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Assistant City Attorneys

October 26, 2010

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

Re: Resolution Relating to the Claim of Sarah Winkler  
C.I. File No. 10-L-79

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, AFNI Insurance Services, by Karen Schellenger, P.O. Box 3068, Bloomington, IL 61702-3068, on behalf of their client, American Family Insurance and their insured, Sarah Winkler, allege that on May 20, 2010, Ms. Winkler's vehicle was damaged while driving in the area of East State Street and North Cass Street. They claim damages in the amount of \$5,506.56.

Our investigation reveals that the Sewer Maintenance Section (SMS) was installing underground conduit and making manhole adjustments pursuant to the State Street Repaving Project. The SMS records do not reflect any auto accident at this location. The project was a State of Wisconsin paving project, State ID No. 2204-01-70 being administered by the State of Wisconsin Department of Transportation, District 2, 141 NW Barstow Street, P.O. Box 798, Waukesha, WI 53187-0798, by their contractor, Stark Asphalt, 11710 West Hampton Avenue, Milwaukee, WI 53225.

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The SMS records also reflect that WE Energies was also working at this site. Since there is no evidence the City was negligent in this matter and the majority of the road activity at this location did not involve the City, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure

c: AFNI Insurance Services  
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File No.: 721127  
1030-2010-2076:162646