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RONALD D. LEONHA
CITY CLERK

City Clerk
ATTN: Claims
200 E. Wells St, Room 205
Milwaukee, WI 53202-3567

OFFICE OF
CITY ATTORNEY

September 21, 2009

RE: Fall on Sidewalk at 1940 North Prospect on May 29, 2009

Dear Claims Manager:

My name is Kathryn Haller. I am a senior at Marquette University. I am writing this letter to put the City on notice that I fell on a city-maintained sidewalk on Friday afternoon, May 29, 2009, just before 4:30 p.m... I have been told this notice must be given within 120 days if I want to pursue a claim against the City for damages for the injuries resulting from my fall.

I was running north on North Prospect Street, training for the Chicago half-marathon, when the toe of my running shoe got caught in a hole in the sidewalk in front of the Carlton Apartment Building at 1940 North Prospect. I was taken by ambulance to Columbia St. Mary's Hospital and was in the hospital for five days with a dislocated left knee, a torn ACL (anterior cruciate ligament) and a torn PCL (posterior cruciate ligament). I have been receiving physical therapy treatments since I was discharged from the hospital and I will eventually have surgery to repair the torn ligaments.

On June 5, my mother took pictures of the area in front of the apartment building. Although the pictures show a depression in the pavement around part of the slab where I fell, the pictures also show a mound of asphalt around another part of the slab. The manager of the Carlton told my mother he heard about my fall shortly after it happened and that he went out to look at the sidewalk that same afternoon. He said the patchwork was not there that day. We were able to measure the depression in the area not repaired but could not measure the depression in the area where patchwork was done after I fell.

At this point, the charges for my medical treatment are just over \$30,000, and I have not yet had the surgery to repair the ligaments. My health insurance company, Highmark Blue Shield, has paid almost \$24,000 of my medical expenses and I have been personally responsible for approximately \$550 of out-of-pocket expenses for co-pays, prescriptions and out-of-network charges. Other than the bills for out-of-network charges, I do not have actual medical bills but I do have the explanation of benefits forms from Blue Shield that itemize the charges and the payments made to the various medical providers. I have recently been contacted by Healthcare Recoveries, which indicates they intend to pursue subrogation on behalf of Highmark.

In addition to medical expenses, I have lost wages because I was not able to serve the paid internship in event planning at the Milwaukee Zoo that was scheduled to start on Monday, June 1. By missing the internship, I not only lost the money I would have earned, but also lost the experience I would have gained and could have included on my resume as I begin my job search

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for employment following my graduation in May 2010. I have other damages as well, including the pain and suffering and inconvenience resulting from my injury.

I understand the maximum amount the City is responsible to pay under any circumstances is \$50,000. With my medical expenses (and Highmark's subrogation interest), lost wages, pain, suffering and other damages, I believe my claim for the City's negligent maintenance of the sidewalk in question far exceeds the \$50,000 available.

If you need any other information at this time, you can contact me by letter at 1518 W. Kilbourn, Milwaukee 53233 or by telephone at (814) 450-8258. You may also contact my mother, Natalie Dwyer Haller, who can be reached at (814) 450-6659. I authorize her to engage in discussions with your office.

Thank you.

Very truly yours,

Kathryn (Kate) Haller