



Office of the City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee, WI 53202-3570



02 1M \$ 00.33<sup>5</sup>  
0004261480 DEC 08 2009  
MAILED FROM ZIP CODE 53202

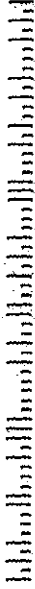


FIRST CLASS  
PRESORTED

Anita Ford  
091063  
3205 W. Wisc  
Milwaukee, W

X 530 NFE 1 5060 00 12/13/09  
FORWARD TIME EXP RTN TO SEND  
FORD ANITA M  
2695 W JUNEAU AVE APT 906  
MILWAUKEE WI 53239-1057

J-KZUP5A 5320E  
5320203570



RETURN TO SENDER

**PLEASE NOTE:**

For your information, the Judiciary and Legislation Committee has a few general policies which it follows for some claims:

**Personal Injury Claims** – Claims related to personal injuries are typically denied by the committee due to the large sums of money involved as well as the need to call witnesses and examine documents. This can best be done through a court. If your claim is for a personal injury, the committee may not even wish to hear from you, due to the nature of your claim. The committee will typically deny your claim so you can pursue the matter in court.

**Pothole Claims** – The City, per Wisconsin Statute, is not liable for damage to private vehicles due to potholes if it was not aware of the pothole prior to you hitting it. If you have no proof that the city was aware of the pothole prior to you calling the city, your claim will likely not be granted by the committee.

**Tree Damage Claims** – The City is not responsible for damage to private vehicles if it was not aware that a tree was in poor condition (either a forester could not tell merely by looking at the tree or no-one told the city that the tree was in bad condition prior to your calling the city about your damage). If the city was not aware the tree was in bad condition, your claim will likely not be granted by the committee.

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DDNALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN Z. BLOCK**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
**HEIDI E. GALVÁN**  
**JARELY M. RUIZ**  
**ROBIN A. PEDERSON**  
**DANIELLE M. BERGNER**  
Assistant City Attorneys

November 24, 2009

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

Re: Resolution Relating to the Claim of Anita Ford  
Through her attorney, Jerome Konkel  
C.I. File No. 08-L-18

Dear Council Members:

We return the enclosed document which as been filed with the City Clerk and ask that it be introduce and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Anita Ford, 3205 West Wisconsin Avenue, Milwaukee, WI 53208 alleges through her attorney, Jerome Konkel, 1110 North Old World Third Street, Suite 405, Milwaukee, WI 53203, that on January 7, 2008, she sustained injuries when a vehicle she was a passenger in struck a ditch in the roadway at/near North 32<sup>nd</sup> Street and West Wisconsin Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) reviewed their records relative to this incident. They found that they responded to a request from the City Hall Operator regarding this situation. The site was found to be a contractor's work area and their steel plate had shifted. When the ISD received the initial call of this incident, they were advised there was a hole in the roadway. They responded with a "pothole" truck, but found they needed their "barricade" truck. The responding ISD employee remained on scene until the Milwaukee Police had arrived on scene and took control of the site. The ISD subsequently barricaded the area and contacted the contractor. The review further found that Time Warner Cable Telecom, 3235 Intertech Drive, Room 600, Brookfield, WI 53045, (262) 894-1175, was issued Public Way Permit 200723-0399 for work in this area. In addition, Ken Becker & Sons, Inc., 11715 West Silver Spring Road, Milwaukee, WI 53225, (414) 462-4826, was also issued Public Way

**OFFICE OF THE CITY ATTORNEY**

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

Honorable Common Council  
November 24, 2009  
Page 2

Permit 200724-0017 for work here as well. Since the City was not engaged in this excavating activity, responded promptly when notified of a problem in the roadway, and took appropriate measures to protect the public from the hazard, it cannot accept liability and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:ms  
Enclosure  
1029-2008-557:149702



# City of Milwaukee Hearing Notice

City Hall  
200 East Wells Street  
Milwaukee, WI 53202

## JUDICIARY & LEGISLATION COMMITTEE

---

Person of Interest

Transmitted: December 08, 2009

---

You are invited to attend a hearing on December 14, 2009 which shall begin at 1:30 PM in Room 301-B, City Hall, at the request of the chair of:

### JUDICIARY & LEGISLATION COMMITTEE

Regarding:

Items below will be heard no earlier than 1:45 P.M.:

- 090845** Resolution relating to an appeal from Angela Lopez for property damage. (8th Aldermanic District)  
---\$606.80
- 090931** Resolution relating to the claim of Damion Kreger for property damage. (2nd Aldermanic District)  
---\$5,521.35
- 091088** Resolution relating to an appeal from Celeste Baldwin for property damage. (7th Aldermanic District)  
---\$1,456.22
- 090981** Resolution relating to an appeal from Rosslind Prescott-Allen for property damage. (5th Aldermanic District)  
---\$1,849.40
- 090939** Resolution relating to the claim of Atty. Gregg Bridge on behalf of Devond Barnes for personal injuries. (5th Aldermanic District)  
---\$50,000.00
- 091063** Resolution relating to the claim of Atty. Jerome Konkel on behalf of Anita Ford for personal injuries. (4th Aldermanic District)  
---\$50,000.00
- 091087** Resolution relating to an appeal from Maria Vargas for personal injuries. (13th Aldermanic District)  
---\$1,098.75
- 091062** Resolution relating to the claim of Reginald Wheeler for property damage and personal injuries. (7th Aldermanic District)  
---\$5,234.11
- 090928** Resolution relating to the claim of Jeanette Apollo for property damage. (5th Aldermanic District)  
---\$250,000.00

Hearing notice for Person of Interest continued...

---

Persons engaged in lobbying as defined in s. 305-43-4 of the Milwaukee Code of Ordinances are required to register with the City Clerk's Office License Division. Registered lobbyists appearing before a Common Council committee are required to identify themselves as such. More information is available at [www.milwaukee.gov/lobby](http://www.milwaukee.gov/lobby).

Ronald D. Leonhardt  
CITY CLERK

---