

September 15, 2003

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

Re: Communication from Florine Hicks
C.I. File No. 03-L-96

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, Florine Hicks, 6900 West Caldwell Court, Milwaukee, WI 53218 alleges that the City of Milwaukee filed a Summons and Complaint against Willie J. Fowlkes and her as owners of a property located at 2930 West Burleigh Street which owed delinquent taxes. The City attempted to serve her but instead allowed Shirley Fowlkes to accept service. This prevented Ms. Hicks from being notified of the lawsuit and led to a judgment against her which has injured her standing with the general public. She claims damages in the amount of \$46,318.88.

Our investigation reveals that the Kohn Law Firm, on behalf of the City of Milwaukee, did file a Summons and Complaint against Willie J. Fowlkes and Florine Hicks as being owners of the property which owed delinquent taxes. The Kohn Law Firm did obtain substitute service. On March 18, 2002 a judgment was entered against Ms. Hicks. On May 2, 2003 they received a Motion to Reopen filed by Ms. Hicks. They immediately contacted Ms. Hicks, reviewed the matter, realized the service was faulty and took action

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to correct this. On June 11, 2003 an Amended Order to vacate the judgment with prejudice was entered. There is no evidence that this has injured her. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1060-2003-2509:72120