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August 1, 2008

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

Re: Resolution relating to the claim of Bernard Harvieux  
Through his attorney, Cook & Franke, S.C.  
C.I. File No. 08-L-53

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, Bernard Harvieux, 9323 West Lisbon Avenue, Milwaukee, WI 53222 alleges through his attorney, Cook & Franke, S.C., 660 East Mason Street, Milwaukee, WI 53202-3877 that on February 11, 2008 he sustained injuries when he fell on an icy and snow covered City sidewalk located at 9311 West Lisbon Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that pursuant to Wisconsin Statutes §893.83 (1) the accumulation of ice and snow did not exist for the requisite twenty-one days. As such, the City of Milwaukee cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:beg  
Enclosure  
1058-2008-1827:135761