



MIOTA LAW LLC

Jacob E. Miota  
1400 East Olive Street  
Shorewood, WI 53211  
(p) 414-973-9305  
(f) 414-386-4675  
jmiota@miotatalaw.com

CITY OF MILWAUKEE

2012 NOV -8 PM 2:56

CITY ATTORNEY

CITY OF MILWAUKEE  
12 NOV -8 AM 10:17  
CITY CLERK'S OFFICE

November 8, 2012

**Via Hand Delivery**

City Clerk  
ATTN: Claims  
200 E. Wells Street, Room 205  
Milwaukee, WI 53202-3567

Re: Notice of Claim By Michel Battle

Dear Clerk:

I am counsel to Michele Battle concerning an accident she suffered on July 12, 2012 on the public sidewalk on the South side of Brady Street between Cass and Marshall Streets. This letter is a Notice of Claim pursuant to Wis. Stat. § 893.80. I have investigated the matter and believe her accident is attributable to the City's negligent maintenance of the sidewalk on that street and/or its failure to adequately warn of a known danger on that sidewalk. Specifically, there was an approximately 2 inch elevation change due to a crack in the sidewalk that I understand has existed for quite some time and about which the City has received several complaints. Indeed, that crack has recently been fixed. On July 12, Ms. Battle was walking from dinner at Bosley's on Brady to her car when she tripped over the damaged sidewalk. She broke the fifth metatarsal in her left foot, and suffered a number of other minor injuries. She was forced to go to the emergency room and her foot was subsequently immobilized for approximately six weeks. She lost time at work and was unable to care for her newborn baby as she was accustomed, and because of the baby, was unable to take the narcotic pain relievers prescribed to her, causing her further pain and suffering. Ms. Battle is still attending physical therapy, and it is believed that she will experience intermittent pain in her foot for the rest of her life.

Ms. Battle continues to receive care for her injuries and continues to be in pain. A schedule of her medical bills as of October 16, 2012 is attached. She will continue to receive care and will continue to experience the pain and suffering that she has already endured. We hereby demand \$45,876 in this Notice of Claim. That demand represents six times the amount of actual medical cost to date. If the claim is rejected, we fully expect that a lawsuit will support damages to the maximum statutory amount.

Please contact me concerning this Notice of Claim. Ms. Battle's address is 3813 N. Bartlett Avenue, Shorewood, WI 53211.

We look forward to your response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jacob Miota', written over a horizontal line.

Jacob Miota

C: Michele Battle

Date of Claim	Member	Claim Number	Provider	Status	Total Charges	Humana Paid	You Pay
10/16/12	MICHELE A BATTLE	760667184	ATHLETICO	IN REVIEW	302	0	0
10/11/12	MICHELE A BATTLE	759882962	ATHLETICO	IN REVIEW	304	0	0
10/10/12	MICHELE A BATTLE	762255764	MIDDLETON DONALD K MD	COMPLETED	207	104.56	0
10/9/12	MICHELE A BATTLE	758808811	ATHLETICO	COMPLETED	287	133.72	0
10/6/12	MICHELE A BATTLE	757947002	ATHLETICO	COMPLETED	300	135.18	0
10/3/12	MICHELE A BATTLE	757096700	ATHLETICO	COMPLETED	365	155.5	0
10/1/12	MICHELE A BATTLE	756405254	ATHLETICO	COMPLETED	298	131.82	0
9/28/12	MICHELE A BATTLE	755306163	ATHLETICO	COMPLETED	303	138.89	0
9/27/12	MICHELE A BATTLE	755306214	ATHLETICO	COMPLETED	302	138.54	0
9/25/12	MICHELE A BATTLE	753918416	ATHLETICO	COMPLETED	302	138.54	0
9/21/12	MICHELE A BATTLE	753488147	ATHLETICO	COMPLETED	302	138.54	0
9/19/12	MICHELE A BATTLE	752891561	ATHLETICO	COMPLETED	302	138.54	0
9/17/12	MICHELE A BATTLE	751687568	ATHLETICO	COMPLETED	289	137.08	0
9/14/12	MICHELE A BATTLE	750877174	ATHLETICO	COMPLETED	302	138.54	0
9/12/12	MICHELE A BATTLE	749821486	ATHLETICO	COMPLETED	283	128.14	0
9/10/12	MICHELE A BATTLE	749114469	ATHLETICO	COMPLETED	295	144.63	0
9/7/12	MICHELE A BATTLE	753460912	MIDDLETON DONALD K MD	COMPLETED	207	104.56	0
8/3/12	MICHELE A BATTLE	745690094	MIDDLETON DONALD K MD	COMPLETED	207	104.56	0
7/13/12	MICHELE A BATTLE	732738870	KNUEPPEL HEALTHCARE SERVICES INC	COMPLETED	240	239.81	0
7/13/12	MICHELE A BATTLE	737576529	MIDDLETON DONALD K MD	COMPLETED	210	118.67	0
7/12/12	MICHELE A BATTLE	741171064	HOME CARE MEDICAL INC	COMPLETED	48	29.65	0
7/12/12	MICHELE A BATTLE	733625010	CSM COMMUNITY PHYSICIANS	COMPLETED	972.11	680	0
7/12/12	MICHELE A BATTLE	733691252	DAVIDSON KAROLYN M MD	COMPLETED	43	24.81	0
7/12/12	MICHELE A BATTLE	734802966	ELFE KRISTINA H PA-C	COMPLETED	976	398.13	0