

City of West Allis Matter Summary

7525 W. Greenfield Ave. West Allis, WI 53214

	File Number	Title	Status
	2008-0197	Claim	Claim Report
		Georgia T. Sullivan communication National Avenue on March 12, 2008	regarding vehicle damage allegedly sustained at7332 W.
		Introduced: 4/14/2008	Controlling Body: Administration & Finance Committee

COMMITTEE	RECOMM	ENDATION_	Deny				
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DATE:			Czaplewski				
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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

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ADVISORY

Chair: Rosalie L. Reinke Vice-Chair: Daniel J. Roadt

Kurt E. Kopplin Richard F. Narlock Vincent Vitale





May 19, 2008

OFFICE OF THE CITY ATTORNEY

Scott E. Post City Attorney

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

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 denied:

Georgia T. Sullivan - Amount: \$2,317.13

This is a claim for damages sustained to the claimant's vehicle on March 12th, 2008, when the claimant was involved in an accident with a City of West Allis fire truck in front of Fire Station No. 1 located at 7332 West National Avenue, West Allis, WI. At said time and place, the operator of the fire truck was positioned in the parking lane of westbound traffic on National Avenue waiting for traffic to clear so that he could back the truck up into the fire station. Once westbound traffic totally cleared, the operator pulled out into the westbound lane now totally blocking it with his emergency lights in full operation. Approximately 10 seconds later, when traffic in the eastbound lane cleared, the operator pulled forward into the eastbound lane now blocking all of National Avenue to begin his routine back up procedure when he was struck by the claimant's vehicle heading westbound on National Avenue but located in the east lane of National Avenue at the time of the collision as the claimant attempted to get around the fire truck. The claimant obtained two (2) estimates for repair to her vehicle as a result of the accident and filed a claim against the City on March 27th, 2008.

Our investigation into this claim indicated that the claimant was more negligent in this accident than the operator of the fire truck. According to the fireman's testimony, the fire truck was positioned in a manner totally blocking westbound traffic on National Avenue with its emergency lights in full operation for approximately 10 seconds before the collision. Because the claimant was heading in a westerly direction, there is simply no way that the claimant would not have seen the fire truck blocking the lane with its emergency lights on. The siren on the fire truck was not on because it is not the Fire Department's policy to activate sirens when backing rigs into the fire station. Regardless of, the claimant should have seen the fire truck and reduced her speed appropriately or came to a complete stop to allow the fire truck ample time to get out of the westbound lane as opposed to the claimant's actions of entering the eastbound lane to get around the fire truck. The claimant was negligent for not keeping a proper look out in this case and is trying to shift the blame to the Fire Department for her inattentive driving on the day of the accident.

Based upon the above, it is the recommendation of the City Attorney's Office to deny this claim pursuant to the provisions of Wisconsin Municipal Claims Statute 893.80.

Respectfully submitted,

Jeffrey J. Warchol
Assistant City Attorne

JJW:da

CONCOURS AUTO WORKS, LAD.

Milwaukee's Finest Body Repair

Finest Quality Paint and Sheet Metal Repair Sports, Exotic and Classic Specialists

EMIL BELICH

(414) 321-4200 Fax (414) 321-4106 9508 W. National Avenue, West Allis, WI 53227



RECEIVED MAR 27 2008

George T. Jullian 1965 S. St. St. West allie, WI 53219 March 24, 2008-

attn: Paul ziehler, CITY OF WEST ALLIS
Brief description of event:

On March 12th, 2008, during late afternoon, I was travelling westbound in my car on National are. Us I approached the fire station I saw a fire-truck in front of the fire station, partially on the street + partially on the apron in front of the fire station. The fire-trucke lights were flashing, no serens, + the fuck was not moving. as I was crassing the path in frant of the truck, it slavly moved forward. I blew my horn + tried to swerve out of the way, but was evable to do so, and was struck broadside ly the tuck. I tatements who given to firemen + police, + a police report was felled. El melosed please find 2 estimates for repair of my car.

> Thank you. Georgine T. Sullivar,

RECEIVED MAR 27 2008 CITY OF WEST ALLIS

CONCOURS AUTO WORKS, LTD. 9508 WEST NATIONAL AVENUE WEST ALLIS, WI 53227 OFFICE: (414) 321-4200

CD LOG NO 5381-1 DATE 03/24/08

SHOP: CONCOURS AUTO WORKS, LTD. INSP DATE: 03/24/08 ADDRESS: 9508 WEST NATIONAL AVENUE PHONE 1: (414)321-(414)321-4200 CITY STATE: WEST ALLIS, WI FAX: (414)321-4106

ZIP: 53227-

OWNER: SULLIVAN, TIM HOME PHONE: (414)321-8073

ADDRESS: 1965 S 81ST CITY STATE: WEST ALLIS, WI

ZIP: 53219

POINT OF IMPACT: 0

LIC#: STATE: VIN:

BODY COLOR: MILEAGE:

CONDITION: ACCTNG CTL#:

L=REFINISH CG=CHIPGUARD TT=TWO-TONE SB=SUBLET

N=ADDITIONAL LABOR RI=R&I ASSEMBLY P=CHECK

AA=APPEAR ALLOWANCE RP=RELATED PRIOR UP=UNRELATED PRIOR

1996 FORD ESCORT LX 4DOOR HATCHBACK 4CYL GASOLINE 1.9

CODE: P1543B/F OPTNS B/24

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES

OP	GDE	MC	DESC	RIPTION		MFG.PART NO.	PRICE	AJ%	В%	HOURS	R
											_
BR	0104	13	FENDE	ER, FRONT	RT	BLEND REFINISH				2.0	4
						0.9 BLEND					
						0.6 TWO STAGE	SETUP				
						0.5 TWO STAGE					
EU	0208		DOOR	ASSEMBLY, FRONT	RT	SALVAGE PART	250.00*			2.2	1
L	0208		DOOR	SHELL, FRONT	RT	REFINISH				3.2	4
						1.7 SURFACE					
						1.0 EDGE					
						0.5 TWO STAGE					
EU	0288		DOOR	ASSEMBLY, REAR	RT	SALVAGE PART	250.00*			1.7	1
L	0288		DOOR	SHELL, REAR	RT	REFINISH				3.1	4

1.6 SURFACE 1.0 EDGE

0.5 TWO STAGE

I 0390 PANEL, QUARTER RT REPAIR 2.0*1 L 0390 PANEL, QUARTER RT REFINISH 2.3 4

1.9 SURFACE 0.4 TWO STAGE

7 ITEMS

MC MESSAGE(S)

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES OTHER PARTS PAINT MATERIAL PARTS & MATERIAL TOTAL TAX ON PARTS & MATERIAL			5.600%	500.00 339.20 839.20 47.00
LABOR 1-SHEET METAL 2-MECH/ELEC	RATE 52.00 85.00	REPLACE HRS 3.9	REPAIR HRS 2.0	306.80
3-FRAME 4-REFINISH 5-PAINT MATERIAL	55.00 52.00 32.00	10.6		551.20
LABOR TOTAL TAX ON LABOR	32.00	<u>@</u>	5.600%	858.00 48.05
SUBLET REPAIRS TOWING STORAGE				
GROSS TOTAL				1,792.25
NET TOTAL				1,792.25

SHOPLINK U1095 ES CD LOG 5381-1 DATE 03/24/08 08:56:56AM R6.37 CD 02/08 HOST LOG

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

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

YOU ARE ENTITLED TO A PRICE ESTIMATE FOR THE REPAIRS YOU HAVE AUTHORIZED.

THE REPAIR PRICE MAY BE LESS THAN THE ESTIMATE, BUT WILL NOT EXCEED WITHOUT YOUR PERMISSION. YOUR SIGNATURE WILL INDICATE YOUR ESTIMATE SELECTION.

1. I REQUEST AN ESTIMATE IN WRITING BEFORE YOU BEGIN REPAIRS.

MOTOR VEHICLE PRACTICES ARE REGULATED BY CHAPTER ATCP 132, WIS. ADM. CODE ADMINISTERED BY THE BUREAU OF CONSUMER PROTECTION, WISCONSIN DEPT. OF

^{2.} PLEASE PROCEED WITH REPAIRS, BUT CALL ME BEFORE CONTINUING IF THE PRICE WILL EXCEED \$

^{3.} I DO NOT WANT AN ESTIMATE.

1996 FORD ESCORT LX 4DOOR HATCHBACK CD LOG NO 5381-1

AGRICULTURE, TRADE AND CONSUMER PROTECTION, P.O. BOX 8911, MADISON, WISCONSIN 53708-8911.



AUTO BODY SPECIALISTS LLC

COMPLETE AUTO COLLISION REPAIR FRIENDLY SERVICE • FREE LOANERS 6024 W. MITCHELL STREET WEST ALLIS, WI 53214 (414) 545-9211

DAVE JAMBREK



AUTO BODY SPECIALISTS LLC 6024 WEST MITCHELL STREET

WEST ALLIS, WI 53214

PHONE: (414)545-9211 FAX: (414)545-7416

TAX ID: 391922584

CD LOG NO 6180-1 DATE 03/24/08

SHOP: AUTO BODY SPECIALIST, LLC. INSP DATE: 03/24/08
ADDRESS: 6024 W MITCHELL ST. PHONE 1: (414)545-PHONE 1: (414)545-9211 CITY STATE: WEST ALLIS, WI FAX: (414)545-7416

53214-ZIP:

WORK PHONE: (414)321-8073

OWNER: SULLIVAN, TIM ADDRESS: 1965 S. 81ST ST CITY STATE: WEST ALLIS, WI

ZIP: 53219

POINT OF IMPACT: 12

VIN: 1FASP14J3TW118824 LIC#: STATE:

MILEAGE: 52,000 BODY COLOR:

ACCTNG CTL#: CONDITION:

*=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

CG=CHIPGUARD

SP-SUBIET

CG=CHIPGUARD SB=SUBLET TT=TWO-TONE RI=R&I ASSEMBLY N=ADDITIONAL LABOR P=CHECK

AA=APPEAR ALLOWANCE RP=RELATED PRIOR UP=UNRELATED PRIOR

1996 FORD ESCORT LX 4DOOR HATCHBACK 4CYL GASOLINE 1.9

CODE: P1543B/F OPTNS B/24

OPTIONS:

TWO-STAGE - EXTERIOR SURFACES TWO-STAGE - INTERIOR SURFACES

ΟP	GDE	MC	DESCRIPTION		MFG.PART NO.	PRICE	AJ%	Bч	HOURS	R
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BR	0104	13	FENDER, FRONT	RT	BLEND REFINISH				2.0	4
					0.9 BLEND					
					0.6 TWO STAGE SET	UP				

0.5 TWO STAGE

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1.6*SURFACE

0.4 TWO STAGE EU 0208 DOOR ASSEMBLY, FRONT RT SALVAGE PART 225.00* +25 2.2 1

L 0208 DOOR SHELL, FRONT RT REFINISH 3.2 4

1.7 SURFACE

1.0 EDGE

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

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L 0288 DOOR SHELL, REAR		EFINISH		3.0 4
		1.5 SURFACE		
		1.0 EDGE 0.5 TWO STAGE		
RI 0376 # MLDG, REAR DOOR SI # = 01, 02	DE RT R			0.4 1
I 0390 PANEL, QUARTER				2.5*1
L 0390 PANEL, QUARTER	RT R			2.3 4
		1.9 SURFACE 0.4 TWO STAGE		
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I Rough Pull	R	EPAIR		2.0*1*
14 ITEMS				
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13 INCLUDES	0.6 HO	URS FIRST PANEL TV	NO-STAGE ALLO	VANCE
FINAL CALCULATIONS & ENTRIES	,			
OTHER PARTS)			433.00
LINE ITEM MARKUP				56.25+
PAINT MATERIAL				375.00
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IAN ON TAKES & PATERIAL	. G		3.000	10.10
LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	50.00	5.1	9.0	705.00
2-MECH/ELEC 3-FRAME	62.00 50.00			
4-REFINISH	50.00	12.5		625.00
5-PAINT MATERIAL	30.00			
LABOR TOTAL		٥	E COOR	1,330.00 74.48
TAX ON LABOR SUBLET REPAIRS		@	5.600%	74.40
TOWING				
STORAGE				
GROSS TOTAL				2,317.13
NET TOTAL				2,317.13
SHOPLINK U1707 ES CD LOG 618				03/08
PXN: Y/00/00/00/00/00 CUM 00 HOST LOG)/00/00/	00/00 GEOCODE 5321	L 4	
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1996 FORD ESCORT LX 4DOOR HATCHBACK CD LOG NO. 6180-1

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

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE REPLACEMENT PARTS RATHER THAN BY THE MANUFACTURER OF YOUR MOTOR VEHICLE.

THIS VISIBLE DAMAGE QUOTATION IS BASED ON OUR INSPECTION AND DOES NOT COVER ADDITIONAL PARTS OR LABOR WHICH MIGHT BE REQUIRED AFTER THE WORK HAS BEEN STARTED. AFTER THE WORK HAS BEEN STARTED, WORN OR DAMAGED PARTS WHICH ARE NOT EVIDENT ON FIRST INSPECTION MAY BE DISCOVERED. NATURALLY THIS ESTIMATE CANNOT COVER SUCH CONTINGENCIES. PARTS PRICES SUBJECT TO CHANGE.

THIS ESTIMATE IS FOR IMMEDIATE ACCEPTANCE. NOTICE: WHEN SELECTING A REPAIR FACILITY, VEHICLE OWNER SHOULD CONSIDER THAT THE REPAIRS TO THIS VEHICLE MAY REQUIRE SPECIFIC WELDING EQUIPMENT AND RESTORATION OF CORROSION RESISTANT COATINGS AS RECOMENDED BY THE MANUFACTURER. FAILURE TO HAVE VEHICLE PROPERLY REPAIRED COULD RESULT IN A SAFTY HAZARD. AFTERMARKET OR REPLACEMENT PARTS ARE IDENTIFIED BY THE WORDS "QUALITY REPL PART" YOUR CLAIM REP CAN EXPLAIN FURTHER. VEHICLE OWNER MUST AUTHORIZE REPAIRS BY SIGNING A REPAIR ORDER.

PAUL ZIEHLER 53219

50CC10A2 1965 5.8/5£57 WESTACHS, WI,

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CITY ADMINISTRATIVE OFFICER CLEAK/TREASURER

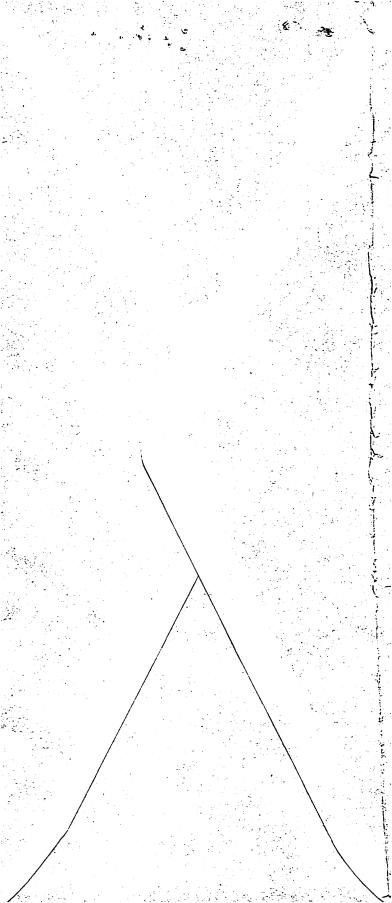
7525 WI GREENFIELD AUE

RECEIVED OTH OF WEST ANDS

LYEST ALUS, UI,

LLEST ALLIS CITY HALL

53214







CITY CLERK/TREASURER'S OFFICE

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

April 7, 2008

Ms. Georgia T. Sullivan 1965 S. 81 Street West Allis, WI 53219

Dear Ms. Sullivan:

This letter acknowledges receipt of your communication regarding vehicle damage allegedly sustained at 7332 W. National Avenue on March 12, 2008.

The original document will be submitted to the Common Council at its meeting of April 14, 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

Morris Shult

/jml

cc: City Attorney





OFFICE OF THE CITY ATTORNEY

May 22, 2008

Scott E. Post City Attorney

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

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.

It is the recommendation of this office that the following claims/lawsuits be denied:

Cynthia L. Gutschow by Attorney Robert L. Jackson, Jr. (\$10,000 plus emotional distress)

Georgia T. Sullivan (\$2,317.13)

Danielle Bilder (\$ 720.22) Nicole Nyhof (\$ 145.68)

American Family Mutual Insurance/Michael Schruba by Attorney Michael Gall of Duetch & Weiss, LLC, Attorneys-at-Law (\$3,323.89)

Respectfully submitted,

Assistant City Attorney

JJW:da Enclosures

cc: Thomas E. Mann, CVMIC





CITY ADMINISTRATIVE OFFICE

PAUL M. ZIEHLER

City Administrative Officer Clerk/Treasurer

> 414/302-8294 414/302-8207 (Fax)

City Hail 7525 West Greenfield Avenue West Allis, Wisconsin 53214

pziehler@ci.west-allis.wi.us www.ci.west-allis.wi.us

NOTICE OF DISALLOWANCE OF CLAIM

June 4, 2008

<u>CERTIFIED MAIL</u> <u>RETURN RECEIPT REQUESTED</u>

Ms. Georgia T. Sullivan 1965 South 81st Street West Allis, WI 53219

Re:

Your Claim Against the City of West Allis

Date of Loss: 3/12/08

Dear Ms. Sullivan:

At its meeting on June 3rd, 2008, the Common Council of the City of West Allis considered your claim received on April 7th, 2008, regarding vehicle damage allegedly sustained at 7332 West National Avenue, West Allis, Wisconsin and denied it in full.

Please be advised that no lawsuit may be brought on this claim against the City of West Allis or any of its officials, officers, agents or employees after six (6) months from the date of receipt of this letter.

Sincerely,

Paul M. Ziehler

City Administrative Officer

Clerk/Treasurer

PMZ:da L:\jeff\claims\denialLtrs\ltr-denial-G Sullivan

cc: City Attorney's Office City Clerk's Office