

May 13, 2005

To the Honorable
Judiciary and Legislation Committee
Common Council, City of Milwaukee
Room 205 – City Hall

Re: Resolution authorizing payment of verdict in *Dwight Pierce and Blue Cross of California v. City of Milwaukee*, Case No. 04CV003840

Dear Committee Members:

Enclosed please find a proposed resolution. We ask that this be considered by the Committee on Judiciary and Legislation with the following recommendation.

The plaintiff, Dwight Pierce filed a lawsuit against the City of Milwaukee seeking damages as a result of an incident which occurred on October 22, 2001, when he fell in the area near the curb at 4716 West Vliet Street. The City had excavated areas at this location. While they had backfilled two of these excavations, the backfill in a third area had either dissipated or was not backfilled. Plaintiff fell, and injured his right ankle. He eventually underwent surgery for his injuries, and incurred over \$18,000 in medical bills. Most of the medical treatment was for surgery on his ankle.

At trial, the jury found the City 60% responsible for these injuries. The City is legally responsible for 60% of the verdict, plus attorney fees of \$1,775.93.

Common Council
May 13, 2005
Page Two

Because this matter was tried to a jury, and no issues for an appeal exist, we recommend payment of \$18,215.93 pursuant to the verdict.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

GFL:PAF:enm
Enclosure

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