

**GRANT F. LANGLEY**  
City Attorney

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Deputy City Attorneys



May 14, 2008

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

Re: Resolution relating to the claim of Tony M. Nice & Ken Markwardt  
Sales & Service  
Through General Casualty, by it Representative Betty Carl  
C.I. File No. 08-S-12 & 08-S-12-1

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.

Claimants, Tony M. Nice, 266 South Main Street, Cedar Grove, WI 53013 and Ken Markwardt Sales & Service, 4717 South Taylor Drive, Sheboygan, WI 53081, allege through General Casualty, but its representative Betty Carl, One General Drive, Sun Prairie, WI 53596 as subrogee that on November 5, 2007 a City light pole fell from a bridge onto their insured's vehicle, driven by Mr. Nice, while it traveled below. They claim Worker's Compensation damages in the amount of \$9,778.76.

Our investigation reveals that the Infrastructure Services Division records indicate that prior to November 5, 2007 the City had no notice of this hazard and because of this lack of notice the City would not be liable. 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  
1029-2008-56 & 103:132921

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