

# CITY OF MILWAUKEE

Form CA-43

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May 15, 2002

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

Re: Communication from attorneys Podell, Ugent & Haney, S.C.  
on behalf of Dolores Ratajczyk  
C.I. File No. 01-L-147

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, Dolores Ratajczyk, 3842 South Miner Street, Apt #3, Milwaukee, WI 53221 by her attorneys Podell, Ugent & Haney, S.C., 611 North Broadway, Suite 200, Milwaukee, WI 53202 allege that on July 5, 2001 she tripped and fell on a buckled section of sidewalk owned by the City of Milwaukee located between South Miner St. and Howard Ave. on Point Loomis Road. They claim damages in the amount of \$500,000.00.

The Infrastructure Services Division records indicate there were no complaints regarding a defect at this site for one year prior to the incident. Once the loss site was definitively identified by the claimant's attorneys, a street maintenance crew scarified offsets in the sidewalk at four locations.

To the Hon. Common Council

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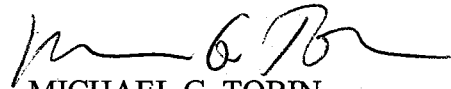
May 15, 2002

Prior to this complaint, the City had no notice of the defect and because of the lack of notice the City cannot be held liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY  
City Attorney



MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure