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March 24, 2009

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

Re: Resolution relating to the claim of Thomas Tillman  
Through his attorney Action Law Offices, S.C.  
C.I. File No. 08-S-558

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, Thomas Tillman, 4762 North 53<sup>rd</sup> Street, Milwaukee, WI 53218, alleges through his attorney, Action Law Offices, S.C., 933 North Mayfair Road, Suite 200, Milwaukee, WI 53226, that on April 1, 2008 he sustained injuries when his vehicle collided with a pothole at the driveway entrance to 3334 West Highland. The claimant asserts that this defect had previously been covered by a barricade, placed and removed by the City before this incident. He claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that on April 1, 2008, after this loss, the DPW Call Center received a call indicating that barricades were required at 3334 West Highland Boulevard. A Street Maintenance employee was called out and placed a barricade over the pothole in the curbs flange at the driveway approach. This was the only barricade that Street Maintenance placed at this

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location. The ISD patched the pothole the next day. There is insufficient evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2008-2078:144095