



Winnebago County
Office of the County Clerk

The Wave of the Future

NOTICE OF CLAIM

Date: July 13, 2015

To: Doug, Linda and Joan

Re: Claim from Smith Theiler for damage to the wheel/tire/rocker panel trim that occurred on July 5, 2015 caused by a large pothole on Hwy 45 just south of Hwy 10.

This claim will be presented to the County Board at their July 21, 2015 meeting.

Gregor, Cassie

From: Barthels, Julie A
Sent: Monday, July 13, 2015 8:21 AM
To: Gregor, Cassie
Subject: FW: Pothole Damage Claim
Attachments: 2007 VOLVO S60_THEILER(SUPP3).pdf; 107.JPG; 109.JPG

From: Smith Theiler [mailto:smiththeiler@gmail.com]
Sent: Sunday, July 12, 2015 2:01 PM
To: Barthels, Julie A
Subject: Pothole Damage Claim

To whom it may concern:

I was traveling southbound on Hwy 45, just south of Hwy 10 by about a mile, on Sunday July 5th around 5:15 (see approximate location below near the town of Winchester). I was in the left lane following another vehicle at 70 MPH when I drove over a rather large gap/pothole in the concrete. There were cars beside me in the right lane (heavy holiday traffic) and the pothole spanned the entire left lane making the collision unavoidable. The impact was harsh and startled my passengers. In the rear-view mirror I saw pieces of concrete sliding across the road due to the erosion of concrete from the pothole. The collision broke an alloy rim, a rocker panel trim piece, and destroyed a tire on my car. Please see attached pictures of the damage and repair quote in the amount of \$1309.91 from Progressive. Note that because the vehicle is all-wheel drive and the tires are at ~50% life, it is necessary to replace all 4 tires. Progressive deducts 'betterment' from the quote as the replacement tires will be new - this means \$296.35 would be my responsibility, lowering the total quote to \$1013.56. The initial repair quote for replacing only one tire, rim, and trim piece was \$770.55 before Progressive contacted Volvo regarding the similar tire size requirements. I have not yet agreed to any repairs with Progressive.

Following the collision, I was able to pull off the highway on an off ramp and mount the spare tire.

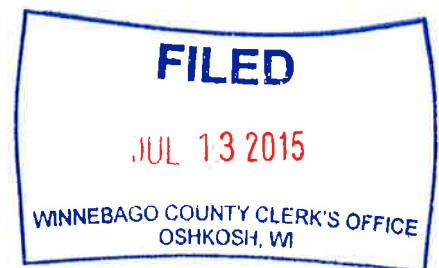
Is there any coverage provided by the state of WI? I'm disheartened because I feel like there was nothing I could have done to prevent this situation. I understand that potholes occur and regularly keep an eye out for potholes. However, this was the highway and a newer stretch of road with a new 70 MPH speed limit and the collision was unavoidable with the heavy holiday traffic. I do think that because my car has low-profile tires and sits closer to the ground than most cars that it is more susceptible to damage like this (the car in front of me appeared fine). That said, I haven't had issues in the past 3 years I've owned the car. This pothole was massive and I'm surprised the airbags didn't go off when I hit it.

Thank you for time and consideration.

Sincerely,

Smith Theiler
(262) 957-4203
smiththeiler@gmail.com

Approximate location: <https://www.google.com/maps/@44.2033293,-88.6748437,14z>



PROGRESSIVE

Damage Assessed By: MATTHEW WHEELAN

*Claim Rep: MATTHEW WHEELAN
 (414) 944-5248

Supplemented By: MATTHEW WHEELAN
 Classification:

* Product Type Auto
 * Date of Loss: 7/ 5/2015
 * Deductible: 500.00
 * Claim Number: 15-1531313-01

Insured: SMITH THEILER
 Owner: SMITH THEILER
 Address: 10089 W LISBON AVE, WAUWATOSA, WI 53222
 Telephone: Work Phone: (262) 783-8674
 Contact Phone: (262) 957-4203

Cell Phone: (262) 957-4203

Mitchell Service: 917373

Description: 2007 Volvo S60 R
 Body Style: 4D Sed
 VIN: YV1RH527172635874
 Mileage: 109,525
 OEM/ALT: A
 Color: BLACK
 Options: TURBOCHARGED ENGINE, PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK

Drive Train: 2.5L Turbo Inj 5 Cyl 6M AWD
 License: 200-TYS WI

Search Code: BROOKFIEL1

POWER WINDOW, POWER STEERING, REAR WINDOW DEFOGGER, AIR CONDITIONING
 CRUISE CONTROL, TILT STEERING COLUMN, AM/FM STEREO, DRIVER AIRBAG
 HEATED EXTERIOR MIRROR, REAR (DUAL-ZONE) AC, LEATHER SEAT, POWER PASSENGER SEAT
 FRONT SIDE AIRBAG WITH HEAD PROTECTION, ANTI-LOCK BRAKE SYS., TRACTION CONTROL
 FOG LIGHTS, ALUM/ALLOY WHEELS, MEMORY SEAT, ANTI-THEFT SYSTEM
 HIGH INTENSITY DISCHARGE HEADLIGHTS, LEATHER STEERING WHEEL, CD PLAYER
 POWER ADJUSTABLE EXTERIOR MIRROR, 4WD OR AWD, AUTO AIR CONDITION, TRIP COMPUTER
 FIRST ROW BUCKET SEAT, UNIVERSAL GARAGE DOOR OPENER
 REAR HEATING, VENTILATION & AIR CONDITIONING, ALL WHEEL DRIVE, SIDE AIRBAGS
 SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION
 INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR, DAYTIME RUNNING LIGHTS
 ADAPTIVE VARIABLE SUSPENSION, DRIVER SEAT WITH POWER LUMBAR SUPPORT
 ELECTRONIC STABILITY CONTROL, EXTERIOR MEMORY MIRRORS
 FRONT SEATS WITH POWER LUMBAR SUPPORT, KEYLESS ENTRY SYSTEM, REAR BENCH SEAT
 REAR SPOILER, STEERING WHEEL AUDIO CONTROLS

Line Item	Entry Number	Labor Type	Operation	Line Item Description	Part Type/ Part Number	Dollar Amount	Labor Units
<u>Wheel</u>							
S2	1	702850	BDY	REMOVE/REPLACE Alloy Wheel	** Non-OEM	199.00	* 0.3
	2			IPDUSA.COM			
<u>Side Body</u>							
	3	701439	BDY	REMOVE/REPLACE R Frt Rocker Moulding	9178760-6	155.22	0.3 #
	4		REF	REFINISH R Frt Rocker Moulding			C 0.8
<u>ADDITIONAL OPERATIONS</u>							
	5		REF	ADD'L OPR Clear Coat			0.2
<u>Additional Costs & Materials</u>							
	6			ADD'L COST Paint/Materials		36.00	*
	7			ADD'L COST Hazardous Waste Disposal		3.00	*
	8	900500	BDY *	REMOVE/REPLACE RIGHT REAR TIRE	** Non-OEM	148.92	* INC*
	9			BRIDGESTONE POTENZA RE970AS POLE POSITION			
	10			tirerack.com			
	11			BETTERMENT - P RIGHT REAR TIRE %64.00		95.31	
S3	12	900500	MCH *	ADD'L LABOR OP MOUNT & BALANCE, VALVE STEM & DISP FEE x4	Sublet	72.00	* INC*
	13	900500	BDY *	REMOVE/REPLACE 4 WHEEL ALIGNMENT	Sublet	89.95	* 0.0*
S1	14	900500	BDY *	REMOVE/REPLACE LEFT FRONT TIRE	** Non-OEM	148.92	* INC*
	15			BRIDGESTONE POTENZA RE970AS POLE POSITION			

ESTIMATE RECALL NUMBER: 07/06/2015 18:10:40 15-1531313-01

Mitchell Data Version: OEM: MAY_15_V0707

MAPP: MAY_15_V0705

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S1 16		BETTERMENT - P	LEFT FRONT TIRE %36.00				
S1 17	900500	BDY *	REMOVE/REPLACE	RIGHT FRONT TIRE	** Non-OEM	53.61	148.92 * INC*
18				BRIDGESTONE POTENZA RE970AS POLE POSITION			
S1 19		BETTERMENT - P	RIGHT FRONT TIRE %45.00			67.01	
S1 20	900500	BDY *	REMOVE/REPLACE	LEFT REAR TIRE	** Non-OEM	148.92	* INC*
21				BRIDGESTONE POTENZA RE970AS POLE POSITION			
S1 22		BETTERMENT - P	LEFT REAR TIRE %54.00			80.42	

* - Judgment Item
 # - Labor Note Applies
 ** Non-OEM - Non-Original Equipment Manufacturer Replacement Part
 C - Included in Clear Coat Calc

All manufacturers requirements regarding seat belt and supplemental restraint system replacement must be adhered to. If additional parts or operations are necessary to properly accomplish this, please contact the estimating claims rep.

Estimate Totals

I. Labor Subtotals						II. Part Replacement Summary			
	Units	Rate	Add'l Labor Amount	Sublet Amount	Totals				Amount
Body	0.6	56.00	0.00	0.00	33.60 T	Taxable Parts			1,039.85
Refinish	1.0	56.00	0.00	0.00	56.00 T	Sales Tax	@	5.600%	58.23
Mechanical	0.0	85.00	0.00	72.00	72.00 T	Total Replacement Parts Amount			1,098.08
						Taxable Labor			161.60
						Labor Tax	@	5.600 %	9.05
Labor Summary	1.6				170.65				
III. Additional Costs						IV. Adjustments			
					Amount				Amount
Taxable Costs					39.00	Betterment			296.35-
Sales Tax			@	5.600%	2.18	Insurance Deductible			500.00-
Total Additional Costs					41.18	Customer Responsibility			796.35-
Paint Material Method: Rates Init Rate = 36.00									
						I. Total Labor:			170.65
						II. Total Replacement Parts:			1,098.08
						III. Total Additional Costs:			41.18
						Gross Total:			1,309.91
						IV. Total Adjustments:			796.35-
						Net Total:			513.56
						Less Original Net Total:			175.24
						Net Supplement Amount:			338.32
						S1: MATTHEW WHEELAN			270.74
						S2: MATTHEW WHEELAN			10.56
						S3: MATTHEW WHEELAN			57.02

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.

Point(s) of Impact

16 Non-Collision (P)

Alt. Location: PROGRESSIVE

Inspection Site: Milwaukee Service Center
Address: 3442 South 103rd
Milwaukee, WI 53227
(414) 944-5200
Inspection Date: 7/ 6/2015

THIS IS A DAMAGE ASSESSMENT ONLY - NOT AN AUTHORIZATION TO REPAIR - BASED ON DAMAGE VISIBLE OR CERTAIN AT THE TIME IT WAS WRITTEN.

IF FRAME OR UNIBODY REPAIR IS INCLUDED ON THIS ESTIMATE, THE AMOUNT SHOWN INCLUDES TIME OR ALLOWANCE FOR MEASURING BEFORE, DURING AND AFTER THOSE REPAIRS.

THE OWNER OF THE VEHICLE MAY SELECT THE REPAIR FACILITY OF HIS/HER CHOICE.

TO ENSURE PROPER AND PROMPT PAYMENT FOR ADDITIONAL DAMAGE DISCOVERED DURING THE COURSE OF REPAIRS, CONTACT PROGRESSIVE FOR SUPPLEMENT HANDLING PROCEDURES.

PROGRESSIVE HONORS THE PREVAILING LABOR MARKET RATE IN YOUR AREA FOR YOUR PROPERTY. IF YOU CHOOSE A SHOP THAT CHARGES IN EXCESS OF PREVAILING LABOR MARKET RATES, YOU WILL BE RESPONSIBLE FOR THE DIFFERENCE.

LIFETIME GUARANTEE FOR SHEET METAL AND PLASTIC BODY PARTS

The replacement parts written on the estimate are intended to return your vehicle to its pre-loss condition with proper installation. After repair, if any sheet metal or plastic body part included in the estimate fails to return your vehicle to its pre-loss condition (assuming proper installation), in terms of form, fit, finish, durability or functionality, Progressive will arrange and pay for the replacement of the part, to the extent not covered by a manufacturer's or other warranty. This service will be performed at no cost to you (including associated repair and rental car costs). To obtain service under this Guarantee, call Progressive at 1-800-274-4641. This Guarantee applies as long as you own or lease the vehicle. This Guarantee is not transferable and terminates if you sell or otherwise transfer your vehicle.

THIS GUARANTEE DOES NOT COVER NORMAL WEAR AND TEAR OR DAMAGE CAUSED BY IMPROPER MAINTENANCE, NEGLIGENCE, ABUSE OR SUBSEQUENT ACCIDENT. THIS

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GUARANTEE IS LIMITED TO ARRANGING FOR THE SELECTION OF REPAIR PARTS THAT WILL RETURN YOUR VEHICLE TO ITS PRE-LOSS CONDITION. ACCORDINGLY, PROGRESSIVE WILL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL OR CONSEQUENTIAL DAMAGES THAT RESULT FROM THE INSTALLATION OR USE OF THESE PARTS.

Part Type Terms and Abbreviations

NEW and OEM or part number displayed - These refer to a new, original equipment manufacturer part.

NON-OEM and A/M and Qual REPL - These refer to an after-market part, which is a new, non-original equipment manufacturer part.

USED/RECYCLED and LKQ - These refer to a used OEM part.

REMANUFACTURED and RECOND. and RECORE - These refer to used/recycled OEM parts that have been refurbished.

REPAIR SHOP'S AUTHORIZED REPRESENTATIVE'S SIGNATURE INDICATING AGREEMENT ON COST TO RETURN THE VEHICLE TO PRE-LOSS CONDITION INCLUDING TOW/STORAGE CHARGES:

SHOP SIGNATURE: _____ EST. COMPLETION DATE: _____

ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE/SHE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT IS GUILTY OF INSURANCE FRAUD.

