

January 11, 2002

To the Honorable Committee on
Judiciary and Legislation of
City of Milwaukee
Room 205—City Hall

Re: Keith Bowman, et al. v. Housing Authority Insurance Inc., et al.
Case No. 00-CV--05697; City Attorney No. 00-C-194

Dear Members of the Committee:

Please find enclosed a substitute resolution for consideration at your meeting on January 14, 2002.

The plaintiff, Keith Bowman, was four years old when he fell from a second story bedroom window on July 13, 1999 in a house owned by the City of Milwaukee. The young man suffered a broken wrist in this fall to the concrete below.

When this matter previously came to the committee for consideration of the plaintiff's claim in December, 1999, we recommended denial because investigation to that date indicated that the four-year-old's injuries were not the result of any negligence on the part of the City.

Further investigation during the pendency of the subsequent lawsuit has developed additional information. The City was aware that the subject bedroom window was broken, but failed to repair it in a reasonable time before the incident that give rise to this lawsuit. A repaired window may have protected the four-year-old plaintiff from falling out of the second-story bedroom.

The plaintiffs have claimed total damages of \$150,000. They have agreed to accept \$7,500 to settle all of their claims.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this compromise amount, and have enclosed an appropriate substitute resolution for your convenience.

Very truly yours,

Grant F. Langley
City Attorney

Jan A. Smokowicz
Assistant City Attorney