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DATE: August 22, 2012
TO: Marina Dimitrijevic, County Board Chairwoman
FROM: Mark A. Grady, Deputy Corporation Counsel
SUBJECT: Claim filed by Sao Yang
Date of incident: May 29, 2012
Date claim filed: June 22, 2012

I request that this matter be referred to the Committee on Judiciary, Safety and General Services to be placed on the agenda for its next meeting to approve the payment of \$2,240.00 to Sao Yang to settle in full his claim against Milwaukee County.

This accident occurred on May 29, 2012 around 1pm while on Miller Parkway at W. Westchester St., West Milwaukee, WI.

A Milwaukee County Fleet Department employee was traveling southbound on Miller Parkway. As he approached the intersection with W. Westchester the light in both the north and south directions was green. Traffic in the northbound direction was backed up in the far left lane, and therefore the employee was waiting. He states that he was waived on by an unknown party to make the left turn. This party was sitting at the green light south of W. Westchester waiting for traffic ahead of him in the northbound direction to move.

The employee started to make his left turn and did not see the claimant vehicle as the person who waived him on was blocking the view of the middle northbound Miller Parkway lane. The employee pulled into the middle lane to complete his left turn and was struck by the claimant vehicle approaching northbound on Miller Parkway in the middle lane of travel. The claimant unit hit the passenger side of the employee's 1998 GMC truck.

Miller Parkway has three lanes in each direction of travel at this location. The employee made it through the left lane, and was struck in the middle lane.

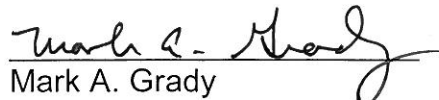
The claimant's vehicle is owned by Maivue & Sao Yang. Their son, Kou Yang, was driving the vehicle at the time of the accident. There were no injuries.

The claimant vehicle was a 1999 Toyota Camry. The vehicle was towed back to the claimants' home. An appraisal was done since it was not drivable. It was determined the vehicle was a total loss with an actual cash value of \$2661. The salvage value on the unit is \$150.

The claimant would like to keep the vehicle and therefore the deduction of \$150 off of the ACV of \$2661 would apply. A 20% deduction for claimant's comparative negligence was negotiated. An offer of \$2000 was made to the claimant to settle this property damage claim.

The claimant has also submitted an invoice in the amount of \$718.08 related to towing and storage. The towing bill was \$100. Storage of the vehicle was at 29 days at \$20 per day \$580. The claimant however did not file his claim until June 20, 2012. The vehicle had sat in storage for three weeks prior to that. An agreement was reached with the claimant on paying storage from the day of the filed claim, June 20, 2012 through June 26, 2012. This is 7 days at \$20 per day or \$140.

The adjustor and the County insurer recommend a total payment of \$2,240.00 to Sao Yang to settle his property damage claim. Corporation Counsel has reviewed this matter and supports the recommendations to pay Sao Yang to settle all claims arising out of the property damage to his vehicle.


Mark A. Grady
Deputy Corporation Counsel

c: Amber Moreen
Janelle Jensen
Jennifer Collins