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January 5, 2009

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

Re: Resolution relating to the claim of Tom Cravillion
C.I. File No. 08-L-333

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, Tom Cravillion, 101 Edna Street, Plymouth, WI 53073, alleges on his own and also through Latitude Subrogation Services, by its representative Candi Dragonetti, P.O. Box 7932, Bloomfield Hills, MI 48302-7932 as subrogee that on August 28, 2008 their insured's vehicle collided with a pothole at North 6th Street and West North Avenue. They claim damages in the amount of \$14,106.53.

Our investigation reveals that the Infrastructure Services Division (ISD) checked their records and the records of the DPW Call Center relative to this incident. The ISD found that they had patched potholes in the general area as recently as June 10, 2008 pursuant to a complaint call they had received. In addition, the ISD found that Ameritech, 722 North Broadway, Milwaukee, WI 53202 was issued Public Right-of-Way Permit Nos. 200811-0078, issued May 5, 2008 and 200816-0289, issued August 5, 2008, to excavate and repair damaged conduit at 633 West North Avenue. There is no evidence that the City was negligent in its actions. In

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addition, it was not engaged in the utility excavation and repair. As such, the City cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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JAS:ms
Enclosure
1029-2008-3414:141156