

Donna Spencer
2132 W. Highland Avenue
Milwaukee, WI 53223
11/12/2025

To:
Milwaukee City Clerk
200 East Wells Street, Room 205
Milwaukee, WI 53202

RE: Appeal of Claim Denial — C.I. File No. 2025-001738

Dear City Clerk,

I am submitting this written appeal to formally request a hearing regarding the denial of my claim for damages sustained on August 21, 2025, when my vehicle struck a pothole near North 7th Street between Burleigh and Ring Streets. The City Attorney's Office denied my claim on the grounds that the city had no prior notice of the roadway defect.

I respectfully contest this finding. The pothole in question had been present for an extended period prior to my incident, and several residents and drivers in the area had observed and commented on its dangerous condition. It is unreasonable to conclude that the city had no opportunity to identify and repair such a visible hazard on a frequently traveled street.

Furthermore, the City has an ongoing duty to maintain public roadways in a reasonably safe condition. The Department of Public Works conducts regular inspections and should have discovered the defect through normal maintenance procedures. The failure to do so constitutes negligence and a breach of that duty of care.

I request that this appeal be scheduled for hearing and that my claim be reconsidered considering these facts and any additional evidence I will provide at the hearing.

Please confirm receipt of this appeal and notify me of the hearing date.

Sincerely,
Donna Spencer



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EVAN C. GOYKE
City Attorney

MARY L. SCHANNING
ROBIN A. PEDERSON
NAOMI E. SANDERS
JULIE P. WILSON
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

October 27, 2025

Ms. Donna Spencer
2132 W. Highland Avenue
Milwaukee, WI 53223

RE: Communications from DONNA SPENCER
C.I. File. No. 2025-001738

Dear Ms. Spencer:

We are in receipt of your claim in the amount of \$1,158.63, for damages sustained on August 21, 2025, when your vehicle struck a pothole at or near N. 7th Street between Burleigh Street and Ring Street.

The City takes any report of defective streets or sidewalks seriously, and upon notice of any defect the Department of Public Works will investigate, and/or patch, repair or barricade known hazards. However, state law relative to potholes changed significantly following the adoption of 2011 Wisconsin Act 132, which deleted so much of Wis. Stat. § 893.83 as previously imposed liability upon municipalities for all road defects. Under current state law, municipalities are only liable for defects under circumstances demonstrating prior notice to the municipality and breach of a duty to respond. In all other circumstances, the City is not liable for property damage caused by road defects.

City records indicated that prior to August 21, 2025, 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 damages. As such, we are denying your claim.

KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
PATRICK J. MCCLAIN
ANDREA J. FOWLER
JOANNA FRACZEK
HANNAH R. JAHN
MEIGHAN M. ANGER
ALEXANDER R. CARSON
GREGORY P. KRUSE
ALEX T. MUELLER
ALEXANDER D. COSSI
KATHERINE A. HEADLEY
SHEILA THOBANI
STACY J. MILLER
JORDAN M. SCHETTLE
THERESA A. MONTAG
ALEXANDER E. FOUNDOS
TRAVIS J. GRESHAM
KYLE W. BAILEY
JOSEPH M. DOBBS
WILLIAM K. HOTCHKISS
CLINT B. MUCHE
TYLER M. HELSEL
ZACHARY A. HATFIELD
MEGHAN C. MCCABE
CYNTHIA HARRIS ORTEGA
OLUWASEUN CHRIS IBITOYE
KEVIN P. TODT
NATHANIEL E. ADAMSON
MATTEO REGINATO
JOSHUA B. CRONIN
ROBERT W. SANDERS
Assistant City Attorneys

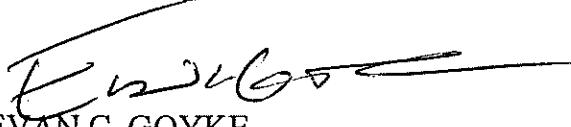
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Ms. Donna Spencer
October 27, 2025
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If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,


EVAN C. GOYKE

City Attorney


MICHELLE THOMPSON-GRAY
Claims Investigator Adjuster

ECG/MTG/cdr

2025-001738/