

November 8, 2005

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

Re: Communication from attorneys Eisenberg, Riley & Muwonge, S.C.
On behalf of Albert Brown
C.I. File No. 05-L-128

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, Albert Brown, 2424 West Kilbourn Avenue, Apartment #4, Milwaukee, WI 53233, alleges through his attorneys Eisenberg, Riley & Muwonge, S.C., 2228 West Wells Street, Milwaukee, WI 53233 that on May 6, 2005 he sustained injuries when he slipped and fell on the sidewalk of the Wisconsin Avenue Bridge. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division indicates that the Wisconsin Avenue Bridge was designed in 1973 and commissioned in 1975. It is a moveable bridge that has a bridge operator on duty, any unusual activity on the bridge is easily observed. They have no record of an incident involving injury to a pedestrian or an ambulance transporting a pedestrian from the bridge at approximately 10:30 a.m. on May 6, 2005. They also have no record of any complaint regarding the sidewalk plates on the bridge. The claimant's attorney alleges that the walk plates are stainless steel with a coefficient of friction less than 5. The division indicates that the plates are aluminum and that the attorney incorrectly represents the

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coefficient; rarely is it above 1.0. The diamond tread plates on this bridge and other bridges conform to relevant standards and practice at the time of construction. Product literature for diamond tread pattern for aluminum plated described is as slip-resistant. After receipt of this claim, a DPW Bridge Inspector examined the bridge on September 13, 2005. There were no signs of structural damage, deterioration, or excessive wear of the walk plates. There is no evidence that the City was negligent in this matter. As such, 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
1029-2005-2385:98095