

SMITH & ROWEN, S.C.

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September 12, 2024

via email: jpolan@milwaukee.gov
Ms. Joanna Polanco
City of Milwaukee -Office of the City Attorney
200 E. Wells Street
Milwaukee, WI 53202

**Re: Janet Wilhelms
C.I. File No. 1048-2024-830**

Dear Ms. Polanco:

Please be advised that our office has been retained by Janet Wilhelms with respect to the above-referenced matter. Please advise the Judiciary and Legislation Committee to cancel the meeting regarding Ms. Wilhelms' claim currently scheduled for **September 16, 2024 at 9:00 a.m.**

The September 16, 2024 meeting is no longer necessary as Ms. Wilhelms' claim against the city has already been statutorily disallowed. As indicated in City Attorney Evan Goyke's July 23, 2024 correspondence to Ms. Wilhelms, the city was in receipt of Ms. Wilhelms notice of claim on May 8, 2024 (Goyke letter attached). Per Wisconsin Statute §893.80, the city had 120 days from May 8, 2024 to issue a decision on Ms. Wilhelms claim. That time has passed and Ms. Wilhelms claim has effectively been disallowed: "Failure of the appropriate body to disallow a claim within 120 days after presentation of the written notice of the claim is a disallowance." Wis. Stat. §893.80(1g).

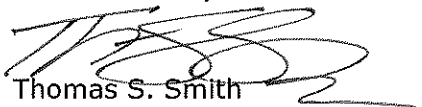
Further, Ms. Wilhelms' damages claim requires an amendment as she has incurred additional medical treatment owing to the subject accident. The full extent of Ms. Wilhelms damages will be disclosed during the discovery phase of the impending lawsuit.

Finally, if for some reason the Committee is compelled to move forward with the meeting, our office will require a new date we are not available on September 16, 2024. Ms. Wilhelms of course has a right to have her attorney present at any such meeting.

Please respond in writing that you have received this correspondence and confirm that the September 16, 2024 meeting regarding the Wilhelms matter is canceled. In the meantime, please do not hesitate to contact me with any questions or concerns.

Very truly yours,

Smith & Rowen, S.C.


Thomas S. Smith

Enclosures

cc: Janet Wilhelms

EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
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Deputy City Attorneys

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CYNTHIA HARRIS ORTEGA
Assistant City Attorneys

July 23, 2024

Ms. Janet Wilhelms
10131 W. Melvina
Wauwatosa, WI 53222

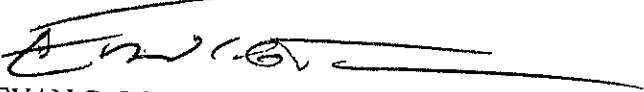
RE: Communication from JANET WILHELMS
C.I File No. 1048-2024-830

Dear Ms. Wilhelms:

This office is in receipt of your notice of claim dated May 7, 2024, and received on May 8, 2024, in regards to an injury claim which occurred on February 12, 2024. The City Attorney is authorized to investigate claims against the City of Milwaukee in accordance with the Milwaukee Code, Section 304-7. Pursuant to that section, the City Attorney is authorized to settle claims not in excess of \$5,000, or in the case of motor vehicle accidents only, not in excess of \$50,000. Following investigation by this office, those claims which exceed these thresholds are referred to the Milwaukee Common Council for further action.

The City Attorney's Office has fully investigated your claim(s) and has determined that this claim should be disallowed because the City had no notice of this hazard had a missing barrier prior to the alleged event. Our recommendation has been transmitted to the Common Council by correspondence delivered to the City Clerk's Office. You will be notified by the Milwaukee Common Council when your claim is scheduled for hearing. If your contact information has changed or does change in the future, please notify the City Clerk at (414) 286-2366 to ensure that you receive notice of hearing.

Very truly yours,


EVAN C. GOYKE
City Attorney


MICHELLE THOMPSON-GRAY
Investigator/Adjuster

ECG/MTG/cdr

1048-2024-830/292168





Office of the City Clerk

Jim Owczarski
City Clerk
jowcza@milwaukee.gov

Dana J. Zelazny
Deputy City Clerk
d.zelazny@milwaukee.gov

July 9, 2024

Janet M Wilhems
10131 W Melvina Street
Wauwatosa WI 53222

This is to notify you that your claim has been scheduled before the Judiciary and Legislation Committee on September 16, 2024, in Room 301-B, City Hall, 200 East Wells Street. The meeting begins at 9:00 A.M.

Your attendance is necessary at this meeting and your claim may be denied for non-appearance. If you are unable to attend, please notify Joanna Polanco (Urtiz) *before* the day of the meeting at 286-2366 or jpolan@milwaukee.gov.

Any documents in the file that the city adds can be viewed at <https://milwaukee.legistar.com/Legislation.aspx> under file 240542

If you have any questions, please feel free to contact Joanna Polanco or jpolan@milwaukee.gov or call 414-286-2366

