

GRANT F. LANGLEY
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
JAN A. SMOKOWICZ
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
CALVIN V. FERMIN
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
RACHEL S. KENNEDY
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
SAVEON D. GRENELL
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
SHEILA THOBANI
KATRYNA C. RHODES
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
Assistant City Attorneys

April 2, 2019

Curt Chybowski
N64 W15880 Wildflower Drive
Menomonee Falls, WI 53051-5077

RE: C.I. File No. 1029-2019-543
Communication from Curt Chybowski

Dear Mr. Chybowski:

We have received your claim in the amount of \$109.76 relating to damage to your vehicle on Monday, February 25, 2019 when it collided with a pothole while you were traveling just east of 60th and Silver Spring.

Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for damages.

The Infrastructure Services Division (ISD) reviewed their records and those of the DPW Call Center relative to this incident. They found that on Friday, February 22, 2019 the Call Center received one call regarding a pothole at 5950 West Silver Spring Drive. The ISD patched this site on Wednesday, February 27, 2019. The ISD followed proper procedure and was acting within the City's discretion. The City was not negligent. It cannot accept liability. Therefore, we are denying your claim.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,

for

GRANT F. LANGLEY
City Attorney

mailed
4/3/19

STEVEN M. CARINI
Investigator Adjuster
SMC:mal

C: Jerrel Kruschke (Infrastructure)

1029-2019-543:258216

