

JAMES O. CONWAY
JOSEPH J. VOELKNER
CORRADO CIRILLO
JOSHUA D. MCKINLEY
ALVIN R. KLOET (OF COUNSEL)
JOHN N. GUNDERSON (1973-2023)

OLSEN, KLOET,
GUNDERSON &
CONWAY

ATTORNEYS AT LAW

602 NORTH 6TH STREET
SHEBOYGAN, WI 53081-4695

RECEIVED

JUN 24 2025

June 23, 2025

VIA FED/EX OVERNIGHT

City of Manitowoc
Attn: Mackenzie Reed, City of Manitowoc Clerk
900 Quay Street
Manitowoc WI 54220

RECEIVED

JUN 24 2025

CITY CLERK'S
OFFICE

RE: Our Client: Eli Martinez by his parent Robert Martinez
Date of Accident: May 26, 2025
Notice of Circumstances Giving Rise to Claim

Dear Ms. Reed:

Please find attached Notice of Circumstances Giving Rise to Claim with respect to the above reference incident.

Thank you for your consideration.

Very Truly Yours,

OLSEN, KLOET, GUNDERSON, & CONWAY

Joseph J. Voelkner

JJV/jmm
cc: Robert Martinez (via email)

RECEIVED

JUN 24 2025

MANITOWOC CITY ATTORNEY

RECEIVED

JUN 24 2025

CITY CLERK'S
OFFICE

NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM

RECEIVED

TO: City of Manitowoc
ATTN: Mackenzie Reed, City of Manitowoc Clerk
900 Quay Street
Manitowoc WI 54220

JUN 24 2025

PLEASE TAKE NOTICE that Claimant, Eli Martinez, a minor by his parent Robert Martinez, by his attorneys Olsen, Kloet, Gunderson, & Conway, by Attorney Joseph J. Voelkner, states that the following circumstances give rise to a claim:

1. Claimant was riding his bicycle on May 26, 2025 at 12:28pm in the City of Manitowoc. The subject roadway is the City of Manitowoc Street, constructed by and maintained by the City of Manitowoc.

2. At the bottom of the hill on New York Ave turning onto Shorewood Boulevard in the City of Manitowoc the front wheel/tire of Claimant's bicycle struck a large pothole located in the road, broke the front wheel frame, and Claimant was flown from his bicycle onto the pavement striking his face and jaw on the pavement.

3. The subject pothole had been on the roadway for 6 to 8 months, according to surrounding neighbors. This provides the City of Manitowoc with constructive notice of the existence of a pothole and the safety risk it imposes to the public who is utilizing the public street and further with respect to said constructive notice, the City of Manitowoc did not make timely repairs or post any warning(s) in the immediate area.

4. Claimant exercised appropriate lookout, appropriate management to his bicycle, and the pothole was in a location on the roadway where it was obstructed from the view of the Claimant as he proceeded down the hill. Claimant was acting in a reasonable manner at all times and the unsafe conditions of the public street were unknown to Claimant.

5. Claimant was injured in the accident referenced above. His injuries included a fractured jaw (in 4 separate locations), 2 lost front teeth, and lost of two eye/canine teeth, a concussion, and multiple superficial cuts, scrapes, and bruises to his facial area, neck, shoulder, and arms. Claimant was transported by ambulance to Aurora Medical Group/Two River and subsequently transported by ambulance to Children's Hospital in Milwaukee, WI. While at Children's Hospital of Wisconsin it was determined Claimant would require emergency dental/oral surgery which took place on May 31, 2025. Claimant's recovery is ongoing and it can be reasonably expected ongoing medical care, medical treatment, medications, and dental hardware will be required.

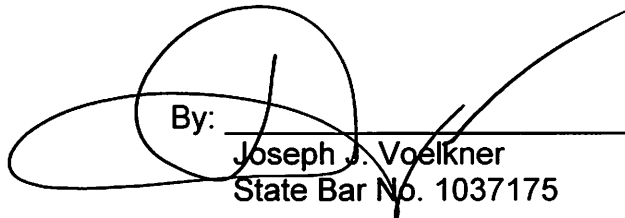
6. Claimant is seeking payment and reimbursement of his medical bill/expenses in the amount of \$15,685.25 (incurred to date), damages for past pain and suffering in the amount of One Hundred Thousand Dollars (\$100,000), anticipated medical bills/expenses of Ten Thousand Dollars (\$10,000), and damages for future pain and suffering, disfigurement (teeth), and any related residual symptoms of Fifty Thousand Dollars (\$50,000), for a total claim of \$175,685.29.

7. This Notice of Circumstances Giving Rise to Claim is provided to the City of Manitowoc WI, pursuant to §893.80(1d)(a), Wis. Stats., and it is served upon the City of Manitowoc pursuant to §801.11(4), Wis. Stats. (i.e. personal service).

WHEREFORE, pursuant to §893.80, Wis. Stats., Claimant seeks relief against City of Manitowoc for the sum of \$175,685.29

Dated this 23rd day of June, 2025.

OLSEN, KLOET, GUNDERSON, & CONWAY
Attorneys for Claimant, Eli Martinez by his parent
Robert Martinez

By: 
Joseph J. Voelkner
State Bar No. 1037175

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