

May 11, 2001

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

Re: Communication from Attorney Elvis Banks  
on behalf of Bernice Winston  
C.I. File No. 01-L-166

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, Bernice Winston, 3157 North 33<sup>rd</sup> Street, Milwaukee, WI 53216, alleges through her attorney Elvis Banks, 4011 West Capitol Drive, Milwaukee, WI 53216 that on April 15, 2001, she sustained injuries when she tripped and fell on a crack in the sidewalk at 5115 West Capitol Drive. She claims damages in the amount of \$500,000.00.

The Infrastructure Services Division records indicate they have no record of any request for sidewalk repair at this location for one year prior to this claim. The division advised they ramped the affected area with asphalt upon notification of this claim. Prior to this complaint, the City had no notice of this defect 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