

December 3, 2004

The Honorable Committee on Judiciary and
Legislation of the Common Council of the
City of Milwaukee
Room 205
City Hall

Re: Wisconsin Bell, Inc. v. City of Milwaukee
Case No. 03-CV-007490

Dear Members of the Committee:

Attached hereto is the original Resolution for your consideration, which would authorize settlement of the above-noted lawsuit. We make the following recommendation relating to the proposed settlement:

The above-noted matter arises from an incident which occurred on September 9, 2003 during the reconstruction of West Howard Avenue. A City of Milwaukee excavation crew struck a telephone cable embedded in the cement deck of a bridge located at 2500 W. Howard Avenue. During the course of the lawsuit it was discovered that the City of Milwaukee was notified of the existence of this cable prior to the excavation. As a result, the City of Milwaukee is liable for this damage.

The amount of damage claimed by Wisconsin Bell is \$10,000.00. Wisconsin Bell has agreed to accept \$7,500.00 for full settlement of this matter.

Because the result is favorable, we recommend payment of this proposed settlement amount. The enclosed proposed original Resolution reflects this recommendation and is provided for your convenience.

Honorable Committee on Judiciary

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Very truly yours,

GRANT F. LANGLEY

City Attorney

MICHAEL G. TOBIN

Assistant City Attorney

MGT:ck

Encs.

c: Ronald Leonhardt, City Clerk

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