

08-2-14/

NOTICE OF CIRCUMSTANCES OF CLAIM

CITY OF MILWAUKEE
AUG 2 4 PM 1:47
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 against the City of Milwaukee in favor of Bulan M. Brimmer:

1. Bulan M. Brimmer ("Ms. Brimmer") is an adult residing at 3740 West Green Tree Road, Milwaukee, Wisconsin 53209.
2. On August 31, 2004, at approximately 4:30 p. m., Ms. Brimmer was walking southward on the public sidewalk on the west side of North 20th Street just south of its intersection with West Wisconsin Avenue in the City of Milwaukee, Wisconsin. That sidewalk area lies immediately east of the Brett Funeral Home building. Ms. Brimmer had in her company her two great-grandchildren, ages 10 and 14. As Ms. Brimmer was walking in that area, holding one of the children by the hand, she was caused to fall and to sustain serious injuries because of a dangerous defect in the sidewalk more particularly described below.
3. The hazardous nature of the sidewalk defect causing Ms. Brimmer to fall and the liability of the City of Milwaukee for

Ms. Brimmer's injuries pursuant to Wisconsin Statutes § 81.15 are demonstrated by the following facts:

- a. The sidewalk defect causing Ms. Brimmer to fall, which is shown on the photograph attached hereto as Exhibit A, resulted from a nearly 3-inch discrepancy between the levels of adjacent sections of the concrete sidewalk where Ms. Brimmer fell.
- b. The City of Milwaukee had actual notice and awareness of this hazardous defect substantially in advance of the date Ms. Brimmer fell and sustained her injuries. The photographs attached hereto as Exhibit B show not only the defect that caused Ms. Brimmer to fall, but also the area immediately north of the defect on the same sidewalk where agents and employees of the City of Milwaukee had earlier done sidewalk repair work at a location and under circumstances where they must have noticed and observed the defect that caused Ms. Brimmer to fall, but allowed it to remain.
- c. The City of Milwaukee had additional notice and awareness of the defect causing Ms. Brimmer to fall because, substantially in advance of August 31, 2004, a representative of Brett Funeral Home had called the City of Milwaukee office responsible for sidewalk maintenance, complaining that the earlier sidewalk repair work done by the City stopped short of repairing defects in the sidewalk lying just south of the area the City had repaired, thus leaving a condition likely to endanger persons walking in that area, including patrons of Brett Funeral Home and their family members and acquaintances. Despite receiving this information and requests that the area which continued as a hazardous defect be repaired, the City of Milwaukee neglected to make such repairs.

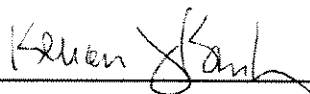
- d. Investigation of the facts and circumstances surrounding Ms. Brimmer's fall and injuries has disclosed that other persons have been caused to fall by the same sidewalk defect.

4. As a result of falling to the sidewalk as described above, Ms. Brimmer fractured her left ankle, injured both knees, her back and her face. These injuries required hospital, medical and therapy treatment for which substantial expenses were incurred.

This Notice is being served upon you to preserve the legal rights of Bulah M. Brimmer against the City of Milwaukee and to comply with the requirements of § 893.80, *Wis. Stats.*

Signed at Milwaukee, Wisconsin, this 4th day of November, 2004.

KERSTEN & McKINNON, S.C.,
Attorneys for Claimant, Bulah M.
Brimmer,

by: 

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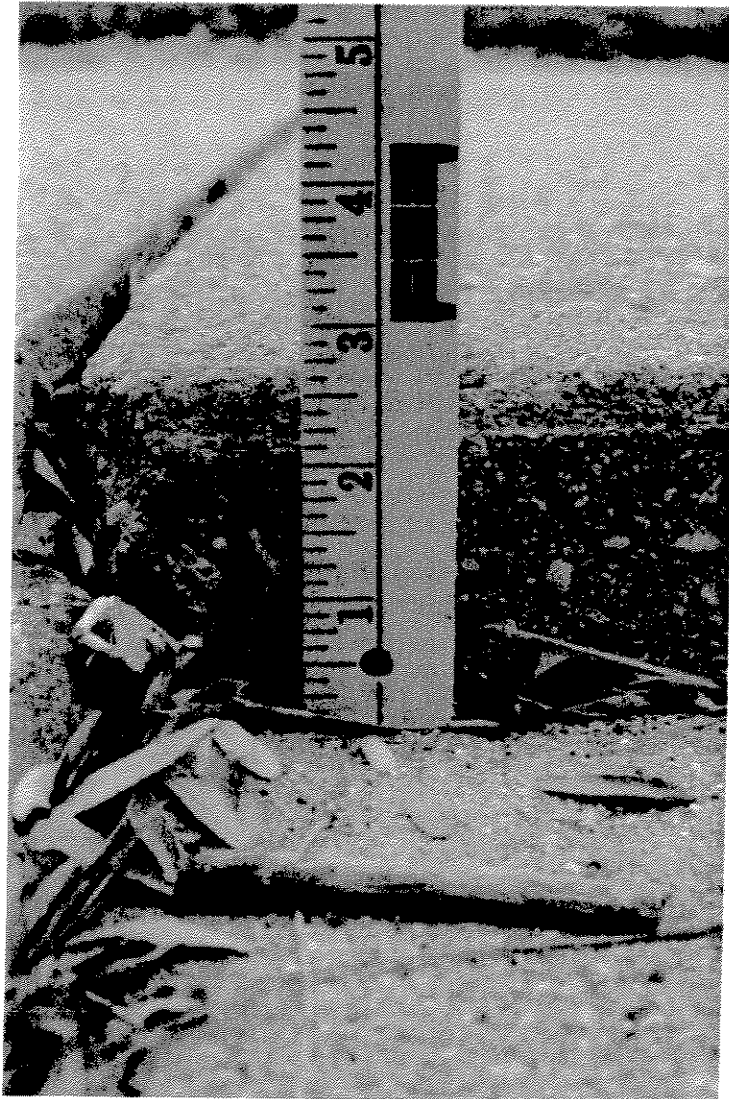


Exhibit A

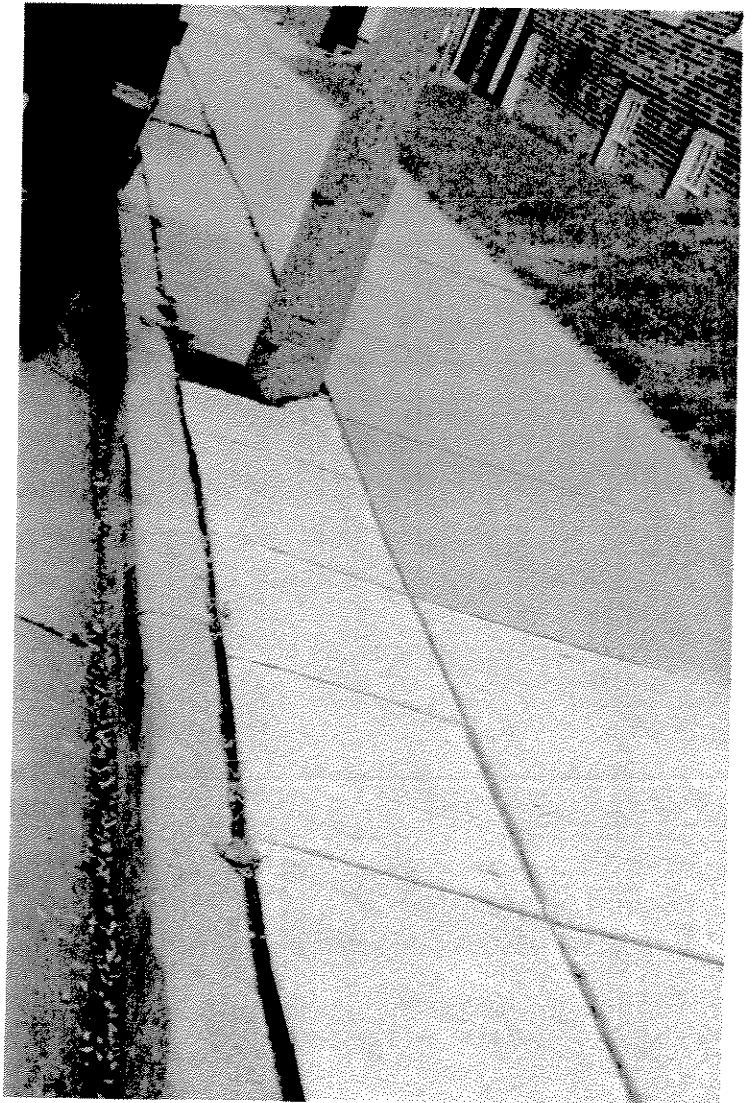


Exhibit B



