

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

April 6, 2001

The Honorable Common Council
of the City of Milwaukee
Room 205, City Hall

Re: **Settlement in the Lawsuit Entitled**
Cornehls, et al. v. City of Milwaukee, et al.
File No. 001716; Case No. 99-CV-003213

Dear Council Members:

Enclosed please find a proposed substitute resolution. We ask that this matter be referred to the Committee on Judiciary and Legislation, with the following comment.

The plaintiff, Frederica Cornehls, through her attorneys, Warshafsky, Rotter, Tarnoff & Block, S.C., filed a lawsuit alleging that Ms. Cornehls was injured as a result of the negligent operation of a City street sweeper. It appears, in particular, that Ms. Cornehls at some time shortly after 2:00 a.m. on June 10, 1998 ended up sitting on the curb of East Brady Street near the intersection with North Astor Street. Earlier in the evening, Ms. Cornehls had apparently consumed a considerable amount of alcohol, as her subsequent blood test at the hospital revealed an alcohol content of 0.237 at 3:45 a.m.

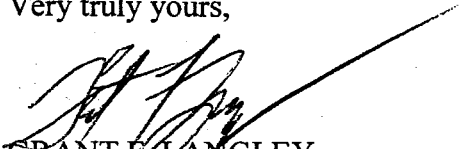
The sweeper rode over Ms. Cornehls, and severely injured her right arm and right leg with its rotating metal bristles. The operator stopped the machine when he saw Ms. Cornehls' face as he was looking straight down from the cab of the sweeper.

Common Council
April 6, 2001
Page Two

We have previously filed a motion for summary judgment in this case, contending that Ms. Cornehl was more negligent as a matter of law than the sweeper operator and that liability in this case was limited to \$50,000, rather than the higher liability limit for motor vehicles of \$250,000. The trial court denied both of our motions, noting in part that he believed personally that the operator should have discerned that the object was a human being rather than a bag of garbage. In opposing the motion, the plaintiffs noted in part that the sweeper operator had been working for 20 of the 28 hours immediately preceding the accident. As of November 1, 2000, Ms. Cornehl's medical expenses which were then continuing exceeded \$287,000 and she claimed a wage loss as of that date of more than \$44,000.

While this is a very close call, we believe that it is in the City's best interest to agree to settle this matter for \$60,000. We have enclosed an appropriate amended resolution for your convenience.

Very truly yours,



GRANT E. LANGLEY
City Attorney



JAN A. SMOKOWICZ
Assistant City Attorney

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