

April 21, 2004

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

Re: Communication from La Wanda Holt
C.I. File No. 04-S-54

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, La Wanda Holt, 2435 North 49th Street, Milwaukee, WI 53210, alleges that on December 13, 2002 she sustained injuries when she stepped into a hole in the road near 900 North Broadway Avenue. She claims damages in the amount of \$5,000,000.00.

Our investigation reveals that this claim was filed on March 1, 2004. Wisconsin Statute §893.80 (1)(a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not filed timely. In addition, the Infrastructure Services Division records from December 13, 2002 to December 30, 2003 indicate that they did not conduct asphalt patching along the 900 block of North Broadway. Their records also indicate that between December 13, 2002 and December 30, 2003 they received one complaint for the roadway along the 900 block of North Broadway. On February 5, 2003 they received a call at 7:32 p.m. from the Milwaukee Police Department about an exposed excavation at 900 North Broadway. A crew dispatched to the location determined that a plate over the trench had shifted. The crew placed barricades at this location. After receiving a notice of this claim, a Street Maintenance crew patched the location with asphalt on March 16, 2004. When the division is

To the Hon. Common Council
April 21, 2004
Page 2

notified of any hazard in the roadway they will send a crew to investigate and/or patch the hazard. Prior to this complaint, the City had no notice of his hazard and because of this lack of notice, the City 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
1029-2004-597:80168