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July 10, 2006

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

Re: Communication from Kmiec Law Offices
On behalf of Natika Baker
C.I. File No. 06-L-39

Dear 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.

Claimant, Natika Baker, 3238 North 40th Street, Milwaukee, WI 53216, allege through her attorney, Kmiec Law Offices, 3741 West National Avenue, Milwaukee, WI 53215-1007, that on September 7, 2005 she sustained injuries after being treated by a Milwaukee Fire Department squad which did not have the proper equipment to provide the care needed. They claim damages in the amount of \$50,000.00.

Our investigation reveals that this claim was filed on April 19, 2006. Wisconsin Statute §893.80 (1) (a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not filed timely. In addition, Milwaukee Fire Department records indicate that on September 7, 2005, equipment and personnel were dispatched to 3238 North 40th Street in response to a complaint of an asthmatic person. They arrived, found the claimant experiencing an asthma attack and used their equipment to provide the care needed following normal procedure. During the

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course of treatment the claimant's condition worsened and she was transported by them to a hospital for additional care. No evidence was located that corroborated the claimant's allegation that the squad did not have the proper equipment to provide the care needed. The City and its employees acted properly in this matter and would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
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Assistant City Attorney

MGT:beg
Enclosure
1061-2006-1226:107035