

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
KAIL J. DECKER
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRESELL
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
Assistant City Attorneys

November 16, 2018

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

RE: C.I. File No. 1029-2018-2244
Communications from Deon Dukes

Dear Common 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.

On July 25, 2018 Mr. Dukes was injured while riding his bicycle in the vicinity of 8700 W. Lawrence Avenue. He states that he fell after hitting a pothole in the city street.

The Infrastructure Services Division (ISD) conducted and concluded the investigation into this matter. Their investigation consisted of review of the “Call Center Records” between February 1, 2018 and August 31, 2018. The Infrastructure Services/Field Operations received no calls into the call center for the roadway in the 8700 block of West Lawrence Avenue.

Mr. Duke is seeking a clearing of all of his fines with the City of Milwaukee and the State of Wisconsin, in addition to \$40,000 for pain and suffering. Wisconsin municipalities have discretionary immunity from liability for any damages that is due to a defect in a sidewalk or street. The City did not have prior knowledge of a hazard in this area prior to July 25, 2018.

There is no evidence that the City was negligent in this matter. In addition to the City’s discretionary immunity, the City would not be liable for damages and subsequent injuries Mr. Dukes incurred on July 25, 2018. Therefore, we recommend that this claim be denied.

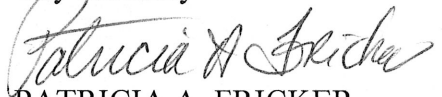


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Very truly yours,



GRANT F. LANGLEY
City Attorney



PATRICIA A. FRICKER
Assistant City Attorney

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Enclosure

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