

GRANT F. LANGLEY
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October 9, 2008

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

Re: Resolution relating to the claim of Janel L. Hawkins
Through Progressive Insurance, Bridget Magar, Representative
C.I. File No.: 08-L-79

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, Janel L. Hawkins, 10413 West Tower Avenue, Milwaukee, WI 53224, alleges through Progressive Insurance, by its representative Bridget Magar, Post Office Box 89440, Cleveland, OH 44101-6440 as subrogee that on July 1, 2008 their insured's vehicle struck an improperly seated manhole cover at the location of 6914 West Fond du Lac Avenue. They claim damages in the amount of \$14,817.73.

Our investigation reveals that the Infrastructure Services Division records indicate that prior to July 1, 2008 the City had no notice of this hazard and because of this lack of notice the City would not be liable. The City first received notice on July 2, 2008 and replaced the lid on that date. 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
1029-2008-2668:137750

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