

39



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
-------------	-------	--------

2008-0554 Claim Claim Report

American Family Insurance Company communication submitted on behalf of James R Bednarski regarding vehicle damage allegedly sustained on March 21, 2008.

Introduced: 9/2/2008

Controlling Body: Administration & Finance Committee

COMMITTEE RECOMMENDATION POF

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
OCT 07 2008			Barczak				
			Czaplewski				
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt				
			Sengstock				
			Vitale		✓		
			Weigel				
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER

Kurt Kopplin _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
OCT 07 2008			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
		TOTAL		10	1		



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

September 30, 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:

This claim has been paid and it is the recommendation of this office that it be placed on file:

**American Family Insurance Group on Behalf of James R. Bednarski –
Amount \$4,115.00**

This is a claim for property damage to the claimant's insured's vehicle on March 21st, 2008, when a snowplow, operated by a City employee during plowing operations, slid into the claimant's insured's vehicle, which was traveling in the opposite direction at South 90th Street and West Stuth Avenue in the City of West Allis. The driver's side front and rear doors were damaged as a result of the accident. The claimant had the vehicle repaired pursuant to its insurance contract with its insured and in turn, filed a subrogation claim against the City on August 5th, 2008.

Our investigation of this claim indicated that the operator of the City snowplow was primarily negligent for failing to maintain control of his vehicle. Although the driver of a vehicle must use caution when approaching a snowplow, especially during plowing operations, there is nothing to indicate that the claimant's insured failed to use caution; the snowplow simply slid on the snow and ice and ran into the claimant's insured's vehicle. The estimate for repairs was reasonable given the circumstances and age of the vehicle.

Based upon the above, the City Attorney's Office paid the claim in the amount stated above and obtained a Property Damage Only Release signed by the claimant insurance company. 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

RECEIVED

SEP 15 2008

COPY

WEST ALLIS CITY ATTORNEY

PROPERTY DAMAGE ONLY RELEASE

KNOW ALL MEN BY THESE PRESENTS that AMERICAN FAMILY INSURANCE GROUP, a proper and legal subrogee in this matter, on behalf of James R. Bednarski, its insured, for and in consideration of Four Thousand One Hundred Fifteen and 00/100 Dollars (\$4115.00) 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 that certain accident on or about March 21st, 2008, at W. Stuth Avenue and S. 90th St., West Allis, Wisconsin, when a City employee, while snowplowing, slid into the Mr. Bednarski's vehicle, which was going in the opposite direction of the snowplow, causing property damage to the driver's side of Mr. Bednarski'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.

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.

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 11th day of September, 2008.

Cheryl A. Christanson
AMERICAN FAMILY INSURANCE GROUP
By *Clay*, Subrogated Party on
Behalf of James R. Bednarski

Subscribed and sworn to before me
this 11th day of September, 2008.

Robert C. Koch
(
Notary Public, State of Wisconsin
My Commission: expires 5-1-2011



AMERICAN FAMILY INSURANCE GROUP

BUSINESS ADDRESS: 302 N WALBRIDGE AVE. • MADISON WI 53783-0001 • PHONE: (608) 249-2111
Mailing Address: 6000 AMERICAN PKWY • MADISON WI 53783-0001

RECEIVED
AUG 05 2008
CITY OF WEST ALLIS
CLERK/TREASURER

August 1, 2008

City of West Allis
City Clerk
7525 W Greenfield Ave
West Allis, Wisconsin 53214

RE: Your Insured: your driver/David Bednarski
Your File Number:
Our Claim Number: 00-651-442071-6905
Our Insured: James R Bednarski
Date of Accident: March 21, 2008
Total Claim: \$5320.08
Company Portion: \$4,820.08
Insured's Deductible: \$500

Dear : City Clerk;

We have been informed that you are the insurance carrier for the above-named party. It appears from our investigation that the incident in question was caused by your insured's negligence. The total damage as well as the loss paid by the American Family Mutual Insurance Company are stated above.

If the party named above is insured in your company, we would appreciate your offer of settlement. Such offer should take into consideration the total amount of the loss, including our insured's interest.

Respectfully,

Bobbie C. Koch
Subrogation Sr. Adjuster
rkoch@amfam.com
1-800-374-0008 X44115
Fax: 866-364-0982

Enc.

cc:



AMERICAN FAMILY INSURANCE GROUP

BUSINESS ADD: 302 N WALBRIDGE AVE. • MADISON WI 53783-0001 • PHONE: (608) 249-2111

Mailing Address: 6000 AMERICAN PKWY • MADISON WI 53783-0001

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

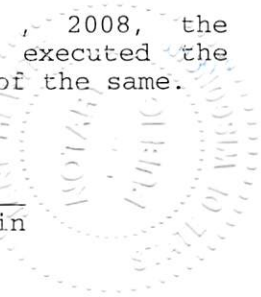
Bobbie Koch, being first duly sworn on oath, deposes and states that she is a Subrogation Specialist employed with American Family Mutual Insurance Company, that I have been involved in the investigation of the afore-described claim, that I have reviewed the foregoing Notice of Claim and am familiar with the factual averments contained therein, and that all such statements and averments are true and correct to the best of my knowledge and information based upon my investigation and adjustment of the claim referenced above.

Dated this 1st day of August, 2008.

Bobbie Koch
Signature of Affiant

Personally appeared before me this 1st day of August, 2008, the above-named Bobbie Koch and upon administration of oath executed the foregoing instrument and acknowledged the truth and accuracy of the same.

[Signature]
Notary Public, State of Wisconsin
My Commission: 2-22-09





AMERICAN FAMILY INSURANCE
W236 N1402 BUSSE RD
WAUKESHA, WI 53188
1-800-MYAMFAM (1-800-692-6326)
WWW.AMFAM.COM/CLAIMS

*** SUPPLEMENT 1 ***

S1

05/05/2008 12:20 PM

Owner

Owner: JAMES R BEDNARSKI
Address: 2914 S 91ST ST (414)543-4162
City State Zip: WEST ALLIS, WI 53227-0000

Control Information

Claim # : 00651442071-0 Insured Policy # : 0421889702
Loss Date/Time: 03/21/2008 07:00 AM Loss Type: Collision
Deductible: \$500.00

Ins. Company: American Family Insurance

Insured: JAMES R BEDNARSKI
Address: (414)543-4162

Inspection

Inspection Date: 05/05/2008
Inspection Location: Westway AutoBody
Address: 1412 S 62nd Street
City State Zip: West Allis, WI 53214
Primary Impact: Left Side
Driveable: Yes

Inspection Type: Field
Contact: (414)259-1119

Secondary Impact:
Rental Assisted:

First Contact Date/Time:

Appointment Date/Time: 05/05/2008 08:00 AM

Appraiser Name: DAVID C PLISS
Address: P.O. BOX 2927

Appraiser License # :
Cell: (262)408-8681
Work/Day: (800)374-1111x48217
FAX: (866)381-7713

City State Zip: Milwaukee, WI 53201-2927
Email: DPLISS@AMFAM.COM

Orig Appraiser Name: DAVID C PLISS
Address: P.O. BOX 2927

Appraiser License # :
Cell: (262)408-8681
Work/Day: (800)374-1111x48217
FAX: (866)381-7713

City State Zip: Milwaukee, WI 53201-2927
Email: DPLISS@AMFAM.COM

Repairer

Repairer: WESTWAY AUTO BODY

Contact:

Target Complete Date/Time:

Days To Repair: 5

Remarks

Vehicle

2005 Mercury Grand Marquis GS 4 DR Sedan
8cyl Gasoline 4.6
4 Speed Automatic

Lic.Plate: 308DNW
Lic Expire:
Prod Date:
Veh Insp# :

Lic State: WI
VIN: 2MEFM74W95X667047
Mileage: 11,435
Mileage Type: Actual

Condition:
Ext. Color: PERFORMANCE WHITE
Ext. Refinish: Two-Stage
Ext. Paint Code: WT

Code: R4263A
Int. Color:
Int. Refinish:
Int. Trim Code:

Options

Anti-lock Brakes	Compact Disc Player	Cruise Control
Dual Airbags	Heated Power Mirrors	Intermittent Wipers
Lighted Entry System	Power Brakes	Power Door Locks
Power Drivers Seat	Power Steering	Power Windows
Rear Window Defroster	Rem Trunk-L/Gate Release	Tilt Steering Wheel
Tinted Glass	Velour/Cloth Seats	Air Conditioning

Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
1	N	6		Front Bumper Cover R&I	Additional Labor				0.8*	SM
2	RI	61		Lamp,Side Marker LT	R & I Assembly				INC	SM
3	BR	103	13	Fender,Front LT	Blend Refinish				2.0	RF
					0.9 Blend					
					0.6 Two-stage setup					
					0.5 Two-stage					
4	RI	107		Mldg,Fender Side L/R	R & I Assembly				0.3	SM
5	RI	193		Plate,Front Sill LT	R & I Assembly				0.2	SM
6	RI	195		Plate,Rear Sill LT	R & I Assembly				0.2	SM
7	E	197		Mldg,Rckr Panel Front LT	1W7Z5410177AAA	\$92.27			0.3	SM
8	E	199		Mldg,Rocker Panel RR LT	2W7Z54101C49AAA	\$13.00			0.2	SM
9	EU	207		Door Assembly,Front LT	RECYCLED PART	\$650.00*	+25.00		2.6	SM
				>> LOCATED AT B&M #280836						
10	L	207		Door Shell,Front LT	Refinish				3.5	RF
					2.1 Surface					
					1.0 Edge					
					0.4 Two-stage					
11	RI	240		W/Strip,Front Door LT	R & I Assembly				INC	SM
12	RI	237		W/Strip,Belt Outer LT	R & I Assembly				INC	SM
13	RI	254		Mldg,Front Door Scalp LT	R & I Assembly				0.3	SM
14	E	244		Mldg,Front Door Side LT	5W3Z5420879BPTM	\$139.17		S1	0.4	SM
15	L	244		Mldg,Front Door Side LT	Refinish				0.8	RF
					0.7 Surface					
					0.1 Two-stage					
16	RI	229		Mirror,Outer R/C LT	R & I Assembly				INC	SM
17	RI	215		Glass,Front Door T LT	R & I Assembly				0.8	SM
18	RI	264		Channel,Front Glass Ru LT	R & I Assembly				0.3	SM
19	RI	221		Lock,Front Door LT	R & I Assembly				0.4	SM
20	RI	415		Cyl,Front Door Lock LT	R & I Assembly				0.1	SM
21	RI	266		Pad,Keyless Entry LT	R & I Assembly				0.2	SM
22	RI	262		Handle,Front Door Otr LT	R & I Assembly				INC	SM
23	I	189		Pillar,Center LT	Repair				5.0*	SM
24	L	189		Pillar,Center LT	Refinish				1.0	RF
					1.0 Surface					
25	RI	158		Applique,Center Pillar LT	R & I Assembly				0.2	SM
26	EU	287		Door Assembly,Rear LT	RECYCLED PART	\$425.00*	+25.00		2.0	SM
				>> LOCATED AT B&M #280836						
27	L	287		Door Shell,Rear LT	Refinish				3.2	RF
					1.8 Surface					
					1.0 Edge					
					0.4 Two-stage					
28	RI	367		W/Strip,Rear Door LT	R & I Assembly				INC	SM
29	RI	311		W/Strip,Belt Outer LT	R & I Assembly				INC	SM
30	RI	333		Mldg,Rear Door Scalp LT	R & I Assembly				0.3	SM
31	E	323		Mldg,Rear Door Side LT	5W3Z5425556BPTM	\$114.32		S1	0.4	SM
32	L	323		Mldg,Rear Door Side LT	Refinish				0.7	RF
					0.6 Surface					
					0.1 Two-stage					
33	RI	295		Glass,Rear Door T LT	R & I Assembly				0.8	SM
34	RI	319		Rear Vent Glass R & I LT	R & I Assembly				0.5	SM
35	L	291		Hinge,Rear Door Upper LT	Refinish				0.3	RF
					0.3 Surface					

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
36	L	293		Hinge,Rear Door Lower LT	Refinish				0.3	RF
					0.3 Surface					
37	RI	301		Lock,Rear Door LT	R & I Assembly				0.4	SM
38	RI	279		Handle,RR Door Outer LT	R & I Assembly				0.2	SM
39	RI	325		Mldg,Back Glass Side LT	R & I Assembly				0.6	SM
40	I	389		Panel,Quarter LT	Repair				6.5*	SM
41	L	389		Panel,Quarter LT	Refinish				2.8	RF
					2.4 Surface					
					0.4 Two-stage					
42	BR	397		Door,Fuel Filler LT	Blend Refinish				0.2	RF
					0.2 Blend					
43	RI	397		Door,Fuel Filler LT	R & I Assembly				0.2	SM
44	RI	534		Taillamp Assembly LT	R & I Assembly				0.4	SM
45	N	566		Rear Bumper Cover R&I	Additional Labor				0.6*	SM
46	EC	M03		Flex Additive	Replace Economy	\$3.00*				SM
47	SB	M06		Pinstripes-Painted	Sublet Repair	\$125.00*	+20.00			RF
48	EC	M14		Corrosion Protection	Replace Economy	\$3.00*			0.2*	SM
49	EC	M17		Cover Car Exterior	Replace Economy	\$5.00*				RF
50	N	M18		Set-Up And Measure	Additional Labor				1.5*	SM
51	N	M60		Hazardous Waste Removal	Additional Labor	\$3.00*				SM
52	RI			LT W/O MLDG	R & I Assembly				0.3*	SM*
53	EC			W/O MLDG KIT	Replace Economy	\$99.95*	+25.00		0.3*	SM*
54	EC			LWR CHROME DECALS	Replace Economy	\$250.00*	+25.00	S1	1.0*	SM*
55	RI			REAR DOOR/MOCK TOP	R & I Assembly				1.0*	SM*
56	RI			MOCK TOP	R & I Assembly				1.5*	SM*

56 Items

Related Prior Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
57	RP	287		Door Shell,Rear LT	Related Prior Damage					SM
				Items						
			MC	Message						
			13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE						

Estimate Total & Entries

Gross Parts		\$358.76		
Other Parts		\$1,438.95		
Paint Materials		\$444.00		
Line Item Markup		\$356.24		
Parts & Material Total				\$2,597.95
Tax on Parts & Material	@ 5.600%			\$145.49
Labor				
	Rate	Replace Hrs	Repair Hrs	Total Hrs
Sheet Metal (SM)	\$50.00	16.6	14.4	31.0
Mech/Elec (ME)	\$50.00			
Frame (FR)	\$50.00			
Refinish (RF)	\$50.00	14.8		14.8
Paint Materials	\$30.00			
Labor Total				45.8 Hours
Tax on Labor			@ 5.600%	\$128.24
Sublet Repairs				\$150.00
Tax on Sublet			@ 5.600%	\$8.40
Gross Total				\$5,320.08
Less: Deductible				\$500.00-
Net Total				\$4,820.08
Actual Supplement Total			\$723.09	
Less: Previous Net Total				\$4,096.99-
Net Supplement Total				\$723.09

Alternate Parts Y/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53072 Milwaukee
 Recycled Parts NOT REQUESTED

Audatex Estimating 5.0.322 S1 06/10/2008 09:14 AM REL 5.0.322 DT 05/01/2008 DB 06/08/2008

Copyright (C) 2007 Audatex North America, Inc.

2.5 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.

ESTIMATE CALCULATED USING THE 2.5 HOUR MAXIMUM ALLOWANCE FOR TWO-STAGE REFINISH OF NON-FLEX, EXTERIOR SURFACES.

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.

Op Codes

* = User-Entered Value
EC = Replace Economy
ET = Partial Replace Labor
TE = Partial Replace Price
L = Refinish
TT = Two-Tone
BR = Blend Refinish
CG = Chipguard
AA = Appearance Allowance

E = Replace OEM
OE = Replace PXN OE Srpls
EP = Replace PXN
PM = Replace PXN Reman/Rebit
PC = Replace PXN Reconditioned
SB = Sublet Repair
I = Repair
RI = R & I Assembly
RP = Related Prior Damage

NG = Replace NAGS
UE = Replace OE Surplus
EU = RECYCLED PART
UM = Replace Reman/Rebuilt
UC = Replace Reconditioned
N = Additional Labor
IT = Partial Repair
P = Check



This report contains proprietary information of Audatex and may not be disclosed to any third party (other than the insured, claimant and others on a need to know basis in order to effectuate the claims process) without Audatex's prior written consent.

Copyright (C) 2007 Audatex North America, Inc.
Audatex Estimating is a trademark of Audatex North America, Inc.

***** SUPPLEMENT RECONCILIATION *****

Supplement S1

Claim # : 00651442071-0	Insured Policy # : 0421889702
File # :	Claim Rep:
Insured: JAMES R BEDNARSKI	Inspection Date/Time: 05/05/2008
Owner Name: JAMES R BEDNARSKI	
Appraiser Name: DAVID C PLISS	
Vehicle: 2005 Mercury Grand Marquis GS 4 DR Sedan	

Deleted Lines									
Line	Guide	Part	Operation	Price	ADJ%	B%	Labor	Rate	
1	244	Mldg,Front Door Side LT	R & I Assembly				0.4	SM	
2	323	Mldg,Rear Door Side LT	R & I Assembly				0.4	SM	

Added Lines									
Line	Guide	Part	Operation	Price	ADJ%	B%	Labor	Rate	
3	244	Mldg,Front Door Side LT	Replace OEM				0.4	SM	
4	323	Mldg,Rear Door Side LT	Replace OEM				0.4	SM	

Changed Lines									
Line	Guide	Part	Operation	Price	ADJ%	B%	Labor	Rate	
5	389	Panel,Quarter LT	Repair				6.5*	SM	
		Panel,Quarter LT					1.0*	SM	
6		LWR CHROME DECALS	Replace Economy	\$250.00*	+25.00		1.0*	SM*	
		LWR CHROME DECALS		\$125.00*	+25		1.0*	SM*	

Calculation Changes						
	From	To	Difference			
Gross Parts		\$105.27	\$358.76	\$253.49+		
Other Parts		\$1,313.95	\$1,438.95	\$125.00+		
Line Item Markup		\$324.99	\$356.24	\$31.25+		
Tax on Parts & Material	5.600%	\$122.54	5.600%	\$145.49	\$22.95+	
SM - Sheet Metal	\$50.00	\$1,275.00	\$50.00	\$1,550.00	\$275.00+	
Tax On Labor	5.600%	\$112.84	5.600%	\$128.24	\$15.40+	
Actual Supplement 1 Net Total					\$723.09+	

Summary					
	Net Total	Date	Time	Appraiser	
Original Estimate	\$4,096.99	05/02/2008	02:03 PM	DAVID C PLISS	
Supplement 1	\$4,820.08	06/10/2008	09:10 AM	DAVID C PLISS	



This report contains proprietary information of Audatex and may not be disclosed to any third party (other than the insured, claimant and others on a need to know basis in order to effectuate the claims process) without Audatex's prior written consent.

Copyright (C) 2007 Audatex North America, Inc.
Audatex Estimating is a trademark of Audatex North America, Inc.







AMERICAN FAMILY INSURANCE
W236 N1402 BUSSE RD
WAUKESHA, WI 53188
(262)446-6500

*** ESTIMATE ***

Owner

Owner: JAMES R BEDNARSKI
Address: 2914 S 91ST ST (414)543-4162
City State Zip: WEST ALLIS, WI 53227-0000

Control Information

Claim # : 00651442071-0 Insured Policy # : 0421889702
Loss Date/Time: 03/21/2008 07:00 AM Loss Type: Collision
Deductible: \$500.00

Ins. Company: American Family Insurance

Insured: JAMES R BEDNARSKI
Address: (414)543-4162

Inspection

Inspection Date: 05/05/2008
Inspection Location: Westway AutoBody
Address: 1412 S 62nd Street
City State Zip: West Allis, WI 53214
Primary Impact: Left Side
Driveable: Yes

Inspection Type: Field
Contact: (414)259-1119

Secondary Impact:
Rental Assisted:

First Contact Date/Time:

Appointment Date/Time: 05/05/2008 08:00 AM

Appraiser Name: DAVID C PLISS
Address: P.O. BOX 2927
City State Zip: Milwaukee, WI 53201-2927
Email: DPLISS@AMFAM.COM

Appraiser License # :
Cell: (262)408-8681
Work/Day: (800)374-1111x48217
FAX: (866)381-7713

Repairer

Repairer: WESTWAY AUTO BODY

Contact:

Target Complete Date/Time:

Days To Repair: 5

Remarks

Vehicle

2005 Mercury Grand Marquis GS 4 DR Sedan
8cyl Gasoline 4.6
4 Speed Automatic

Lic.Plate: 308DNW
Lic Expire:
Prod Date:
Veh Insp# :
Condition:
Ext. Color: PERFORMANCE WHITE
Ext. Refinish: Two-Stage
Ext. Paint Code: WT

Lic State: WI
VIN: 2MEFM74W95X667047
Mileage: 11,435
Mileage Type: Actual
Code: R4263A
Int. Color:
Int. Refinish:
Int. Trim Code:

Options

Air Conditioning	Anti-lock Brakes	Compact Disc Player
Cruise Control	Dual Airbags	Heated Power Mirrors
Intermittent Wipers	Lighted Entry System	Power Brakes
Power Door Locks	Power Drivers Seat	Power Steering
Power Windows	Rear Window Defroster	Rem Trunk-L/Gate Release
Tilt Steering Wheel	Tinted Glass	Velour/Cloth Seats

Damages										
Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
1	N	6		Front Bumper Cover R&I	Additional Labor				0.8*	SM
2	RI	61		Lamp,Side Marker LT	R & I Assembly				INC	SM
3	BR	103	13	Fender,Front LT	Blend Refinish				2.0	RF
					0.9 Blend					
					0.6 Two-stage setup					
					0.5 Two-stage					
4	RI	107		Mldg,Fender Side L/R	R & I Assembly				0.3	SM
5	RI	193		Plate,Front Sill LT	R & I Assembly				0.2	SM
6	RI	195		Plate,Rear Sill LT	R & I Assembly				0.2	SM
7	E	197		Mldg,Rckr Panel Front LT	1W7Z5410177AAA	\$92.27			0.3	SM
8	E	199		Mldg,Rocker Panel RR LT	2W7Z54101C49AAA	\$13.00			0.2	SM
9	EU	207		Door Assembly,Front LT	RECYCLED PART	\$650.00*	+25.00		2.6	SM
				>> LOCATED AT B&M #280836						
10	L	207		Door Shell,Front LT	Refinish				3.5	RF
					2.1 Surface					
					1.0 Edge					
					0.4 Two-stage					
11	RI	240		W/Strip,Front Door LT	R & I Assembly				INC	SM
12	RI	237		W/Strip,Belt Outer LT	R & I Assembly				INC	SM
13	RI	254		Mldg,Front Door Scalp LT	R & I Assembly				0.3	SM
14	L	244		Mldg,Front Door Side LT	Refinish				0.8	RF
					0.7 Surface					
					0.1 Two-stage					
15	RI	244		Mldg,Front Door Side LT	R & I Assembly				0.4	SM
16	RI	229		Mirror,Outer R/C LT	R & I Assembly				INC	SM
17	RI	215		Glass,Front Door T LT	R & I Assembly				0.8	SM
18	RI	264		Channel,Front Glass Ru LT	R & I Assembly				0.3	SM
19	RI	221		Lock,Front Door LT	R & I Assembly				0.4	SM
20	RI	415		Cyl,Front Door Lock LT	R & I Assembly				0.1	SM
21	RI	266		Pad,Keyless Entry LT	R & I Assembly				0.2	SM
22	RI	262		Handle,Front Door Otr LT	R & I Assembly				INC	SM
23	I	189		Pillar,Center LT	Repair				5.0*	SM
24	L	189		Pillar,Center LT	Refinish				1.0	RF
					1.0 Surface					
25	RI	158		Applique,Center Pillar LT	R & I Assembly				0.2	SM
26	EU	287		Door Assembly,Rear LT	RECYCLED PART	\$425.00*	+25.00		2.0	SM
				>> LOCATED AT B&M #280836						
27	L	287		Door Shell,Rear LT	Refinish				3.2	RF
					1.8 Surface					
					1.0 Edge					
					0.4 Two-stage					
28	RI	367		W/Strip,Rear Door LT	R & I Assembly				INC	SM
29	RI	311		W/Strip,Belt Outer LT	R & I Assembly				INC	SM
30	RI	333		Mldg,Rear Door Scalp LT	R & I Assembly				0.3	SM
31	L	323		Mldg,Rear Door Side LT	Refinish				0.7	RF
					0.6 Surface					
					0.1 Two-stage					
32	RI	323		Mldg,Rear Door Side LT	R & I Assembly				0.4	SM
33	RI	295		Glass,Rear Door T LT	R & I Assembly				0.8	SM
34	RI	319		Rear Vent Glass R & I LT	R & I Assembly				0.5	SM
35	L	291		Hinge,Rear Door Upper LT	Refinish				0.3	RF
					0.3 Surface					
36	L	293		Hinge,Rear Door Lower LT	Refinish				0.3	RF
					0.3 Surface					
37	RI	301		Lock,Rear Door LT	R & I Assembly				0.4	SM
38	RI	279		Handle,RR Door Outer LT	R & I Assembly				0.2	SM
39	RI	325		Mldg,Back Glass Side LT	R & I Assembly				0.6	SM
40	I	389		Panel,Quarter LT	Repair				1.0*	SM
41	L	389		Panel,Quarter LT	Refinish				2.8	RF

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
42	BR	397		Door,Fuel Filler LT	2.4 Surface 0.4 Two-stage Blend Refinish 0.2 Blend				0.2	RF
43	RI	397		Door,Fuel Filler LT	R & I Assembly				0.2	SM
44	RI	534		Taillamp Assembly LT	R & I Assembly				0.4	SM
45	N	566		Rear Bumper Cover R&I	Additional Labor				0.6*	SM
46	EC	M03		Flex Additive	Replace Economy	\$3.00*				SM
47	SB	M06		Pinstripes-Painted	Sublet Repair	\$125.00*	+20.00			RF
48	EC	M14		Corrosion Protection	Replace Economy	\$3.00*			0.2*	SM
49	EC	M17		Cover Car Exterior	Replace Economy	\$5.00*				RF
50	N	M18		Set-Up And Measure	Additional Labor				1.5*	SM
51	N	M60		Hazardous Waste Removal	Additional Labor	\$3.00*				SM
52	RI			LT W/O MLDG	R & I Assembly				0.3*	SM*
53	EC			W/O MLDG KIT	Replace Economy	\$99.95*	+25.00		0.3*	SM*
54	EC			LWR CHROME DECALS	Replace Economy	\$125.00*	+25.00		1.0*	SM*
55	RI			REAR DOOR/MOCK TOP	R & I Assembly				1.0*	SM*
56	RI			MOCK TOP	R & I Assembly				1.5*	SM*

56 Items

Related Prior Damages

Line	Op	Guide	MC	Description	MFR.Part No.	Price	ADJ%	B%	Hours	R
57	RP	287		Door Shell,Rear LT	Related Prior Damage					SM
				Items						
				MC	Message					
				13	INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE					

Estimate Total & Entries

Gross Parts	\$105.27				
Other Parts	\$1,313.95				
Paint Materials	\$444.00				
Line Item Markup	\$324.99				
Parts & Material Total					\$2,188.21
Tax on Parts & Material	@ 5.600%				\$122.54
Labor	Rate	Replace Hrs	Repair Hrs	Total Hrs	
Sheet Metal (SM)	\$50.00	16.6	8.9	25.5	\$1,275.00
Mech/Elec (ME)	\$50.00				
Frame (FR)	\$50.00				
Refinish (RF)	\$50.00	14.8		14.8	\$740.00
Paint Materials	\$30.00				
Labor Total				40.3 Hours	\$2,015.00
Tax on Labor	@ 5.600%				\$112.84
Sublet Repairs					\$150.00
Tax on Sublet	@ 5.600%				\$8.40
Gross Total					\$4,596.99
Less: Deductible					\$500.00-
Net Total					\$4,096.99

Alternate Parts Y/00/00/00/00 CUM 00/00/00/00/00 Zip Code: 53072 Milwaukee
 Recycled Parts NOT REQUESTED

Audatex Estimating 5.0.322 ES 05/06/2008 09:54 AM REL 5.0.322 DT 04/01/2008 DB 05/01/2008
 Copyright (C) 2007 Audatex North America, Inc.
 2.5 HRS WERE ADDED TO THIS ESTIMATE BASED ON AUDATEX'S TWO-STAGE REFINISH FORMULA.
 ESTIMATE CALCULATED USING THE 2.5 HOUR MAXIMUM ALLOWANCE FOR TWO-STAGE REFINISH OF NON-FLEX, EXTERIOR SURFACES.

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.

Op Codes

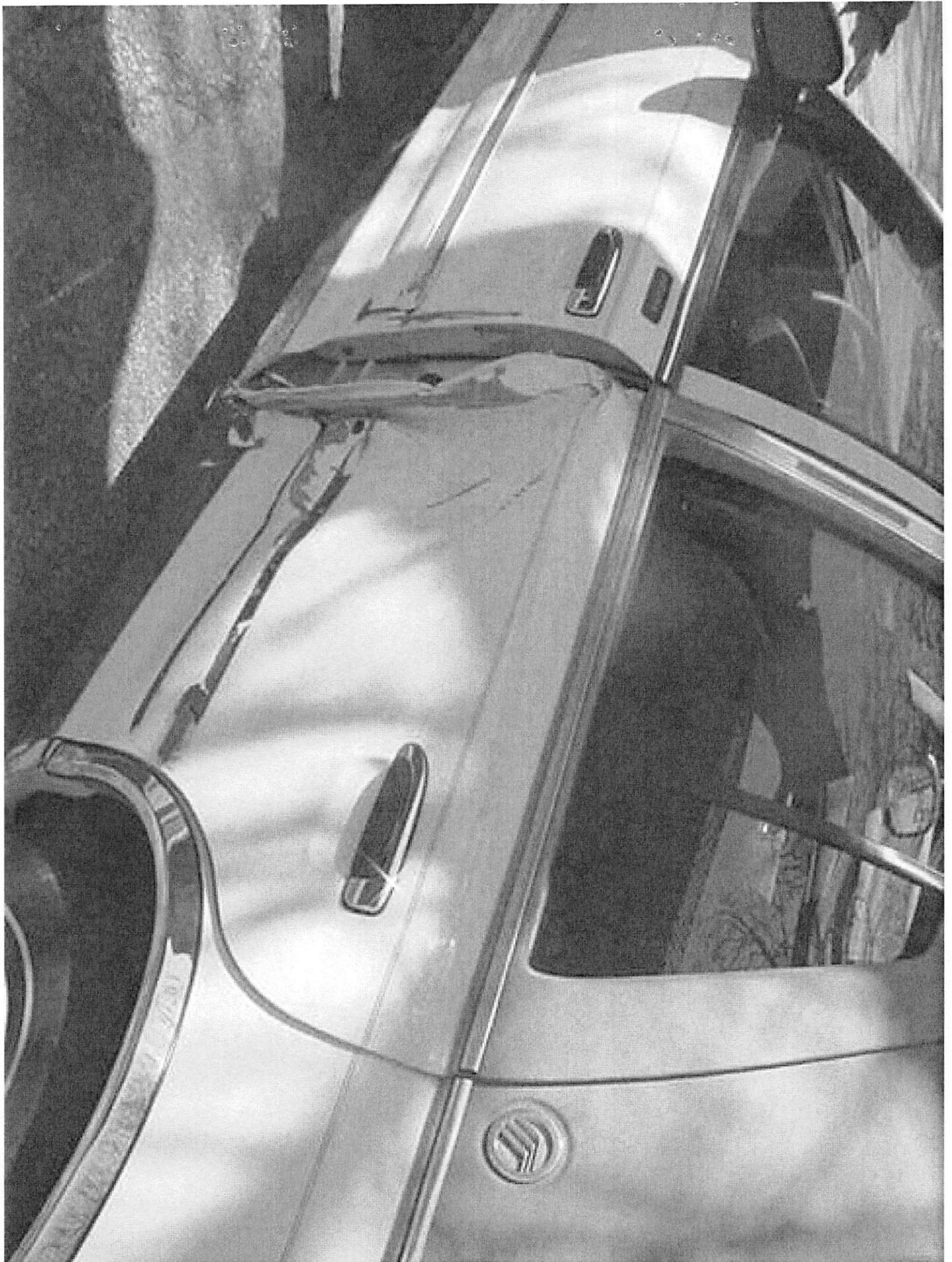
* = User-Entered Value	E = Replace OEM	NG = Replace NAGS
EC = Replace Economy	OE = Replace PXN OE Srpls	UE = Replace OE Surplus
ET = Partial Replace Labor	EP = Replace PXN	EU = RECYCLED PART
TE = Partial Replace Price	PM = Replace PXN Reman/Reblt	UM = Replace Reman/Rebuilt
L = Refinish	PC = Replace PXN Reconditioned	UC = Replace Reconditioned
TT = Two-Tone	SB = Sublet Repair	N = Additional Labor
BR = Blend Refinish	I = Repair	IT = Partial Repair
CG = Chipguard	RI = R & I Assembly	P = Check
AA = Appearance Allowance	RP = Related Prior Damage	



This report contains proprietary information of Audatex and may not be disclosed to any third party (other than the insured, claimant and others on a need to know basis in order to effectuate the claims process) without Audatex's prior written consent.

Copyright (C) 2007 Audatex North America, Inc.
Audatex Estimating is a trademark of Audatex North America, Inc.

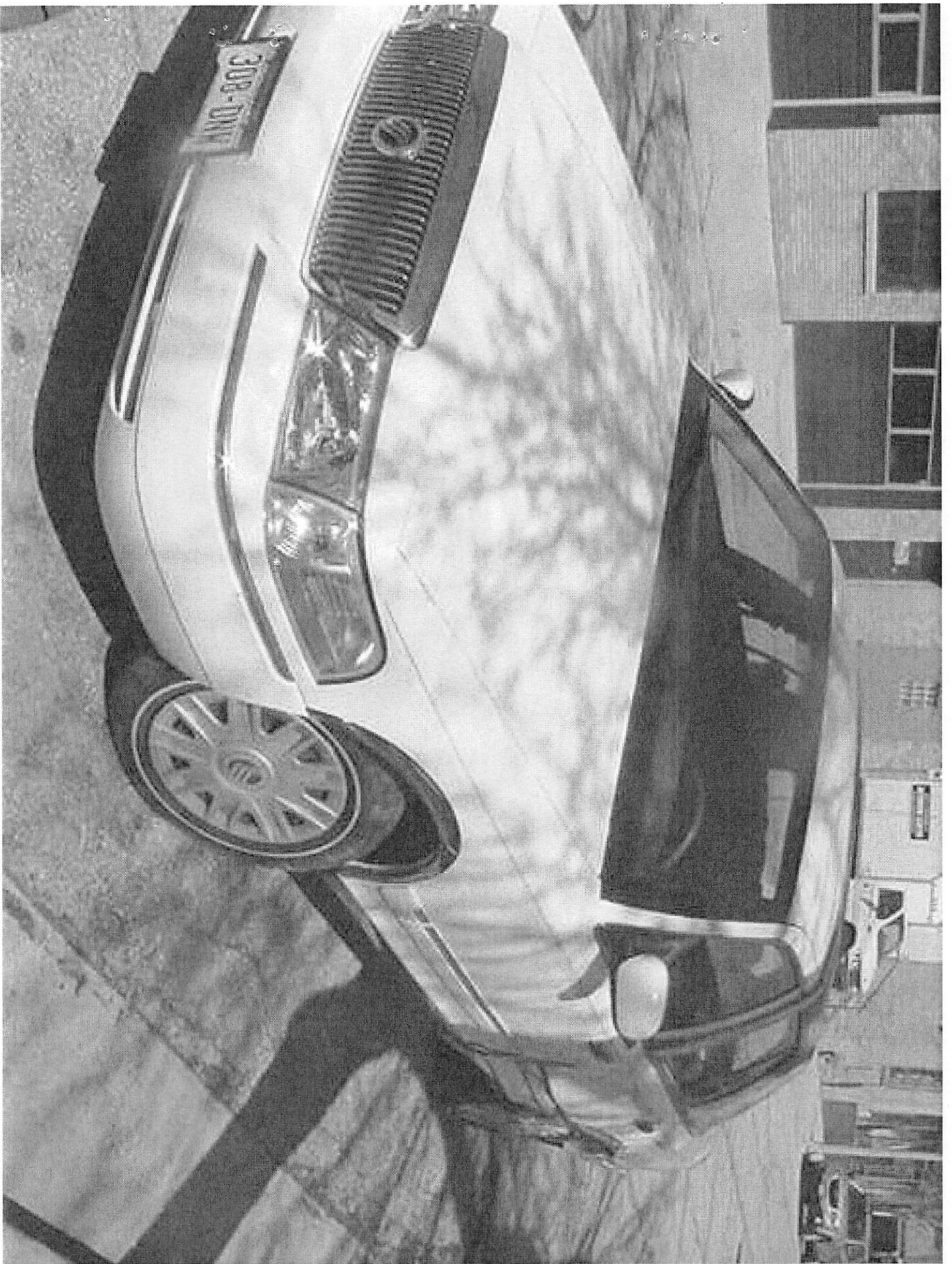


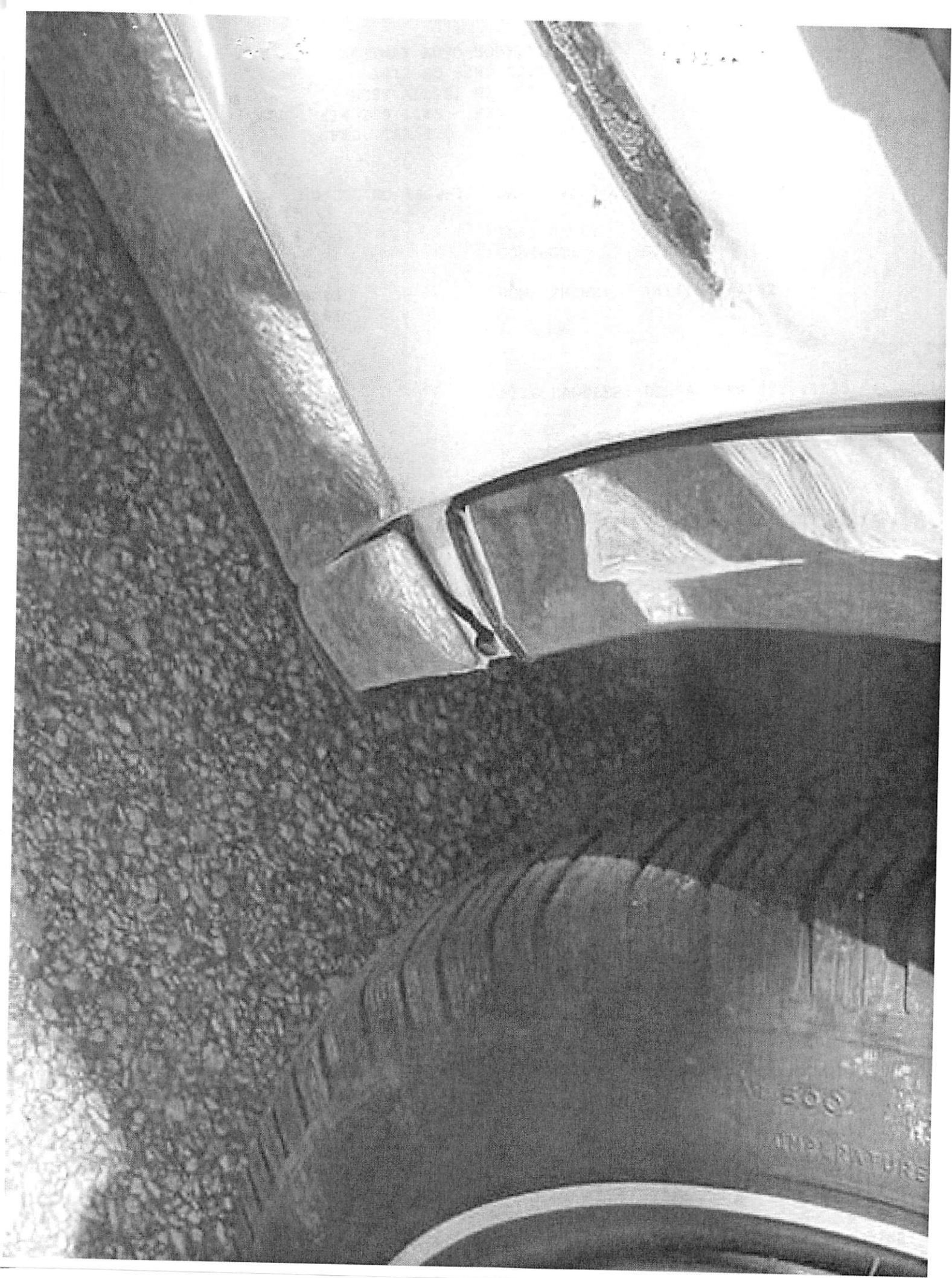












500
TEMPERATURE

			0.5 TWO STAGE		
I	0337	PANEL,BODYSIDE FRON	LT REPAIR		6.0*1
L	0337	PANEL,BODYSIDE FRON	LT REFINISH		2.9 4
			2.4 SURFACE		
			0.5 TWO STAGE		
RI	0193	PLATE,FRONT SILL	LT R&I ASSEMBLY		0.2 1
RI	0195	PLATE,REAR SILL	LT R&I ASSEMBLY		0.2 1
E	0207	DOOR SHELL,FRONT	LT 3W7Z5420125AA	670.88	5.5 1
L	0207	DOOR SHELL,FRONT	LT REFINISH		3.7 4
			2.1 SURFACE		
			1.0 EDGE		
			0.6 TWO STAGE		
RI	0237	W/STRIP,BELT OUTER	LT R&I ASSEMBLY		INC 1
E	0244	MLDG,FRONT DOOR SID	LT 5W3Z5420879BPTM	139.17	0.4 1
L	0244	MLDG,FRONT DOOR SID	LT REFINISH		0.8 4
			0.7 SURFACE		
			0.1 TWO STAGE		
UM	0250	MLDG,FRONT DOOR SID	LT REMAN/REBUILT PAR	75.00*	0.3 1
		AFTER MARKET LOWER MLD.			
L	0250	MLDG,FRONT DOOR SID	LT REFINISH		0.8 4
			0.7 SURFACE		
			0.1 TWO STAGE		
RI	0266	PAD,KEYLESS ENTRY	LT R&I ASSEMBLY		INC 1
RI	0262	HANDLE,FRONT DOOR O	LT R&I ASSEMBLY		INC 1
E	0158	APPLIQUE,CENTER PIL	LT F8AZ54243B01AAA	24.13	0.2 1
E	0287 01	DOOR SHELL,REAR	LT 3W7Z5424631AA	748.55	5.1 1
L	0287	DOOR SHELL,REAR	LT REFINISH		3.4 4
			1.8 SURFACE		
			1.0 EDGE		
			0.6 TWO STAGE		
RI	0311	W/STRIP,BELT OUTER	LT R&I ASSEMBLY		INC 1
E	0323	MLDG,REAR DOOR SIDE	LT 5W3Z5425556BPTM	114.32	0.4 1
L	0323	MLDG,REAR DOOR SIDE	LT REFINISH		0.7 4
			0.6 SURFACE		
			0.1 TWO STAGE		
UM	0347	MLDG,REAR DOOR SIDE	LT REMAN/REBUILT PAR	75.00*	0.3 1
		AFTER MARKET LOWER MLD.			
L	0347	MLDG,REAR DOOR SIDE	LT REFINISH		0.7 4
			0.6 SURFACE		
			0.1 TWO STAGE		
E	0291	HINGE,REAR DOOR UP	LT 6W7Z5426800A	25.45	0.4 1
L	0291	HINGE,REAR DOOR UP	LT REFINISH		0.4 4
			0.3 SURFACE		
			0.1 TWO STAGE		
E	0293	HINGE,REAR DOOR LOW	LT 6W7Z5426802A	56.55	0.2 1
L	0293	HINGE,REAR DOOR LOW	LT REFINISH		0.4 4
			0.3 SURFACE		
			0.1 TWO STAGE		
RI	0279	HANDLE,RR DOOR OUTE	LT R&I ASSEMBLY		INC 1
BR	0389	PANEL,QUARTER	LT BLEND REFINISH		1.3 4
			1.1 BLEND		
			0.2 TWO STAGE		
RI	0534	TAILLAMP ASSEMBLY	LT R&I ASSEMBLY		0.4 1
N	0566	REAR BUMPER COVER R&I	ADDNL LABOR OPERA		0.5*1
		DROP TO REFINISH			

2005 MERCURY GRAND MARQUIS GS 4DOOR SEDAN
 CD LOG NO 4698-1

N	M14	CORROSION PROTECTION	ADDNL LABOR OPERA	10.00*	0.3*1*
N	M17	COVER CAR EXTERIOR	ADDNL LABOR OPERA	4.80*	0.2*1
N	M18	SET-UP & MEASURE	ADDNL LABOR OPERA	*	2.0*3*
N	M60	HAZARD. WSTE. REM.	ADDNL LABOR OPERA	5.00*	1*
L	M66	COLOR, SAND & BUFF	REFINISH		1.5*4
RI		UPPER DOOR TRIM	R&I ASSEMBLY		2.5*1*
		AFTER MARKET			
SB		RESTRIPE	SUBLET REPAIR	200.00*	INC*1*
		COMPLETE SIDE			
N		LT.REAR WO. MLD.	ADDNL LABOR OPERA		0.3*1*
N		TAPE JAMS	ADDNL LABOR OPERA		1.0*4*
E		Q. PADS	NEW PART	40.00*	1.0*1*
		DOORS			

42 ITEMS

MC MESSAGE(S)

01 CALL DEALER FOR EXACT PART NUMBER / PRICE

13 INCLUDES 0.6 HOURS FIRST PANEL TWO-STAGE ALLOWANCE

FINAL CALCULATIONS & ENTRIES

GROSS PARTS		1,819.05
OTHER PARTS		169.80
PAINT MATERIAL		627.20
PARTS & MATERIAL TOTAL		2,616.05
TAX ON PARTS & MATERIAL @	5.600%	146.50

LABOR	RATE	REPLACE HRS	REPAIR HRS	
1-SHEET METAL	52.00	17.1	7.8	1,294.80
2-MECH/ELEC	90.00			
3-FRAME	60.00		2.0	120.00
4-REFINISH	52.00	18.6	1.0	1,019.20
5-PAINT MATERIAL	32.00			
LABOR TOTAL				2,434.00
TAX ON LABOR		@	5.600%	136.30
SUBLET REPAIRS				200.00
TAX ON SUBLET		@	5.600%	11.20
TOWING				
STORAGE				

GROSS TOTAL 5,544.05

NET TOTAL 5,544.05

SHOPLINK UJ038 ES CD LOG 4698-1 DATE 04/23/08 02:33:27PM R6.37 CD 03/08

PXN: Y/00/00/00/00/00 CUM 00/00/00/00/00 GEOCODE 53214

HOST LOG

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

3.6 HRS WERE ADDED TO THIS EST. BASED ON AUDATEX TWO-STAGE REFINISH FORMULA.
 AUDATEX TWO-STAGE EXTERIOR THRESHOLD OF 2.5 HOURS WAS CALCULATED IN THIS ESTIMATE.

 THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF ONE OR MORE REPLACEMENT

2005 MERCURY GRAND MARQUIS GS 4DOOR SEDAN
CD LOG NO 4698-1

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.

Additional

Copy

CLAIM RECORD OF PAYMENT DISPLAY

CLAIM: 00-651-442071 ST: 48 POLICY: 04-218897-02 INCURRED: 03/21/2008
 INSURED: BEDNARSKI, JAMES R BENEFITS/LOSSES PAID TO DATE: 4820.08
 LEGAL EXPENSE: 0.00
 MEDICAL EXPENSE: 0.00
 OTHER EXPENSE: 10.00

NO	DATE	PAYMT#	TYPE	ID	PER	LOSS PAYMENTS AMOUNT	CREDITS AMOUNT	EXPENSE PAYMENTS AMOUNT
01	06/10/2008	0065F66646	01	00	025	723.09		
IN PAYMENT OF: SUPPLEMENT PAYMENT FOR JIM BEDNARSKI								
PAYEE/PAYOR: WESTWAY AUTO BODY								
RECONCILED: 00 06132008 TIN: 391255918-1 WITH TAKEN: N								

02	06/10/2008	0065172978	05	00	025			9.00
IN PAYMENT OF: GROUP PAYMENT FOR PAYEE CODE 609								
PAYEE/PAYOR: AUDATEX NORTH AMERICA INC								
RECONCILED: 00 07022008 TIN: 942617005-1 WITH TAKEN: N								

*** THERE ARE MORE PAYMENTS ON THE NEXT PAGE ***

NEXT --
 OPT -- POL -- CLM -- DRFT --
 ENTER OR PF8=PAGE FORWARD PF3=COPS MENU PA2=COMPANY MENU

CLAIM RECORD OF PAYMENT DISPLAY

CLAIM: 00-651-442071 ST: 48 POLICY: 04-218897-02 INCURRED: 03/21/2008
INSURED: BEDNARSKI, JAMES R BENEFITS/LOSSES PAID TO DATE: 4820.08

LEGAL EXPENSE: 0.00
MEDICAL EXPENSE: 0.00
OTHER EXPENSE: 10.00

NO	DATE	PAYMT#	TYPE	ID	PER	LOSS PAYMENTS AMOUNT	CREDITS AMOUNT	EXPENSE PAYMENTS AMOUNT
03	05/09/2008	0065F66604	01	00	025	4096.99		
IN PAYMENT OF: COLLISION LOSS OCCURRING 03/21/2008								
PAYEE/PAYOR: BEDNARSKI, JAMES R & WESTWAY AUTO BODY								
RECONCILED: 00 06112008 TIN: 391255918-1 WITH TAKEN: N								

04	04/07/2008	0065163766	05	00	025			1.00
IN PAYMENT OF: POLICE/FIRE REPORT								
PAYEE/PAYOR: WEST ALLIS POLICE DEPT								
RECONCILED: 00 05132008 TIN: * NONE * WITH TAKEN: N								

NEXT --

OPT -- POL -- ----- CLM -- --- ----- DRFT -----

ALL PAYMENTS FOR THIS CLAIM HAVE BEEN DISPLAYED. PF7=PAGE BACK PF3=COPS MENU



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

August 5, 2008

Bobbie C. Koch
American Family Insurance Group
6000 American Pkwy
Madison, WI 53783-0001

Dear Ms. Koch:

This letter acknowledges receipt of your communication submitted on behalf of your insured James R. Bednarski, your claim number 00-651-442071-6905, regarding vehicle damage allegedly sustained on March 21, 2008.

The original document will be submitted to the Common Council at its meeting of September 2, 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



OFFICE OF THE CITY ATTORNEY

Scott E. Post
City Attorney

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

September 30, 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.

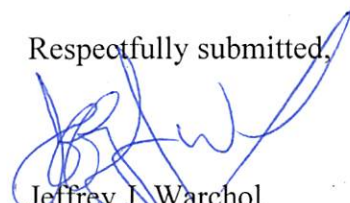
The following claim/lawsuit has been paid and placed on file:

American Family Insurance Group on Behalf of James R. Bednarski (\$4,115.00)

The following claim/lawsuit has been denied:

James H. Vranich (\$612.00)

Respectfully submitted,



Jeffrey J. Warchol
Assistant City Attorney

JJW:da
Enclosures

cc: Thomas E. Mann, CVMIC