

December 11, 2000

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from DOMNITZ, MAWICKE & GOISMAN
S.C.
on behalf of Celestine Burrows
C. I. File No. 00-L-135

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, Celestine Burrows, 2900 West Highland Avenue, #119, Milwaukee, WI 53233 alleges through her attorneys Domnitz, Mowicke & Goisman, S.C., 1509 North Prospect Avenue, Milwaukee, Wisconsin 53202 that on September 10 2000 she sustained injuries due to falling because of a hole in the middle of the street at the intersection of Highland Avenue and North 29th Street. They claim damages in the amount of \$50,000.00.

We are advised by Infrastructure Service Division that City Permit #0015-009 was issued to Electrical Consultants, Inc., 1127 Alderson Avenue, Billings MT 59102-4217, to install fiber optic cable as a subcontractor for Touch

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America of Butte, Montana. In conjunction with this work, Con-Cor Co., Inc. W146 N5790 Enterprise Avenue, Menomonee Falls, Wisconsin was hired to drill vertical core holes in order to locate various utilities that might be in the way of the new fiber optic cable to be installed.

The hole that the claimant alleges caused her fall was the responsibility of the private contract permittee. Since the claimant's injuries were not the result of any activity or negligence by the City of Milwaukee it cannot be held liable. Accordingly, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure

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