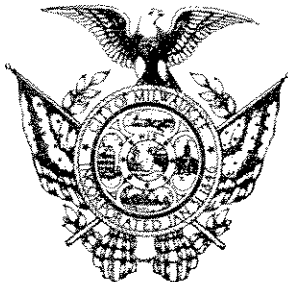


# CITY OF MILWAUKEE

Form CA-43

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September 6, 2005

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

Re: Communication from Figueroa & Jackson, LLC  
On behalf of Warnette Hunter  
C.I. File No. 04-S-229

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, Warnette Hunter, 4326 West Keefe Avenue, Milwaukee, WI 53216, alleges through her attorney, Figueroa & Jackson, LLC, the Pettibone Mansion, 2051 West Wisconsin Avenue, Milwaukee, WI 53233, that on March 13, 2004 she sustained injuries when she stepped into a hole in the roadway at the bus stop located at or near North 60<sup>th</sup> Street and West Fond du Lac Avenue. They claim damages in the amount of \$133,718.10.

Our investigation reveals that the Infrastructure Services Division records from March 13, 2003 to March 31, 2004 indicate that they conducted asphalt patching along North 60<sup>th</sup> Street near West Fond du Lac Avenue on two occasions; both were after this loss. Their records also indicate that between March 13, 2003 and March 30, 2004 they did not receive any complaints of road defects for North 60<sup>th</sup> Street near West Fond du Lac Avenue. On July 30, 2004, after receipt of this claim, a Street Maintenance crew patched a small section of roadway and curbs at


To the Hon. Common Council  
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the bus stop on North 60<sup>th</sup> Street just south of West Fond du Lac Avenue. When the division is notified of any hazard in the roadway, sidewalk or alley they will send a crew to investigate and/or correct the hazard. Prior to this, the City had no notice of this hazard and because of this lack of notice; the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY  
City Attorney



JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2004-2025:96286