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November 7, 2011

O'Melia, Schiek & McEldowney, S.C.  
Attn: Attorney Todd McEldowney  
4 South Stevens Street  
Rhineland, WI 54501

RE: Ryan McEldowney  
C.I. File No.: 11-S-188

Dear Attorney McEldowney:

We have received your client's claim in the amount of \$537.45, relating to damage allegedly sustained to his vehicle on March 11, 2011 when it collided with a pothole while he was traveling in the right westbound lane of Oklahoma Avenue near 60<sup>th</sup> Street.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. They found that on March 4, 2011 the ISD received a report about potholes in this general area. They patched them, using standard procedures, on March 7, 2011. The subsequent winter weather conditions hampered the repair work and the ability of the patch material to remain in the repairs. The City was not negligent. As such, it cannot accept liability. Therefore, we are denying your client's claim.

If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,

  
**GRANT F. LANGLEY**  
City Attorney

*Steven M. Carini*  
**STEVEN M. CARINI**  
Investigator Adjuster

SMC:ms  
1029-2011-1834:175168

mailed 11-8-11

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