

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. MCDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
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MARYNELL REGAN
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Assistant City Attorneys

December 13, 2002

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

Re: Communication from American Family Insurance
on behalf of Diego M. Heredia
C.I. File No. 02-L-147

Dear Council Members:

We return this 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, Diego M. Heredia, 9552 North 107th Street, Milwaukee, WI 53224 alleges through American Family Insurance, by its representative Gail Perla, Post Office Box 2927, Milwaukee, WI 53201-2927 as subrogee that on September 25, 2002 a City water main broke and flooded the claimant's basement. They claim damages in the amount of \$5,689.10.

Our investigation reveals that the Milwaukee Water Works records indicate they received notice of a possible main break in the area of 9552 North 107th Street at approximately 1:07 p.m. on September 25, 2002. Their investigators responded and reported a sixteen-inch main break, began an emergency shut-off and turned the main off by 2:15 p.m. The main was repaired and returned to service by 5:47 a.m. on September 26, 2002.

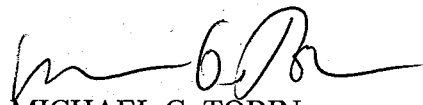
To the Hon. Common Council
December 13, 2002
Page 2

The Milwaukee Water Works was not negligent regarding the response to and repair of the main break. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
1048-2002-3392:61416



Department of Public Works
Milwaukee Water Works

Mariano A. Schifalacqua
Commissioner of Public Works

James P. Purko
Deputy Commissioner of Public Works

Carrie M. Lewis
Superintendent of Water Works

November 26, 2002

Mr. Grant Langley
City Attorney
Room 800- City Hall

Dear Mr. Langley:

SUBJECT: Property Damage claim of DIEGO HEREDIA
C.I. File 02-L-147

In accordance with your request of November 5, 2002, we have investigated the subject claim.

Our investigation revealed that the Milwaukee Water Works received notice of a possible main break in the area of 9552 North 107th Street at approximately 1:07 p.m. on September 25, 2002. Water Works investigators were immediately dispatched to the subject location, where they reported a 16-inch main break and began an emergency shut-off. The main was turned off by 2:15 p.m., repaired, and returned it to service by 5:47 a.m. on September 26, 2002.

It is our view that the Milwaukee Water Works responded to the main break in a timely manner, and also acted responsibly regarding repair activity. Therefore, we feel we are not liable for any damages in this case, and we recommend that this claim be denied.

Very truly yours,

EARL SMITH
Water Business Manager
Milwaukee Water Works

ES: PK

CITY OF MILWAUKEE

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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 5, 2002

Ms. Carrie Lewis, Superintendent
Water Works
Municipal Building, Room 402

Re: C.I. File No. 02-L-147
Communication from DIEGO M. HEREDIA

Dear Ms. Lewis:

Enclosed herewith please find a copy of a communication concerning a claim which has been referred to us by the City Clerk's Office for an opinion concerning liability.

Because litigation is anticipated, we ask that you make a complete investigation of this matter. When the investigation is completed, please send it to this office to the attention of the Claims Section.

Very truly yours,

GRANT F. LANGLEY
City Attorney

GFL:beg
Enclosure
5096



AMERICAN FAMILY INSURANCE GROUP

440 S EXECUTIVE DR • BROOKFIELD WI 53005-4280 • PHONE: (262) 784-9100, 784-2933 • FAX: (262) 784-3828
Mailing Address: PO BOX 2927 • MILWAUKEE WI 53201-2927

October 25, 2002

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CITY OF MILWAUKEE
2002 OCT 28 PM 1:20
RONALD D. LEONHARDT
CITY CLERK

City Clerk
ATTN: CLAIMS
200 E Wells St Room 205
MILWAUKEE WI 53202

RE: Our Claim Number: 00-601-327982-0732
Our Insured: Diego M Heredia
Date of Loss: September 25, 2002
Amount of Claim: \$5689.10

We are putting you on notice for a water damage claim to our insured Diego Heredia, which happened on September 25, 2002 when a water main broke in front of his home. The water and mud from the main ran down the insured's driveway into his garage and basement. The amount of the damages is \$5689.10 which includes the insured's \$250 deductible. I have enclosed a copy of our estimate as well have payment. Our insured can be reached at 414-365-9109.

If you have any further questions, please give me a call at 1-262-784-2933 x 48168.

Sincerely,
Gail Perla
Gail Perla
Property Claims Examiner

CITY OF MILWAUKEE
RECEIVED
*02 OCT 28 PM 3:46
OFFICE OF
CITY ATTORNEY

PUROFIRST OF MILWAUKEE

Division of Masterclean Inc.
 16025 W. Ryerson Road
 New Berlin, WI. 53151
 (414) 786-9400 Office
 (414) 786-9916 Fax

02071

Room: Basement Bedroom

LxWxH 23'3" x 11'0" x 6'5"

439.54 SF Walls
 255.75 SF Floor
 149.19 SF Long Wall

255.75 SF Ceiling
 28.42 SY Flooring
 70.58 SF Short Wall

695.29 SF Walls & Ceiling
 68.50 LF Floor Perimeter
 68.50 LF Ceil. Perimeter

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
R&R Cove molding - 3/4" fir - stain grade	68.50 LF	0.10	1.14	84.94
Stain & covemold	68.50 LF	0.00	0.82	56.17
R&R Baseboard - 2 1/4"	68.50 LF	0.24	1.36	109.60
Stain & finish baseboard	68.50 LF	0.00	0.94	64.39
R&R Paneling	439.54 SF	0.15	1.76	839.52
R&R Corner trim - stain grade inside and outside corners	160.00 LF	0.10	1.63	276.80
Stain & finish corner trim	160.00 LF	0.00	0.82	131.20
Apply anti-microbial agent 50% of wall surface	219.75 SF	0.00	0.16	35.16
R&R Paneling - ceiling beam (matchs walls)	11.00 SF	0.15	1.76	21.01
R&R Corner trim - stain grade paneling corners	48.00 LF	0.10	1.63	83.04
Stain & finish corner trim	48.00 LF	0.00	0.82	39.36
Vinyl tile	255.75 SF	0.00	2.70	690.53
Remove Vinyl tile -remove	255.75 SF	0.66	0.00	168.80
Clean concrete / prep for new tile	255.75 SF	0.00	0.38	97.19
Apply anti-microbial agent floor area	255.75 SF	0.00	0.16	40.92
Move and shift content	4.00 HR	0.00	29.35	117.40

Room Totals: Basement Bedroom

2,856.03

Room: Basement Storage Rm

LxWxH 12'6" x 7'2" x 6'4"

249.11 SF Walls
 89.58 SF Floor
 79.17 SF Long Wall

89.58 SF Ceiling
 9.95 SY Flooring
 45.39 SF Short Wall

338.69 SF Walls & Ceiling
 39.33 LF Floor Perimeter
 39.33 LF Ceil. Perimeter

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
Apply anti-microbial agent floor area	89.58 SF	0.00	0.16	14.33
R&R Corner trim - stain grade ceiling cove	39.33 LF	0.10	1.63	68.04
Stain & finish corner trim	39.33 LF	0.00	0.82	32.25

02071

PUROFIRST OF MILWAUKEE

Division of Masterclean Inc.
 16025 W. Ryerson Road
 New Berlin, WI. 53151
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CONTINUED - Basement Storage Rm

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
R&R Baseboard - 2 1/4" stain grade	39.33 LF	0.24	1.64	73.94
R&R Paneling	249.11 SF	0.15	1.76	475.80
R&R Corner trim - stain grade inside/outside corners	104.00 LF	0.10	1.63	179.92
Stain & finish corner trim paneling corners	104.00 LF	0.00	0.82	85.28
Apply anti-microbial agent 50% of walls	124.55 SF	0.00	0.16	19.93
Vinyl tile	89.58 SF	0.00	2.70	241.87
Remove Vinyl tile	89.58 SF	0.66	0.00	59.12
Interior door - Detach & reset - slab only	2.00 EA	0.00	10.85	21.70
Move and shift content	2.00 HR	0.00	29.35	58.70

Room Totals: Basement Storage Rm **1,330.88**

Room: Basement Closet 1

LxWxH 4'10" x 4'0" x 6'4"

111.89 SF Walls	19.33 SF Ceiling	131.22 SF Walls & Ceiling
19.33 SF Floor	2.15 SY Flooring	17.67 LF Floor Perimeter
30.61 SF Long Wall	25.33 SF Short Wall	17.67 LF Ceil. Perimeter

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
Apply anti-microbial agent	19.33 SF	0.00	0.16	3.09
R&R Corner trim - stain grade ceiling cove	17.67 LF	0.10	1.63	30.57
Stain & finish corner trim	17.67 LF	0.00	0.82	14.49
R&R Baseboard - 2 1/4" stain grade	17.67 LF	0.24	1.64	33.22
Stain & finish baseboard	17.67 LF	0.00	0.94	16.61
R&R Paneling	111.89 SF	0.15	1.76	213.71
R&R Corner trim paneling corners	40.00 LF	0.10	1.37	58.80

Room Totals: Basement Closet 1 **370.49**

PUROFIRST OF MILWAUKEE

Division of Masterclean Inc.
 16025 W. Ryerson Road
 New Berlin, WI. 53151
 (414) 786-9400 Office
 (414) 786-9916 Fax

Room: Miscellaneous

LxWxH 6" x 6" x 8'0"

16.00 SF Walls
 0.25 SF Floor
 4.00 SF Long Wall

0.25 SF Ceiling
 0.03 SY Flooring
 4.00 SF Short Wall

16.25 SF Walls & Ceiling
 2.00 LF Floor Perimeter
 2.00 LF Ceil. Perimeter

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
R&R Furring strip - 2" x 2" -refasten loose boards	16.00 SF	0.38	1.09	23.52
Photo documentation fee - Minimum Charge	1.00 EA	0.00	10.00	10.00
Haul debris - per pickup truck load - including dump fees	1.00 EA	150.00	0.00	150.00

Room Totals: Miscellaneous

183.52

Line Item Totals: 02071

4,740.92

Grand Total Areas:

1,777.76 SF Walls	729.58 SF Ceiling	2,507.35 SF Walls & Ceiling
729.58 SF Floor	81.06 SY Flooring	246.58 LF Floor Perimeter
262.97 SF Long Wall	145.31 SF Short Wall	253.00 LF Ceil. Perimeter

PUROFIRST OF MILWAUKEE

Division of Masterclean Inc.
16025 W. Ryerson Road
New Berlin, WI. 53151
(414) 786-9400 Office
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Summary for Water

Line Item Total				4,740.92
Overhead	@	10.0% x	4,740.92	474.09
Profit	@	10.0% x	4,740.92	474.09
Grand Total				5,689.10

Thiesenhuse, Tom

CLAIM RECORD OF PAYMENT DISPLAY

CLAIM: 00-601-327982 ST: 48 POLICY: 48-R98292-01 INCURRED: 09/25/2002
INSURED: HEREDIA, DIEGO M BENEFITS/LOSSES PAID TO DATE: 5439.10
LEGAL EXPENSE: 0.00
MEDICAL EXPENSE: 0.00
OTHER EXPENSE: 0.00

NO	DATE	DRAFT#	TYPE	ID	PER	LOSS PAYMENTS AMOUNT	CREDITS AMOUNT	EXPENSE PAYMENTS AMOUNT
01	10/18/2002	0065792282	01	00	R64	5439.10		
IN PAYMENT OF: DAMAGE DUE TO WATER ON						09/25/2002	250	DEDUCTIBLE APPLIED
PAYEE/PAYOR: PUROFIRST								
RECONCILED: 00 10232002						TIN: 391734637-1	WITH TAKEN:	N

NEXT --

OPT -- POL -- ----- CLM -- --- ----- DRET -----

ALL PAYMENTS FOR THIS CLAIM HAVE BEEN DISPLAYED. PF3=COPS MENU

PA2=COMPANY