

NOTICE OF CLAIM AGAINST THE CITY OF MENASHA

Wisconsin law requires a Notice of Claim to be filed within certain statutes of limitations. You must comply with the time limits in order for your claim to be considered.

NAME Cheryle Stoneman TELEPHONE NO. [REDACTED]
ADDRESS 211 Cleveland St. (street)
Menasha WI 54952 (city, state, zip code)

CIRCUMSTANCES OF CLAIM: On the reverse side, describe the circumstances of your claim (attach additional sheets if necessary). For auto/property damages attach a copy of police report, if any; and a diagram of the accident scene including north, south, east or west. For personal injury indicate the nature of the injury; if medical attention was given, the name of the physician/immediate care/hospital. List the names and addresses of any witnesses to the incident/accident. Please be specific with the information provided.

Incident/Accident Information:

Date 10/17/2009 Place: Fourth St.
Time 4:45 Menasha WI

(Circumstances of claim and witnesses on reverse)

Signed: Cheryle Stoneman Date: 10/21/09

CLAIM FORM

Wisconsin law requires claims to be filed within certain statutes of limitations. You must comply with these time limits or any claim submitted will be denied.

You are not required to make a claim at this time. You may file a claim against the City of Menasha at any time consistent with the applicable statute of limitations. However, in order for the City of Menasha to formally accept or disallow your claim at this time, you must complete and sign the form below. Please provide copies of any bills supporting the amount of the claim. Attach two (2) estimates for claims involving auto/truck/property damage.

The undersigned hereby makes a claim against the City of Menasha arising out of the circumstances described above. The claim is for relief in the form of money damages in the amount as indicated below, and non-monetary relief as follows:

Auto/truck: \$ 886.62 Pending Personal Injury: \$ N/A
Property: \$ N/A Other (specify): + \$ 20.00 a day for towing \$110.00 verbal to sit until fixed.

Signed: Cheryle Stoneman Date: 10/26/09

Address: 211 Cleveland St. (street)
Menasha WI 54952 (city, state, zip code)

revised 07/04

DENIED
11-17-2009

rec'd 10/26/09

Circumstances of claim (attach additional sheets if necessary):

I was driving east on Fourth Street in Menasha on 10/17/2009. Approached stop sign on 4th & upper 4th. Stopped then proceeded thru intersection. Heard loud noise from underneath van. Was hard to control vehicle. Looked in rearview mirror to see manhole cover laying in street. Tried to apply brakes to stop van. Van would not stop, continued to pump brakes "No Luck". Smelled alot of gas fuel odor. Van continued to go forward. Electrical then went out on dashboard. Didn't know if would have to try to drive into curb to stop. Applied emergency brake "worked". Odor of gas fumes was strong so told son to get out & away from van, just in case vehical had fire. Called police to report, who called for a Tow & fire Department to clean up gas spillage on street.

Witnesses (names and addresses):  
( Dylan Stoneman ) 211 Cleveland St. Menasha WI 54952  
3rd St. Road construction was done on or near as late as 10-1-09. Chrysler salesman

**Procedure for filing claims:**

1. Wisconsin law requires notices of claims and claims to be filed within certain statutes of limitations. You must comply with these time limits or any claim submitted will be denied. In most instances, a Notice of Claim must be filed within 120 days from the date of the incident or will be barred by the Statute of Limitations.
2. In order for the City to make a determination regarding your claim, a Claim stating the specific damage(s) sought, circumstances surrounding the claim, and supporting documentation must be completed, dated, signed and submitted to the City Attorney's office. This is the bottom portion of the form entitled "Claim Form". **Until this portion is completed and submitted to the City, no action will be taken.**  
  
Investigation and determination can take several weeks or months depending on complexity. Often, a claimant must mitigate his/her damages prior to final determination.
3. Mail or submit claims to: City Attorney, City of Menasha, 140 Main Street, Menasha, WI 54952.
4. The City Risk Manager and/or CVMIC (the City's liability insurance carrier) will then determine if your claim should be paid, compromised or disallowed. You will be notified by letter should the City determine to pay or compromise your claim. If your claim is determined to be disallowed, the matter will be referred to the Common Council for formal disallowance in the normal course of business. You will be notified by letter of the Council's action.
5. This procedure is established by State Statutes to provide a mechanism for persons to recover damages in the event a municipality is responsible for an incident. This procedure is also designed to protect the municipality and its taxpayers from having to pay out inappropriate and/or nuisance claims.