

May 22, 2002

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

Re: Communication from Attorney Robert L. Sanderson  
on behalf of Cecilia Puskarich  
C.I. File No. 00-L-155

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, Cecilia Puskarich, 309 West Mineral Street, Milwaukee, WI 53204, alleges through her attorney, Robert L. Sanderson, 606 West Wisconsin Avenue, Suite 1900, Milwaukee, WI 53203, that on October 6, 2000, she sustained injuries when she fell on a piece of dried concrete which was on the sidewalk next to an area which the City had previously replaced at 722-730 South 5<sup>th</sup> Street. She claims damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division records indicate that sewer repairs were performed at this location in December 1998. Permanent repairs to the curb and gutter were done on May 8, 2000 and to the sidewalk on May 11, 2000. On Friday, November 3, 2000 they received an "Aldermanic Service Request" concerning a piece of concrete. On Monday, November 6, 2000 a small piece of concrete approximately 6" to 8" in diameter and ½' in height was removed from the sidewalk area. The City had not received any complaints about this piece of dried concrete between May 11 and November 3, 2000.

Infrastructure Services Division followed their usual procedures while installing the original concrete sidewalk and deny any responsibility or knowledge of the piece of concrete encountered by the claimant. Upon notification of a defect the division will send a repair crew to correct it usually with 24 hours. Prior to this complaint, the City had no notice of this defect and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

MGT:beg  
Enclosure