

CITY OF MILWAUKEE

Form CA-43

GRANT-F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

December 12, 2001

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

Re: Communication from Attorney James C. Mentkowski
on behalf of Linda Wade
C.I. File No. 01-L-137

Dear Council Members:

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

Claimant, Linda Wade, 1134 North 44th Street, Milwaukee, WI 53208, alleges through her attorney, Law Offices of James C. Mentkowski, S.C., 111 East Wisconsin Avenue, Suite 1750, Milwaukee, WI 53202, that on September 15, 2001 she sustained injuries when she fell due to gap and/or crack in the sidewalk located at 3314 West Vliet Street. They claim damages in the amount of \$60,000.00.

Our investigation reveals that the Infrastructure Services Division records indicate that for at least one year prior to the claimant's accident they did not receive any complaints for the sidewalk in front of 3314 West Vliet Street.

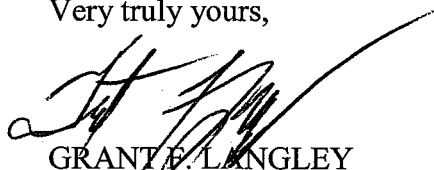
To the Hon. Common Council

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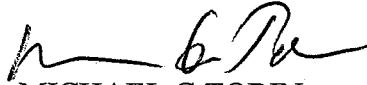
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Upon notification of a sidewalk defect the division will send a repair crew to correct a hazard usually within 24 hours. Prior to this complaint, the City had no notice of this alleged defect in the sidewalk and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY
City Attorney



MICHAEL G TOBIN
Assistant City Attorney

MGT:beg
Enclosure