

CITY OF MILWAUKEE  
02 JAN 22 PM 4:01  
RONALD D. LEONHARDT  
CITY CLERK

**CLAIM OF EMMA J. ADAIR AGAINST THE  
CITY OF MILWAUKEE**

02 JAN 23 PM 4:20  
CITY ATTORNEY

Pursuant to the provisions of Wisconsin Statutes § 893.80(1)(b), Emma J. Adair, by Kersten & McKinnon, S.C., her attorneys, hereby makes claim against the City of Milwaukee as follows:

1. The claimant Emma J. Adair ("Ms. Adair") is an adult residing at 6052 North 42<sup>nd</sup> Street, Milwaukee, Wisconsin 53209.
2. At approximately 9:30 a.m. on January 26, 2001, Ms. Adair, having just walked across West Wisconsin Avenue at its intersection with North Fourth Street in the City of Milwaukee, was intending to walk eastward on the north side of the street in the 300 block of West Wisconsin Avenue. Just east of North Fourth Street, Ms. Adair was caused to fall by a hazardous defect in the sidewalk. The hazardous defect resulted from the fact that a corner of a section of the sidewalk was raised substantially higher than abutting sections of the sidewalk in such a way that the raised part of the sidewalk was likely to cause people walking in the area to trip and fall.
3. When Ms. Adair fell as described above, she sustained serious and disabling injuries, including multiple compound fractures to her right knee which required extended hospitalization, orthopedic surgery, therapy and related medical care. Further surgical procedures, including the removal of orthopedic pins will be required. Total hospital and medical expenses exceed Twenty Thousand Dollars (\$20,000). Ms. Adair does not have medical insurance to cover these expenses. At the time of her injury, Ms. Adair was employed

part time as a cleaning person for a company known as Clean Power, and her injuries rendered her unable to return to work so that she has suffered a substantial past loss of earnings, exceeding Twelve Thousand Dollars (\$12,000). Her injuries have caused severe pain, suffering and disability.

4. Under applicable Wisconsin law, the City of Milwaukee is bound to keep sidewalk areas, such as the area described above where Ms. Adair fell, in a good state of repair and is liable to persons sustaining injuries and other damages as a result of the City's failure to keep such sidewalk area in a good state of repair.

5. At and prior to the time Ms. Adair fell as described above, the City of Milwaukee was negligent in failing to repair the hazardous sidewalk defect so as to render that area of the sidewalk safe for pedestrians walking in that area and in failing to warn them of the hazard.

6. The negligent acts and omissions on the part of the City of Milwaukee referred to above and its failure to meet its responsibility to maintain City sidewalks in a good state of repair were a cause of the injuries and damages sustained by Ms. Adair as described above.

7. As and for her itemized statement of the relief sought, Emma J. Adair seeks compensation for:

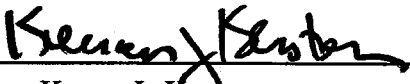
- a. Her past and future ambulance, hospital, medical and related expenses incurred as a result of her injuries described above;
- b. Her loss of earnings and the diminution of her future earning capacity resulting from said injuries;
- c. Her past and future pain, suffering and disability caused by her said injuries.

8. The effects of Ms. Adair's accident injuries are ongoing, continuing and are likely to be permanent. Ms. Adair will need further medical care, including future orthopedic surgery. Accordingly, at this time a specific dollar amount representing her total damages suffered cannot be stated. Ms. Adair's total damages greatly exceed Fifty Thousand Dollars (\$50,000). Because, under Wisconsin Statutes § 893.80, it is the statutory limit for damages recoverable against a municipality by any one person, Emma J. Adair, as part of her itemized statement of relief, claims damages in the sum of \$50,000.

9. On May 22, 2001, Ms. Adair caused a formal written notice of the circumstances of the above claim to be served upon the City Clerk for the City of Milwaukee in compliance with Wisconsin Statutes § 893.80(1)(a). A copy of said Notice is attached hereto.

Signed at Milwaukee, Wisconsin, this 22<sup>nd</sup> day of January, 2002.

KERSTEN & McKINNON, S.C.,  
Attorneys for Claimant, Emma J. Adair,

by:   
Kenan J. Kersten  
State Bar No. 1008505

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CITY OF MILWAUKEE

01 MAY 22 AM 8:58

**NOTICE OF CIRCUMSTANCES OF CLAIM**

RONALD D. LEONHARDT  
CITY CLERK

TO: City of Milwaukee  
c/o City Clerk, City of Milwaukee  
205 City Hall  
200 East Wells Street  
Milwaukee, WI 52302

PLEASE TAKE NOTICE of the following circumstances of a claim the City of Milwaukee in favor of Emma J. Adair:

1. Emma J. Adair is an adult residing at 6052 North 42<sup>nd</sup> Street, Milwaukee, Wisconsin 53209.
2. At approximately 9:30 a.m. on January 26, 2001, Ms. Adair crossed Wisconsin Avenue at North Fourth Street proceeding northward. After crossing the street she proceeded to her right toward the Pill 'n' Puff store located in the Reuss Federal Plaza at 310 West Wisconsin Avenue. Immediately east of the intersection, Ms. Adair was caused to fall by a defective to fall by a defective corner piece of the sidewalk which was sticking up much higher than the adjoining corners, but was not obvious to pedestrians.
3. The City of Milwaukee is responsible for maintaining the sidewalk in a safe condition without defects.
4. Ms. Adair suffered serious injuries to her right knee in the fall on the sidewalk described above. She was taken by ambulance to St. Joseph's Hospital where she received treatment for her injuries. Ms. Adair had open surgery to her right knee on February 1, 2001. She has had to wear a knee brace for at least eight weeks and has received substantial physical therapy.

5. As a result of her injuries, Ms. Adair has missed several months of work as a cleaning lady for Clean Power, where she was employed at a rate of \$9 per hour and worked an average of 41.25 hours per week. She does not know when she will be able to return to work.

6. The foregoing injuries, which are permanent, caused Ms. Adair to suffer severe pain, suffering and disability, to incur hospital and medical expenses and to suffer a loss of income.

7. At and prior to the time of the incident described above, the City of Milwaukee, through its agents, servants and employees, was negligent in failing to maintain the sidewalk in a reasonably safe condition without defects, which negligence was a cause of the injuries sustained by Ms. Adair, as described above.

This notice is served upon you to comply with the requirements of § 893.80, Wis. Stats., and to preserve the legal rights of Emma J. Adair.

Signed at Milwaukee, Wisconsin, this 22<sup>nd</sup> day of May, 2001.

KERSTEN & McKINNON, S.C.,  
Attorneys for Claimant, Emma J. Adair,

by: Leslie Van Buskirk

Leslie Van Buskirk  
State Bar No. 1008853

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