

CITY OF MILWAUKEE

Form CA-43

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January 28, 2003

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

Re: Communication from Attorney Kenneth R. Baumgartner, S.C.
on behalf of Clint Resch
C.I. File No: 00-L-104

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 and Legislation with the following recommendation.

Claimant, Clint Resch, 5016-4th Avenue, Upper, Kenosha, WI 53140, by his attorney Kenneth R. Baumgartner, S.C., 5712-6th Avenue, Kenosha, WI 53140, alleges that on or about July 3, 2000, he was injured while docked at the South Shore Yacht Club when he fell overboard from his boat due to a wake created by a City of Milwaukee police boat. They claim damages in the amount of \$50,000.00.

The Milwaukee Police Department and the Wisconsin Department of Natural Resources have no records of any complaint or boating-related incident as described by the claimant. Law enforcement boats working the lakefront area on July 3, 2000 include the Milwaukee Police Department, Milwaukee Sheriff's Department, Wisconsin Department of Natural Resources, and the U.S. Coast Guard.

The Milwaukee Police Department records indicate that one of its police boats was in the vicinity of the South Shore Yacht Club after the lakefront fireworks concluded. Police boat personnel were directing boat traffic at the South Shore boat ramp to allow the Sheriff's Department boat to back up and leave the dock after it completed a medical

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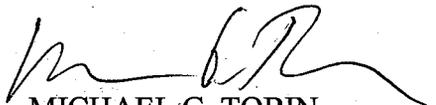
transport to a ground ambulance at the ramp. The police boat responded with its blue lights and siren activated, however, it only traveled at a "slow no wake" speed due to at least fifty boats converging toward the boat ramp when the fireworks had ended.

Based upon the lack of evidence that the Milwaukee Police Department caused the claimant's injuries, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT
Enclosure
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