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May 14, 2008

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

Re: Resolution relating to the claim of Ken Markwardt Sales & Service
Through General Casualty, by its Representative Kerry Cartier
C.I. File No. 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.


Claimant, Ken Markwardt Sales & Service, 4717 South Taylor Drive, Sheboygan, WI 53081, alleges through General Casualty, by its representative Kerry Cartier, One General Drive, Sun Prairie, WI 53596 as subrogee that on November 5, 2007 a City light pole fell from a bridge on the their insured's vehicle while it traveled below. They claim damages in the amount of \$11,132.69.

Our investigation reveals that this claim was filed on April 3, 2008. Wisconsin Statute §893.80 (1)(a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not timely filed. In addition, the


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Infrastructure Services Division records indicate that prior to November 5, 2007 the City had no notice of this hazard and because of this each of notice the City would not be liable. Therefore, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY
City Attorney



JAS A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2007-103:132911