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January 6, 2010

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

Re: Resolution Relating to the Claim of KATHRYN HALLER
C.I. File No. 09-L-111

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 & Legislation with the following recommendation.

Claimant, Kathryn Haller, 1518 West Kilbourn Avenue, Milwaukee, WI 53233, alleges that on May 29, 2009, she tripped and fell in a hole along the sidewalk at 1940 North Prospect Avenue. She claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. The review revealed that they had shimmed the sidewalk at this location on June 2, 2009 and September 2, 2008 due to a complaint and the subject claim. The ISD placed the shims on the sidewalk on September 2, 2008 and the City received no other complaints until receipt of this claim. Since the City had no notice of this hazard along the sidewalk, it cannot accept liability and, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2009-2663:153579