

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys

**CITY OF MILWAUKEE**  
**Office of the City Attorney**

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THOMAS D. MILLER  
HEIDI E. GALVÁN  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNER  
Assistant City Attorneys

September 14, 2009

Richard Benish Jr.  
5801 West Bluemound Road  
Milwaukee, WI 53213

RE: Richard Benish, Jr.  
C.I. File No.: 09-V-156

Dear Mr. Benish:

We have received your claim in the amount of \$11,324.00, relating to damage over time to your driveway at 135-147 North Hawley Road allegedly caused by City garbage trucks.

Our investigation reveals that this claim was filed on August 7, 2009. Wisconsin Statute §893.80 (1)(a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not timely filed. In addition, the Fleet Accident Report completed as a result of this alleged incident notes that the asphalt pavement was unmaintained and that the damage was very old. There is no evidence that the damage was caused by the negligence of the City. As such, the City would not be liable. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

*Steven M. Carini*

STEVEN M. CARINI  
Investigator Adjuster

SMC:ms  
1030-2009-2185:149849

OFFICE OF THE CITY ATTORNEY