

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

December 2, 2003

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

Re: Communication from attorneys First, Blondis, Albrecht
& Novotnak, S.C.
on behalf of Gene & Mary Werth and Joseph Werth
C.I. File No. 03-L-146

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.

Claimants, Gene & Mary Werth and Joseph Werth, 2036 South 28th Street, Milwaukee, WI 53215, allege through their attorneys First, Blondis, Albrecht & Novotnak, S.C., 158 North Broadway, Suite 600, Milwaukee, WI 53202, that on July 8, 2003 the Department of Neighborhood Services removed and discarded their personal property and in the process, caused injury to their minor child. They claim damages in the amount of \$100,000.00.

Our investigation reveals that the Department of Neighborhood Services records indicate that an order was issued to Mary and Gene Werth on June 17, 2003 for removal of debris on the property. The order was posted on the property the same day. The order was mailed to 2036 South 28th Street on June 18, 2003. They had a conversation with Mary Werth on that day and granted an extension to July 2, 2003. A re-inspection at that time revealed that much of the debris remained. A contractor was at the property on July 8, 2003 and attempted to remove the remaining debris. The contractor contacted the department for assistance due to the hostile and

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threatening remarks made by the property owner. The Milwaukee Police were called. When they arrived at the location, the clean-up proceeded in an orderly manner. No evidence was located that corroborated the claimants' allegation of injury. The City and its employees acted properly in this matter and would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1053-2003-3649:75513