

January 8, 2009

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Jerome A. Hierseman
Claimant: Ada Sprewer
C.I. File No. 03-L-124

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, Ada Sprewer, 3149 South 77th Street, Milwaukee, WI 53219, by her attorney, Jerome A. Hiersman, **Gray & End**, 600 North Broadway, Suite 300, Milwaukee, WI 53202, alleges that on May 21, 2003 she sustained injuries to her hand, head and eye when she tripped and fell on an elevated portion of a City sidewalk in the 4100 block of North Holton Avenue. She claims damages in the amount of \$9,001.00.

Our investigation reveals the Infrastructure Services Division (ISD) reviewed their records and the records of the DPW Call Center for the period of May 21, 2002 to May 30, 2003. Their records reflected they conducted asphalt patching along the 4100 block of North Holton Street on two occasions during said time frame. On March 11, 2003, a street maintenance crew patched a pothole in the roadway with asphalt at the intersection of North Holton Street and East Hope Street. The ISD also conducted asphalt patching in the roadway in the subject area on September 26, 2002. The Call Center records reflect one complaint regarding the pothole that was repaired on March 11, 2003. When the ISD is notified of a hazard along the sidewalk a crew is sent to investigate and/or patch the

hazard. On September 29, 2003 after receiving this claim a street maintenance crew shimmed the sidewalks in the subject area with asphalt. Prior to this the City had no notice of this defect and because of the lack of notice it cannot accept liability. As such, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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