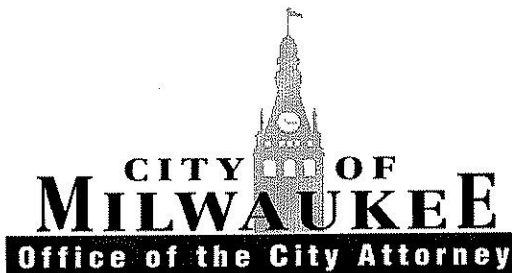


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September 22, 2009

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

Re: Proposed Settlement of *Wisconsin Bell, Inc. d/b/a AT&T Wisconsin v. City of Milwaukee*
Case No. 08-CV-004640

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

The plaintiff, Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, alleges that on September 4, 2007 while the Infrastructure Services Division (ISD) was engaged in excavation activity in the area of North 17th Street and West McKinley Avenue, a city work crew damaged the plaintiff's underground telephone cable. The plaintiff claimed damages in the amount of \$26,730.21.


Our investigation revealed that ISD was engaged in excavation activity at 1301 North 17th Street related to the repair of a catch basin. While doing this repair the crew damaged the properly marked phone cable belonging to the plaintiff. What remained at issue in the litigation, however, was the appropriate method by which to calculate the reasonable costs to repair the cable. As a result of mediation, the plaintiff has agreed to accept \$13,350.00 in settlement of its claim.

Because settlement of this matter is deemed expeditious to the City of Milwaukee, we recommend payment of this claim in the amount of \$13,350.00 and have enclosed an

To the Hon. Common Council
September 22, 2009
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appropriate resolution for your convenience.

Very truly yours,



GRANT F. HANGLEY
City Attorney



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Enclosure

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