryl L. Kuhary  
Jeffrey J. Warchol  
Jenna R. Merten  
Assistant City Attorneys

September 4, 2008

Common Council  
City of West Allis

RE: City Attorney's Report of Claim

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05 (6)(a) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. Our Opinion regarding liability is as follows:

**It is the recommendation of this office that the following claim be placed on file:**

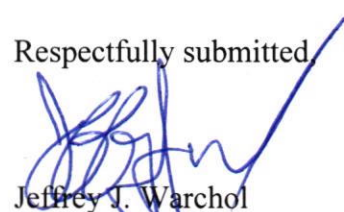
**Janet O'Connor— Amount \$1,641.56**

This is a claim for vehicle damage to the claimant's legally parked and unoccupied car at 856 South 74<sup>th</sup> Street, West Allis, WI, when it was struck by an on duty West Allis police officer who was backing up while responding to a call. As a result of the accident, the claimant's driver's side door area was damaged. The claimant obtained two estimates from auto repair facilities and on or about June 30<sup>th</sup>, 2008, filed a claim against the City in the amount of \$1,641.56 for repair of her vehicle.

The City of West Allis Motor Vehicle Crash Review Board investigated this claim on June 4<sup>th</sup>, 2008, and determined that the officer was at fault for unsafe backing and failure to have control of his vehicle in general. The City Attorney's Office agreed with the findings and decision made by the Motor Vehicle Crash Review Board. The estimates submitted by the claimant were reasonable and from reputable auto repair facilities.

Based upon the above, the City Attorney's Office paid the claimant the amount stated above and obtained a Property Damage Only Release signed by the claimant. Therefore, it is the recommendation of the City Attorney's Office to place this claim on file.

Respectfully submitted,

  
Jeffrey J. Warchol  
Assistant City Attorney

JJW:da

## PROPERTY DAMAGE ONLY RELEASE

KNOW ALL MEN BY THESE PRESENTS that JANET O'CONNOR, for and in consideration of One Thousand Six Hundred Forty-one and 56/100 Dollars (\$1,641.56) the receipt whereof is hereby acknowledged, do hereby forever release, acquit and discharge the City of West Allis, Wisconsin, a municipal corporation, its departments, commissions, officials, agents and employees, his, her, its or their successors and assigns and all others directly or indirectly liable, from any and all claims and demands, actions and causes of action, damages, both known and unknown, including future developments thereof, costs, loss of service and compensation on account of, or in any way growing out of, any and all known and unknown property damage resulting or to result from an accident on or about May 23<sup>rd</sup>, 2008, when a West Allis police officer, while slowly backing up his squad car, struck Ms. O'Connor's legally parked unoccupied vehicle in front of the property at 856 South 74<sup>th</sup> Street, West Allis, WI, causing damage to the rear driver's side of Ms. O'Connor's vehicle.

I agree that this settlement is in full compromise of a doubtful and disputed claim both as to the question of liability and damages and that the payment is not to be construed as an admission of liability.

I agree that this is a complete release of property damage only and it is understood and agreed that it doesn't constitute a release for any bodily injury resultant from this accident as there were no bodily injuries as a result of this accident.

I further agree that this release and payment pursuant thereto is not to be construed as a waiver by or an estoppel of any party released to prosecute a claim or action against the undersigned for any damages sustained.

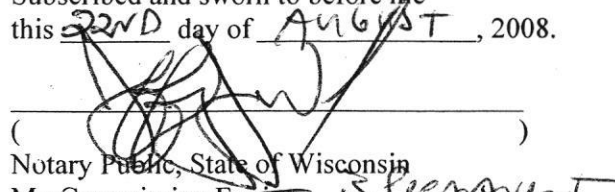
This Release contains the ENTIRE AGREEMENT between the parties hereto, and the terms of this Release are contractual and not a mere recital.

**I HAVE READ THE FOREGOING RELEASE AND FULLY UNDERSTAND IT. I FURTHER UNDERSTAND THAT I HAVE THE OPPORTUNITY TO DISCUSS AND NEGOTIATE THE TERMS OF THIS RELEASE WITH THE WEST ALLIS CITY ATTORNEY AND SPECIFICALLY WAIVE SUCH OPPORTUNITY.**

Signed and sealed this 22 day of August 2008.

  
Janet O'Connor

Subscribed and sworn to before me  
this 22ND day of AUGUST, 2008.

  
(  
Notary Public, State of Wisconsin  
My Commission Expires: 15 February

JJW: da

L/Jeff/Claims/Releases/PD Only-J O'Connor



RECEIVED  
JUL 18 2008  
WEST ALLIS  
CITY ATTORNEY



DEPARTMENT OF POLICE

Dean Puschnig  
Chief of Police

414/302-8000  
414/302-8099 (Fax)  
TTY 414/302-8000 (Hit Space Bar)

Police Department  
11301 West Lincoln Avenue  
West Allis, Wisconsin 53227

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

July 16, 2008

Mr. Jeffrey Warchol  
Assistant City Attorney  
City of West Allis

Reference: Claim filed by Janet A. O'Connor

Mr. Warchol,

Upon review of the claim made by Janet A. O'Connor, an interoffice submitted by Lt. Bykowski and the motor vehicle crash investigation A08052301, I find that the West Allis Police Department is responsible for the damage that occurred in this motor vehicle crash.

The Motor Vehicle Crash Board met on June 4, 2008 to review this incident and found that Officer Treep was at fault. Officer Treep struck a legally parked mini-van while performing a backing maneuver with a marked West Allis Police squad. Officer Treep was issued a written reprimand from the Crash Review Board for not fully using due care during his squad operations on this date.

I have attached a copy of the inter-office report submitted by Lt. Bykowski for your review. If you have any questions, please feel free to contact me at 303-8018.

Respectfully submitted;

Charles Unger  
Captain of Police





**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

July 15, 2008

Janet A. O'Connor  
2879 N. 84 St.  
Milwaukee, WI 53222

Dear Ms. O'Connor:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 856 S. 74 St. on May 23, 2008.

The original document will be submitted to the Common Council at its meeting of August 5, 2008.

**It is not anticipated that a decision regarding this matter will be made on this date. Generally, all communications are directed to the City Attorney's office for investigation. Common Council action regarding your communication will not be taken until the City Attorney's investigation is completed. Any questions you may have regarding this matter should be directed to their attention.**

Sincerely,

Monica Schultz  
Assistant City Clerk

/amn

cc: City Attorney

ASSIGNMENT OF A CLAIM FOR DAMAGES

RECEIVED

JUN 30 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

FOR VALUE RECEIVED, the undersigned hereby sells and transfers to \_\_\_\_\_,  
(Assignee) and its successors, assigns and personal representatives, any and all claims,  
demands, and cause or causes of action of any kind whatsoever which the undersigned has  
or may have against City of West Allis, WI arising from the following type claim:

Property damage:

1. Rear driver's side of 1998 Ford Windstar Van in the amount of \_\_\_\_\_,  
sustained on May 23, 2008 when van was a parked vehicle which was struck by a City  
of West Allis Police car, which was backed up into van.

And the undersigned may in its own name and for its own benefit prosecute, collect,  
settle, compromise and grant releases on said claim as it in its sole discretion deems  
advisable.

Signed under seal this 30 day of June, 2008

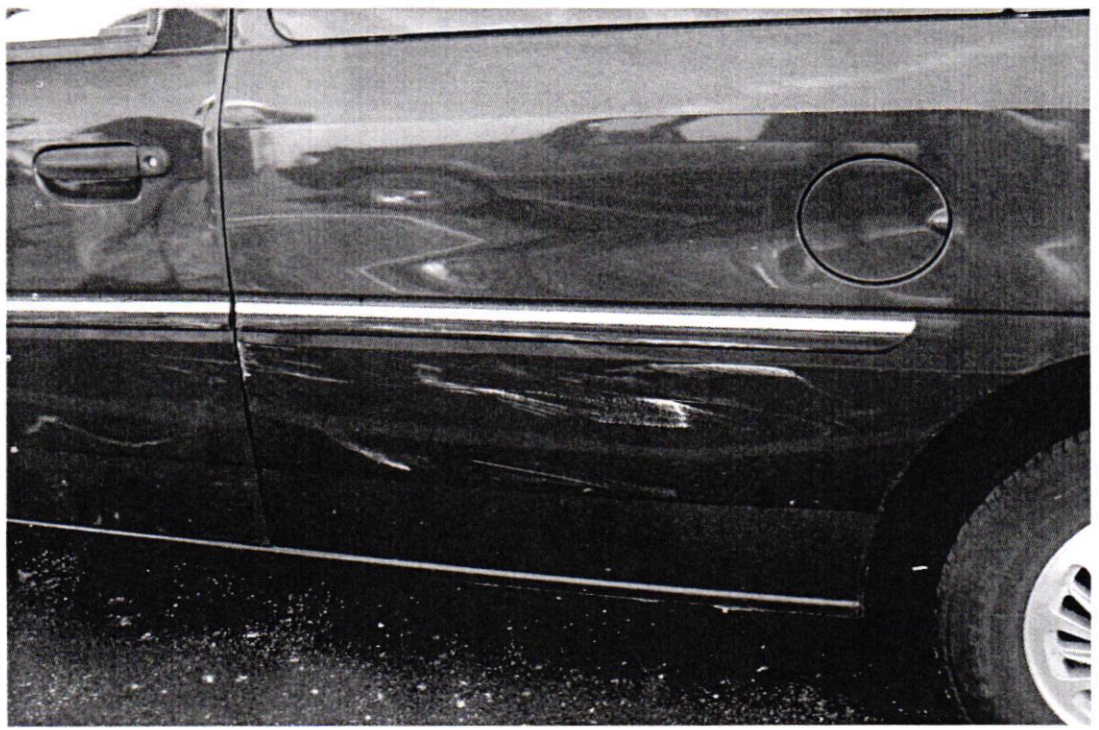
Janet A. O'Connor

Michael J. O'Connor

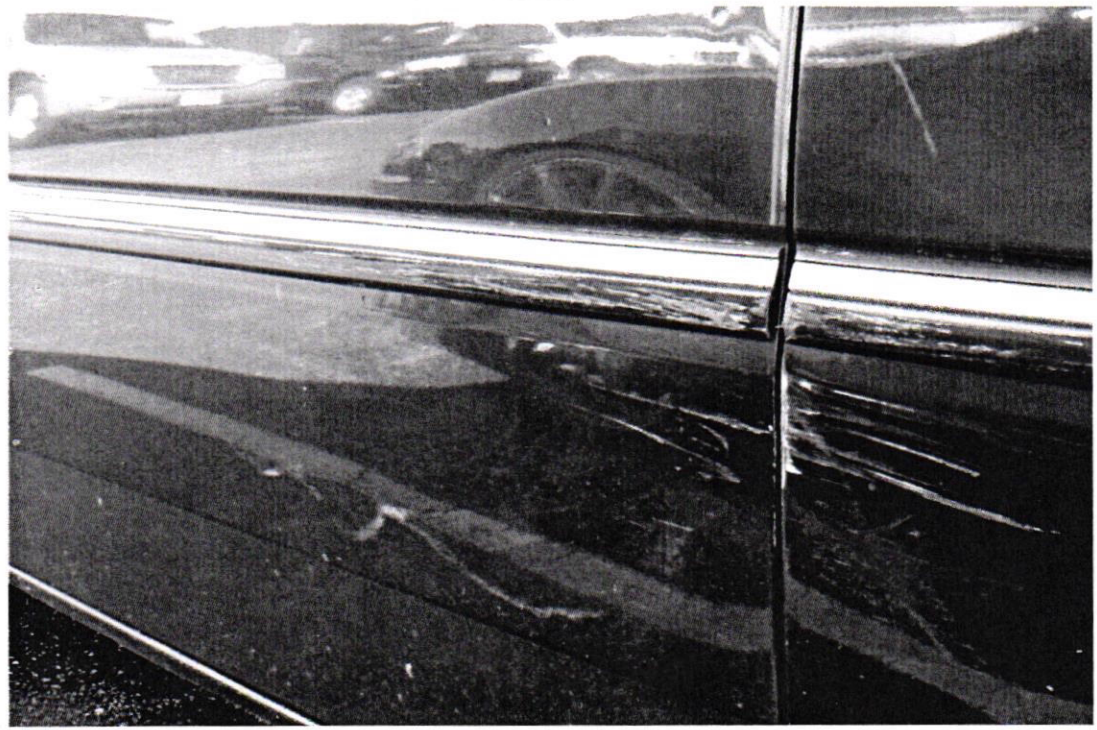
(414)305-3243

cc: Atty









06/26/2008 at 04:13 PM  
75698

Job Number:

**ABRA - WEST ALLIS**  
Federal ID #:411653085  
RIGHT THE FIRST TIME, ON TIME  
1434 S. 113TH STREET  
WEST ALLIS, WI 53214  
(414)607-8810 Fax: (414)607-8830

**RECEIVED**

**JUN 30 2008**

CITY OF WEST ALLIS  
CLERK/TREASURER

**PRELIMINARY ESTIMATE**

Written By: CASSIDAY TAMILLO  
Adjuster:

**Insured:**  
**Owner:** JANET O'CONNOR  
**Address:** 2879 N 84TH ST  
MILWAUKEE, WI 53222  
**Cellular:** (414)305-3243

**Claim #**  
**Policy #**  
**Deductible:**  
**Date of Loss:**  
**Type of Loss:**  
**Point of Impact:** 9. Left T-Bone (Le

**Inspect** ABRA - WEST ALLIS  
**Location:** 1434 S. 113TH STREET  
WEST ALLIS, WI 53214

**Business:** (414)607-8810

**Insurance**  
**Company:**

5 Days to Repair

1998 FORD WINDSTAR 4X2 LX 6-3.8L-FI 3D VAN MAROON D6 Int:

**VIN:** 2FMZA5141WBC19331 **Lic:** TCS-123 **WI** **Prod Date:** 10/1997 **Odometer:** 74784

Air Conditioning	Tilt Wheel	Cruise Control
Intermittent Wipers	Rear Window Wiper	Body Side Moldings
Dual Mirrors	Clear Coat Paint	Power Steering
Power Brakes	Power Windows	Power Locks
Power Driver Seat	Power Mirrors	AM Radio
FM Radio	Stereo	Cassette
Search/Seek	Anti-Lock Brakes (4)	Driver Air Bag
Passenger Air Bag	Bucket Seats	3rd Row Seat
Automatic Transmission	Overdrive	

NO.	OP.	DESCRIPTION	QTY	EXT.	PRICE	LABOR	PAINT
1		SIDE PANEL					
2*	Rpr	LT Side panel	0	0.00	5.0	3.5	
3		Add for Clear Coat	0	0.00	0.0	1.4	
4	Repl	LT Body side mldg LX	1	154.00	0.5	0.3	
5	R&I	LT Glass front FORD, tinted	0	0.00	2.5	0.0	
6	R&I	LT Glass Rear FORD, tinted w/o rear AC	0	0.00	0.8	0.0	
7		FRONT DOOR					
8*	Rpr	LT Outer panel all	0	0.00	2.5	2.5	
9		Overlap Major Adj. Panel	0	0.00	0.0	-0.4	
10		Add for Clear Coat	0	0.00	0.0	0.4	
11	R&I	LT Belt w'strip	0	0.00	0.3	0.0	
12	Repl	LT Body side mldg LX	1	79.42	0.3	0.3	

06/26/2008 at 04:13 PM  
75698

Job Number:

**PRELIMINARY ESTIMATE**

1998 FORD WINDSTAR 4X2 LX 6-3.8L-FI 3D VAN MAROON D6 Int:

NO.	OP.	DESCRIPTION	QTY	EXT. PRICE	LABOR	PAINT
13	R&I	LT Mirror assy electric w/o heated glass	0	0.00	0.4	0.0
14	R&I	LT Handle, outside	0	0.00	0.3	0.0
15	R&I	LT R&I trim panel	0	0.00	0.5	0.0
16		REAR LAMPS				
17	R&I	LT Tail lamp	0	0.00	0.4	0.0
18		REAR BUMPER				
19*	R&I	R&I bumper cover	0	0.00	0.5	0.0
20#	Repl	`Car Cover	1	5.00	0.0	0.0
21#	Refn	`Corrosion Protection	0	0.00	0.0	0.3
22#		`Hazardous Waste	1	5.00	0.0	0.0
23#	Repl	`Urethane Kit	1	25.00	0.0	0.0
24#	Repl	DOOR EDGE GUARD	1	10.00	0.2	0.0
25#	Subl	RENTAL CAR (5 DAYS)	1	150.00	0.0	0.0
Subtotals ==>				428.42	14.2	8.3

Parts		428.42
Body Labor	14.2 hrs @ \$ 50.00/hr	710.00
Paint Labor	8.3 hrs @ \$ 50.00/hr	415.00
Paint Supplies	8.3 hrs @ \$ 30.00/hr	249.00
-----		
SUBTOTAL		\$ 1802.42
Sales Tax	\$ 1802.42 @ 5.6000%	100.94
-----		
GRAND TOTAL		\$ 1903.36
-----		
CUSTOMER PAY		\$ 0.00
INSURANCE PAY		\$ 1903.36

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.



06/26/2008 at 04:13 PM  
75698

Job Number:

**PRELIMINARY ESTIMATE**

1998 FORD WINDSTAR 4X2 LX 6-3.8L-FI 3D VAN MAROON D6 Int:

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide DE2MT95, CCC Data Date 06/02/2008, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries. Some 2006 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

WEST ALLIS AUTO BODY  
8808 W. NATIONAL AVE.  
WEST ALLIS, WISC 53227  
PHONE: 414-327-4140 FAX: 414-327-0033

RECEIVED

JUN 3 0 2008

CITY OF WEST ALLIS  
CLERK/TREASURER

CD LOG NO 3016-1 DATE 06/04/08

SHOP:  
CITY STATE: , WI

INSP DATE: 06/04/08  
CONTACT: GLENN

OWNER: O'CONNOR, JANET  
ADDRESS: 2879 N 84TH ST  
CITY STATE: MILWAUKEE, WI  
ZIP: 53222

LOSS DATE: 06/04/08  
POINT OF IMPACT: 6

DAYS TO REPAIR: 3

LIC#: STATE:  
BODY COLOR: RED  
CONDITION: GOOD

VIN: 2FMZA5141WBC19331  
MILEAGE:  
ACCTNG CTL#:

DRIVEABLE: YES

VEH. INSP#:

*=USER-ENTERED VALUE	E=REPLACE OEM	NG=REPLACE NAGS
EC=REPLACE ECONOMY	UE=REPLACE OE SURPLUS	UC=RECONDITIONED PRT
UM=REMAN/REBUILT PRT	EU=REPLACE SALVAGE	EP=REPLACE PXN
OE=REPLACE PXN OE SRPLS	PC=PXN RECONDITIONED	PM=PXN REMAN/REBUILT
TE=PARTL REPL PRICE	ET=PARTL REPL LABOR	IT=PARTIAL REPAIR
I=REPAIR	L=REFINISH	BR=BLEND REFINISH
TT=TWO-TONE	CG=CHIPGUARD	SB=SUBLET
N=ADDITIONAL LABOR	RI=R&I ASSEMBLY	P=CHECK
AA=APPEAR ALLOWANCE	RP=RELATED PRIOR	UP=UNRELATED PRIOR

1998 FORD WINDSTAR GL 2DOOR PASSENGER VAN 6CYL GASOLINE 3.8  
CODE: P6622A/D OPTNS C/24

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES

TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESCRIPTION	MFG. PART NO.	PRICE	AJ%	B%	HOURS	R
---	---	---	-----	-----	-----	---	---	---	---
I	0207		DOOR SHELL, FRONT	LT REPAIR				2.0	*1
L	0207		DOOR SHELL, FRONT	LT REFINISH				3.1	4
RI	0233		MLDG, FRONT DOOR BEL	LT R&I ASSEMBLY				0.3	1
E	0140	#	MLDG, FRONT DOOR SID	LT XF2Z1620879BPTM	124.63			0.4	1
			# = 01, 02						
L	0140		MLDG, FRONT DOOR SID	LT REFINISH				0.6	4
RI	0229	02	MIRROR, OUTER R/C	LT R&I ASSEMBLY				0.3	1
RI	0227	#	HANDLE, FRONT DOOR O	LT R&I ASSEMBLY				0.6	1

1998 FORD WINDSTAR GL 2DOOR PASSENGER VAN  
CD LOG NO 3016-1

# = 01, 02

I	0353	PANEL,BODYSIDE OUTE	LT REPAIR		3.0*1
L	0353	PANEL,BODYSIDE OUTE	LT REFINISH		4.1 4
RI	0397 02	DOOR,FUEL FILLER	LT R&I ASSEMBLY		0.3 1
E	0137 #	MLDG,BODYSIDE	LT XF2Z1629077BPTM	210.38	0.3 1
# = 01, 02					
L	0137 13	MLDG,BODYSIDE	LT REFINISH		1.4 4
RI	0533	TAILLAMP ASSEMBLY	LT R&I ASSEMBLY		0.3 1
EC	M14	CORROSION PROTECTION	ECONOMY PART	5.00*	4*
EC	M17	COVER CAR EXTERIOR	ECONOMY PART	5.00*	0.2*4*
SB	M60	HAZARD. WSTE. REM.	SUBLET REPAIR	2.50*	*1*
L	M66	COLOR, SAND & BUFF	REFINISH		1.0*4*

17 ITEMS

MC MESSAGE(S)

01 CALL DEALER FOR EXACT PART NUMBER / PRICE

02 PART NO. DISCONTINUED, CALL DEALER FOR EXACT PART NO

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS					335.01
OTHER PARTS					10.00
PAINT MATERIAL					312.00
PARTS & MATERIAL TOTAL					657.01
TAX ON PARTS & MATERIAL @				5.600%	36.79
LABOR	RATE	REPLACE HRS	REPAIR HRS		
1-SHEET METAL	50.00	2.5	5.0		375.00
2-MECH/ELEC	65.00				
3-FRAME	50.00				
4-REFINISH	50.00	10.4			520.00
5-PAINT MATERIAL	30.00				
LABOR TOTAL					895.00
TAX ON LABOR		@		5.600%	50.12
SUBLET REPAIRS					2.50
TAX ON SUBLET		@		5.600%	0.14
TOWING					
STORAGE					
GROSS TOTAL					1,641.56
NET TOTAL					1,641.56

SHOPLINK U5370 ES CD LOG 3016-1 DATE 06/04/08 04:07:37PM R6.37 CD 04/08

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53227

HOST LOG

(C) 1998 - 2007 AUDATEX NORTH AMERICA, INC.

2.0 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.



1998 FORD WINDSTAR GL 2DOOR PASSENGER VAN  
CD LOG NO 3016-1

1. ALL PARTS PRICES SUBJECT TO CHANGE.
2. ALL WORK GUARANTEED FOR ONE YEAR FROM THE DATE OF COMPLETED REPAIRS
3. PAYMENT IF FULL (INCLUDING DEDUCTIBLE) IS REQUIRED BEFORE THE VEHICLE WILL BE RELEASED.
4. IF INSURANCE COMPANY ESTIMATES YOUR VEHICLE, WE HAVE TO FOLLOW INSURANCE CO. ESTIMATE, HIGHER OR LOWER. OUR ESTIMATE BECOMES NULL & VOID.
5. PLEASE PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING, IF THE PRICE WILL EXCEED THIS ESTIMATE. I HAVE READ AND UNDERSTAND THE ABOVE STATEMENTS, AND I AUTHORIZE REPAIRS TO MY VEHICLE.

\*

\*

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

C50206

RECEIVED

JUN 30 2008

CITY OF WEST ALLIS

CLERK/TREASURER

POLICE # 08021643

ACCIDENT # A08052301

GENERAL INFORMATION

<input checked="" type="checkbox"/> Reportable Accident		<input type="checkbox"/> On Emergency		<input type="checkbox"/> Amended		DOT Document Number BRRVBDW		Document Override Number	
Agency Accident Number A08052301				Police Number 08021643					
4 - Accident Date 05/23/2008		5 - Time of Accident (Military Time) 0407		6 - Total Units 02		7 - Total Injured 00		8 - Total Killed 00	
2 - County MILWAUKEE - 40		3 - Municipality WEST ALLIS - 60, CITY				11 - Accident Location NON-INTERSECTION			
14 - On Hwy No.		14 - On Street Name 74TH ST S		14 - Bus/Frnt/Rmp		15 - Est. Dist 150		15 - Hwy. Dir F NORTH	
16 - Fr/At Hwy No.		16 - From/At Street Name WALKER ST W				16 - Business/Frontage/Ramp			
17 - Structure Type HOUSE #		17 - Structure Number 856		12 - Latitude		13 - Longitude			
80 - First Harmful Event PARKED MOTOR VEHICLE				93 - Manner of Collision NO COLLISION WITH MOTOR VEHICLE IN TRANSPORT					
112 - Access Control NO CONTROL		113 - Road Curvature STRAIGHT		113 - Road Terrain LEVEL/FLAT		Surface Type CONCRETE			
115 - Traffic Way NOT-PHYSICALLY-DIVIDED-(2-WAY TRAFFIC)									
117 - Relation To Roadway ON-ROADWAY									
114 - Light Condition DARK-LIGHTED		116 - Road Surface Condition DRY				118 - Weather CLEAR			
<input type="checkbox"/> Hit and Run		<input type="checkbox"/> Government Property		<input type="checkbox"/> Fire		<input checked="" type="checkbox"/> Photos Taken		<input type="checkbox"/> Trailer or Towed	
<input type="checkbox"/> Truck Or Bus		<input type="checkbox"/> Load Spillage		<input type="checkbox"/> Construction Zone		<input checked="" type="checkbox"/> Names Exchanged			
101 <input type="checkbox"/> Supplemental Reports		102 <input type="checkbox"/> Witness Statements		103 <input type="checkbox"/> Measurements Taken		79 - E M S Number			

Operator/Pedestrian

Unit Status		81 - Most Harmful Event: Collision With PARKED MOTOR VEHICLE		23 - Dir Of Travel SOUTH		24 - Speed Limit 25	
36 - Operating as Classified D CLASS		37 - Endorsements		<input type="checkbox"/> Operating Commercial Motor Vehicle			
29 - Driver's License Number T6108817700205		30 - State WI		31 - Expiration Year 2012		34 - On Duty Accident POLICE	
25 - Operator/Pedestrian Last Name TREEP		25 - First Name WAYNE		25 - Middle Initial A		25 - Suffix	
32 - Date Of Birth 01/02/1977		33 - Sex MALE					
26 - Address Street & Number 11301 W LINCOLN AVE						26 - PO Box	
27 - City WEST ALLIS		27 - State WI		27 - Zip Code 53227		28 - Telephone Number (414) 302-8000 EXT.	
39 - Seat Position FRONT-SEAT-LEFT-SIDE-(MC/BIKE DRIVER, TRAIN CONDUCTOR)				40 - Safety Equipment NONE-USED-VEHICLE-DRIVER/OCCUPANT			
38 - Injury Severity N - NO APPARENT INJURY		41 - Airbag NON-DEPLOYED		42 - Ejected NOT-EJECTED		<input type="checkbox"/> Medical Transport	
43 - Trapped/Extricated NOT-TRAPPED		92 - Pedestrian Location		92 - Pedestrian Action			
119 - What Driver Was Doing BACKING-MANEUVER		120 - Traffic Control NO-CONTROL		62 - No. of Citations Issued 0			
64 - 1st Statute No.		64 - 2nd Statute No.		64 - 3rd Statute No.		64 - 4th Statute No.	
64 - 5th Statute No.							
122 - Driver Factors UNSAFE-BACKING							
88 - Driver or Pedestrian Factors APPEARED NORMAL		89 - Substance Presence NEITHER-ALCOHOL-NOR-DRUGS-PRESENT					
90 - Alcohol Test TEST NOT GIVEN		90 - Alcohol Content		91 - Drug Test TEST-NOT-GIVEN			

OPERATOR/PEDESTRIAN 01

X  
MJS

91 - Drugs Reported
124 - Highway Factors NOT-APPLICABLE

Vehicle

VEHICLE 01	21 - Unit Type AUTOMOBILE	Vehicle Type PASSENGER-CAR				22 - Total Occupants 1
	56 - License Plate Number E1339	57 - Plate Type MUN	58 - State WI	59 - Exp Year	55 - Vehicle Identification Number 2G1WS551869397449	
	50 - Year 2006	51 - Make CHEV	52 - Model IMPALA	53 - Body Style 4DR	54 - Color WHI	100 - Skidmarks to Impact (Ft) 0
	94 - Vehicle Damage REAR PASSENGER SIDE					
	95 - Extent Of Damage MODERATE	96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By OPERATOR		
	123 - Vehicle Factors NOT-APPLICABLE					

Vehicle Owner

VEH OWNER 01	45 <input type="checkbox"/> Vehicle Owner Same As Operator			
	46 - Vehicle Owner Last Name	46 - First Name	46 - Middle Initial	46 - Suffix
	46 - Company Name CITY OF WEST ALLIS			
	47 - Address Street & Number 7525 W GREENFIELD AVE		47 - PO Box	
	48 - City WEST ALLIS	48 - State WI	48 - Zip Code 53214	49 - Telephone Number (414) 302-8200 EXT.

Insurance

INS 01	63 - Liability Insurance Company CITIES-&VILLAGES-MUTUAL-INS-CO	60 <input type="checkbox"/> Policy Holder Same As Owner
	61 - Policy Holder Last Name	61 - Policy Holder First Name
	61 - Policy Holder Company CITY OF WEST ALLIS	

School Bus

BUS 01	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

Operator/Pedestrian

Unit Status L - LEGALLY PARKED	81 - Most Harmful Event: Collision With MOTOR VEHICLE IN TRANSPORT		23 - Dir Of Travel	24 - Speed Limit 25
36 - Operating as Classified D CLASS	37 - Endorsements	35 <input type="checkbox"/> Operating Commercial Motor Vehicle		
29 - Driver's License Number	30 - State	31 - Expiration Year	34 - On Duty Accident	
25 - Operator/Pedestrian Last Name	25 - First Name		25 - Middle Initial	25 - Suffix
32 - Date Of Birth	33 - Sex			



05/2006

OPERATOR/PEDESTRIAN 02	26 - Address Street & Number				26 - PO Box	
	27 - City		27 - State WI	27 - Zip Code		28 - Telephone Number
	39 - Seat Position BLANK			40 - Safety Equipment NOT-APPLICABLE-NONMOTORIST		
	38 - Injury Severity		41 - Airbag NOT APPLICABLE	42 - Ejected NOT-APPLICABLE		44 <input type="checkbox"/> Medical Transport
	43 - Trapped/Extricated NOT-APPLICABLE		92 - Pedestrian Location		92 - Pedestrian Action	
	119 - What Driver Was Doing LEGALLY-PARKED		120 - Traffic Control NO-CONTROL		62 - No. of Citations Issued 0	
	64 - 1st Statute No.	64 - 2nd Statute No.	64 - 3rd Statute No.	64 - 4th Statute No.	64 - 5th Statute No.	
	122 - Driver Factors NOT-APPLICABLE					
	88 - Driver or Pedestrian Factors		89 - Substance Presence			
	90 - Alcohol Test		90 - Alcohol Content		91 - Drug Test	
91 - Drugs Reported						
124 - Highway Factors NOT-APPLICABLE						

### Vehicle

VEHICLE 02	21 - Unit Type AUTOMOBILE		Vehicle Type PASSENGER-CAR			22 - Total Occupants 0
	56 - License Plate Number TCS123		57 - Plate Type AUT	58 - State WI	59 - Exp Year 2009	55 - Vehicle Identification Number 2FMZA5141WBC19331
	50 - Year 1998	51 - Make FORD	52 - Model WINDSTAR	53 - Body Style VAN	54 - Color RED	100 - Skidmarks to Impact (Ft) 0
	94 - Vehicle Damage REAR DRIVER SIDE					
	95 - Extent Of Damage MODERATE		96 <input type="checkbox"/> Vehicle Towed Due To Damage		97 - Vehicle Removed By OWNER	
	123 - Vehicle Factors NOT-APPLICABLE					

### Vehicle Owner

VEH OWNER 02	45 <input type="checkbox"/> Vehicle Owner Same As Operator				
	46 - Vehicle Owner Last Name O CONNOR		46 - First Name JANET	46 - Middle Initial A	46 - Suffix
	46 - Company Name				
	47 - Address Street & Number 2879 N 84 ST		47 - PO Box		
	48 - City MILWAUKEE		48 - State WI	48 - Zip Code 53222	49 - Telephone Number (414) 778-1248 EXT.

### Insurance

050206

INS 02	63 - Liability Insurance Company <b>NOT-REQUIRED</b>		60 <input type="checkbox"/> Policy Holder Same As Owner
	61 - Policy Holder Last Name	61 - Policy Holder First Name	
	61 - Policy Holder Company		

**School Bus**

BUS 02	Bus Travelling to/from <input type="radio"/> To <input type="radio"/> From	School Name	Body Make	Seating Capacity
	School District Contracted With			

**Diagram and Narrative**

DIAGRAM AND NARRATIVE	105 - PHOTOS BY
<p>UNIT #2 WAS PARKED ALONG THE EAST CURB (FACING NORTH) DIRECTLY IN FRONT OF 856 S. 74TH ST. UNIT #1 WAS ORIGINALLY POSITIONED IN FRONT OF UNIT #2 (ONE CAR LENGTH OVER) AND ATTEMPTED A BACKING MANUEVER. WHEN BACKING UP AT A SLOW RATE OF SPEED, THE REAR PASSENGER SIDE OF UNIT #2 STRUCK THE REAR DRIVER'S SIDE OF UNIT #2, CAUSING MODERATE DAMAGE TO BOTH VEHICLES.</p>	

**Officer Information**

OFFICER INFORMATION	125 - Officer Last Name <b>MEES</b>		125 - First Name <b>JERRIT</b>	125 - Middle Initial	131 - Officer ID <b>9414</b>
	129 - Law Enforcement Agency No. <b>4116</b>		130 - Law Enforcement Agency Name <b>WEST ALLIS POLICE DEPARTMENT</b>		
	126 - Law Enforcement Agency Address Street & Number <b>11301 WEST LINCOLN AVENUE</b>				
	127 - City <b>WEST ALLIS</b>		127 - State <b>WI</b>	127 - Zip Code <b>53227</b>	128 - Telephone Number <b>(414) 302-8000 EXT.</b>
	132 - Date Notified <b>05/23/2008</b>	133 - Time Notified (Military Time) <b>0414</b>	134 - Time Arrived (Military Time) <b>0419</b>		135 - Date Of Report <b>05/23/2008</b>
	Agency Accident Number <b>A08052301</b>		Police Number <b>08021643</b>		19 - Special Study
	18 - Agency Space				



**OFFICE OF THE CITY ATTORNEY**

**Scott E. Post**  
*City Attorney*

**Sheryl L. Kuhary**  
**Jeffrey J. Warchol**  
**Jenna R. Merten**  
*Assistant City Attorneys*

September 5, 2008

Common Council  
City of West Allis

RE: City Attorney's Report of Claims/Lawsuits

Dear Council Members:

The enclosed claims/lawsuits have been referred to this office in accordance with Section 3.05 (6)(a) of the Revised Municipal Code. This office has examined the facts of each claim/lawsuit and the applicable law. Our Opinion regarding liability is attached to each claim/lawsuit.

**The following claim/lawsuit has been placed on file:**

Janet O'Connor (\$1,641.56)

**The following claims/lawsuits have been denied:**

John J. Mulhaney (\$343.22)  
Brian Nahey/Venturedyne, Ltd/Carnes Company, Inc. (No Demand)

Respectfully submitted,

Jeffrey J. Warchol  
Assistant City Attorney

JJW:da  
Enclosures

cc: Thomas E. Mann, CVMIC