Luann Alme

From: Tom Mann [tem@cvmic.com]
Sent: Wednesday, January 13, 2010 4:24 PM
To: Luann Alme
Subject: Fogell v Stoughton; DOL:December 2009

Luann

I am in receipt of the above claim that has been filed against the City of Stoughton in the amount of 226.00. The claimant has alleged damages to her vehicle when a waste container slid down and knocked the side view mirror off her car.

It is my understanding that the City has hired a contractor for garbage collection and that this contractor would have put the waste container at the end of the driveway and that the City had nothing to do with this incident other than to hire the contractor.

It is my opinion that there is no negligence on the part of the City as they did nothing to have caused the damage to this individual's vehicle and that if there is any negligence it is with the claimant and/or the contractor that placed the waste containers at the end of the driveway.

As such, it would be my recommendation that this claim be denied.

Should you have further questions or comments regarding this matter, please feel free to contact me.

Tom Mann

CVMIC CITIES & VILLAGES MUTUAL INSURANCE COMPANY

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CITY OF STOUGHTON
381 East Main Street Stoughton, WI 53589
(608) 873-6677 www.ci.stoughton.wi.us

January 13, 2010

Ms. Donna Fogell
209 W. Chicago Street
Stoughton WI 53589

RE: RECEIPT OF NOTICE OF CLAIM AND CLAIM

Dear Ms. Fogell:

PLEASE BE ADVISED that this office, on the 12th day of January, 2010, received a document submitted by you entitled, Notice of Claim pursuant to Wisconsin Statute 839.80, which will be investigated by an authorized representative of the City of Stoughton. Depending upon the result of the City's investigation, your claim may be paid, disallowed, or compromised. Claims which are filed for a specific dollar amount, which are not paid or compromised, will be submitted to the Common Council for disallowance. When a claim is disallowed by the Common Council, a lawsuit must be commenced within six (6) months of your receipt of the written notice of disallowance or the claim will be forever barred under state law.

Sincerely,

Luann J. Alme
City Clerk

lja
cc: Tom Mann, CVMIC

RECEIVED
JAN 12 2010
CITY OF STOUGHTON

City of Stoughton
381 E. Main Street
Stoughton, WI 53589
(608) 873-6677

NOTICE OF CLAIM

Name: Donna Fogell
Address: 209 W. Chicago Stoughton
Phone: 877-4063

Estimate of Damage
Auto: $ 226.00
Property: $
Personal Injury: $
Other: $
(Specify:)

Incident/Accident Information
Date: December 2009
Time: 6:50 a.m.
Location: my home

CIRCUMSTANCES OF CLAIM

In the space below briefly describe the circumstances of your claim. (Attach addition sheets, if necessary.) For auto damages attach a copy of the police report, if any, and attach a diagram of the accident scene including north, south, east or west corners if the accident occurred at an intersection. For personal injury, indicate the nature of the injury and whether or not medical attention was given and give the name of the attending physician. For property, describe events that led to damage. For all damages, attach estimates for repair or replacement. Also identify any witnesses to the incident/accident.

New waste containers were delivered. One was placed on my front lawn, the other on the slope on the opposite side of my driveway. Thinking that the one on the slope was my neighbor's, I didnot move it. While stopped at the end of my driveway to look for traffic the next morning (snowing) the container slid down & knocked the rearview mirror off my car.

Signed: Donna Fogell Date: 1/11/10

CLAIM

(NOTE: You are not required to make a claim at this time. As long as you have filed the above Notice of Claim you may file a claim with the City of Stoughton at any time consistent with the applicable statute of limitations. However, in order for the City of Stoughton to formally accept or deny your claim at this time, the following claim must be completed, with a dollar amount, and signed.)

The undersigned hereby makes a claim against the City of Stoughton arising out of the circumstances described above. The claim is for relief in the form of money damages in the amount of $ 226.00 and non-monetary relief as follows: _____
(cross out if not applicable)

Signed: Donna L. Fogell Date: 1/11/10
Address: 209 W. Chicago

SATURN

SATURN OF MADISON
A Division of Zimbrick, Inc.

310 West Beltline Highway
Madison, WI 53713
608-256-3100
800-900-3101

SERVICE INVOICE

Co.# 0

Sold To:

DONNA L FOGELL
209 W CHICAGO ST
STOUGHTON WI 53589

Business Phone: (608) 204-1322
Home Phone: (608) 877-4063

Service Order Number	Service Advisor	VIN
333969	JEFFREY WINCHEL	1G8AM12F24Z188483

Color	Year	Make/Model	License	Engine	Stk.#
BRIGHT BLUE	2004	SATURN ION 2 CPE	488AFR WI	L61 2.2LL4	65766

Mileage In/Out	Tag	Delivery Date	Rate	Doc. Count	Plan
65621 /	813	4/10/2004		1	

Tax Exempt	Date/Time In	Date/Time Out
	1/08/2010 15:25	1/08/2010 16:25

LINE 1 CUSTOMER REQUESTS TO REPLACE THE MIRROR - PART RESERVED.
TECH COMM: TECH REPLACED MIRROR

REPAIR 1 OUTSIDE REARVIEW MIRROR REPLACEMENT - LEFT SIDE
OPCODE: B4156 SALE TYPE: CASH $52.00
PRIMARY TECH: Thomas Meier

PARTS		DESC	FP	QTY	PRICE	SALE TYPE	
SN	10363818	MIRROR AS	N	1	159.800	CASH	$159.80

LINE TOTAL $211.80

LINE 2 CUSTOMER REQUESTS TO CHECK WIPERS AND ADVISE.
TECH COMM: OPERATION OF WIPERS OK

REPAIR 1 WIPERS
OPCODE: M5300 SALE TYPE: CASH $.00
PRIMARY TECH: Thomas Meier

COMMENTS: WAIT

SCHEDULE YOUR APPOINTMENT ONLINE WWW.SATURNOFMADISON.COM

LABOR	$52.00
PARTS	$159.80
MISC MATERIALS	$2.55
TAX (Wisconsin State)	$11.65
CUSTOMER TOTAL	$226.00
PAYMENT (CASH)	$226.00

CUSTOMER SIGNATURE _____

"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"

Disclaimer of Warranties
The Seller, hereby expressly disclaims all warranties, either expressed or implied, including any implied warranty of merchantability or fitness for a particular purpose, and neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.