

October 6, 2003

To the Honorable
Judiciary and Legislation Committee
Common Council, City of Milwaukee
Room 205 – City Hall

Re: Resolution authorizing payment of verdict in *Emma J. Adair, plaintiff, State of Wisconsin Dept. of Health & Family Services, Div. of Healthcare Financing, subrogated plaintiff v. City of Milwaukee, defendant*, Case No. 02-CV-008083

Dear Committee Members:

Enclosed please find a proposed resolution. We ask that this be considered by the Committee on Judiciary and Legislation with the following recommendation.

The plaintiff, Emma Adair filed a lawsuit against the City of Milwaukee seeking damages as a result of an incident which occurred on January 26, 2001, when she sustained serious injuries after tripping on an uneven portion of a sidewalk. Plaintiff sustained multiple compound fractures to her right knee which required orthopedic surgery, therapy, and related medical care. Further surgical procedures, including the removal of orthopedic pins, will also be required. Plaintiff had held a long-term job as a cleaner; she was unable to perform that work after this accident due to limitations of movement.

At trial, the jury found the City 65% responsible for these injuries. The jury found damages of \$68,174.24. The City is legally responsible for 65% of these damages, plus interest and attorney fees of \$1,886.24.

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Because this matter was tried to a jury, and no issues for an appeal exist, we recommend payment of \$46,199.49 pursuant to the verdict.

Very truly yours,

GRANT F. LANGLEY
City Attorney

PATRICIA A. FRICKER
Assistant City Attorney

GFL:PAF:enm
Enclosure

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