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September 2, 2009

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

Re: Resolution relating to the claim of Odis Lovett
By his attorney, Andrew Shaw
C.I. File No. 09-L-57

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, Odis Lovett, 1310 North 19th Street, Milwaukee, WI 53205, by his attorney, Andrew Shaw, P.O. Box 18353, Milwaukee, WI 53218 allege that on February 21, 2009, Mr. Lovett slipped and fell on ice that was in the cross walk area on West Potawatomi Circle from the parking garage to the casino. They claim damages in the amount of \$750,000.00.

Our investigation reveals that the Department of Public Works-Sanitation Section was engaged in a general ice control operation at the time of this alleged incident. This operation turned into a full snow plowing operation later in the day. The Sanitation Section records reflect that this roadway was salted at least once before Mr. Lovett's alleged fall. The records also did not note any icy conditions prior to or after this incident.

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Since the City followed standard procedures and it did not have any notice of this alleged hazard, it cannot be held liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1058-2009-1753:148792