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December 2, 2009

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

Re: Resolution Relating to the Claim of ROCKY MCNOLLINS  
C.I. File No. 09-S-151

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, Rocky McNollins, 311 Maple Street, Fort Atkinson, WI 53538-2139, alleges through Latitude Subrogation Services, by its representative Jon Baker, 1760 South Telegraph Road, Suite 104, Bloomfield Hills, MI 48302, as subrogee, that on March 3, 2009 he sustained injuries when he slipped and fell on an icy and snow covered curb located at 1890 North Commerce Street. They claim damages in the amount of \$34,819.88.

Our investigation reveals that pursuant to Wisconsin Statute §893.83(1) the accumulation of ice and snow did not exist for the requisite twenty-one days. As such, the City of Milwaukee cannot accept liability. Therefore, we recommend that this claim be denied.

Very truly yours,

**GRANT F. LANGLEY**  
City Attorney

**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:ms  
Enclosure  
1058-2009-1110:152520

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