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January 19, 2012

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Resolution Relating to the Claims of Seamus Creighton and
        United Parcel Service
        C.I. File Nos.: 10-S-456 and 10-S-456-1

Dear Council Members:

We return the enclosed documents which have been filed with the City Clerk, and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimants, Seamus Creighton, 5349 South 7th Street, Milwaukee, WI 53221, and United Parcel Service, 12400 West Bluemound Road, Elm Grove, WI 53122, allege through Liberty Mutual Insurance by its representative, Cora L. Deuber, P.O. Box 8017, Wausau, WI 54402-8017, that on September 7, 2010 he sustained injuries when he stepped into a pothole and fell at/near North 44th Street and West Burleigh Street. They claim damages in the amount of $11,661.97.

Our investigation reveals the Infrastructure Service Division records indicate that prior to September 7, 2010, the City had no notice of this hazard in the roadway and because of this lack of notice the City would not be liable. Therefore, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2010-3464:177360