

December 22, 2005

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

Re: Communication from attorneys Karp, Karp & Zirgibel, S.C.  
On behalf of Gerald Weisflog  
C.I. File No. 04-L-160

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, Gerald Weisflog, 528 East Pheasant Run, Oak Creek, WI 53154, alleges through his attorneys Karp, Karp & Zirgibel, S.C., 2675 North Mayfair Road, Suite 300, Milwaukee, WI 53226 that on September 25, 2004, at approximately 7:15 p.m. he tripped and fell on a bump in the sidewalk at 519 North 52<sup>nd</sup> Street. They claim damages in the amount of \$420,801.52.

Our investigation reveals that Infrastructure Services Division (ISD)-Field Operations reviewed their records and the records of the DPW “Call Center” for the period September 25, 2003 to October 15, 2004. The ISD records reflected the division did not conduct any asphalt patching along the 500 block of North 52<sup>nd</sup> Street in this time period. The “Call Center” records reflected it did not receive any complaints for the subject location in the time period in question. The records did reflect the “Call Center” had received a call on November 8, 2004 regarding the sidewalk at 542 North 52<sup>nd</sup> Street which had lifted. A Street Maintenance crew placed an asphalt shim at this location on November 12, 2004. The ISD did not have knowledge of this alleged hazard prior to November 8, 2004. When the ISD is notified of a hazard along the

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sidewalk they will send a crew to investigate and/or patch 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 denial of this claim

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2004-3668:100254