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September 30, 2020

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

Re: C.I. File No. 1029-2020-1020  
Communication from: Earnest Franklin  
5061 North 24<sup>th</sup> Street  
Milwaukee, WI 53209

Dear Council Members:

Earnest Franklin alleges that on June 7, 2020 his motorcycle was damaged when it collided with a pothole while he was traveling on 14<sup>th</sup> between Concordia and Keefe. The claimed damages are \$7,230.86.

Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for damages.

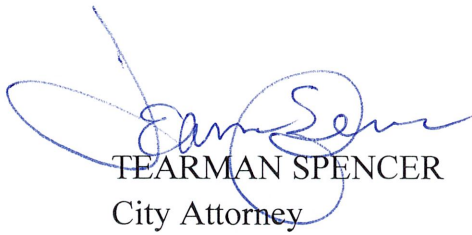
City records indicate that prior to June 7, 2020 the City had no notice of this hazard in the roadway. Because of this lack of notice, and the City's discretionary immunity, the City is not liable for the damage. Therefore, we recommend that



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this claim be denied.

Very truly yours,



TEARMAN SPENCER  
City Attorney



KATRYNA RHODES  
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KCR:kdb

Enclosure

c: James Washington (Infrastructure)

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