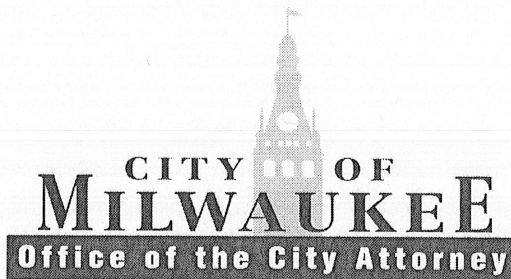


TEARMAN SPENCER
City Attorney

CELIA M. JACKSON
Special Deputy City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
YOLANDA Y. MCGOWAN
TODD FARRIS
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

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
ALLISON N. FLANAGAN
ANDREA J. FOWLER
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
JAMES M. CARROLL
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
ANTHONY JACKSON
JOHN D. MCNALLY
STACY J. MILLER
MICHAEL RADAVIDH
JORDAN SCHEITTE
MATTHEW NEVARANTA
THERESA MONTAG
Assistant City Attorneys

June 7, 2022

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

RE: Communication from Foremost Insurance Group
on behalf of E NORTH LLC
C.I. File No. 1048-2021-852

Dear Council Members:

Foremost Insurance Group on behalf of E North LLC alleges damages in the amount of \$253,260.00 occurred as a result of the water being left on at 2275 and 2279 North Summit Avenue, after a request was made to turn the water off at the subject properties.

Our investigation revealed that on November 5, 2021, the City of Milwaukee - Water Works (MWW) received a request from the property owner (Brian Wagner) of 2275 and 2279 North Summit Avenue to turn the water off at the subject properties. A MWW crew was dispatched to the properties on the same day and found that both properties share a service tap and service box. The crew discovered the service box needed repairs and the water could not be turned off until the necessary repairs could be made. Barricades were placed at the site until the service box repairs could be completed.

On November 30, 2021, Mr. Wagner notified MWW that the water was still on at the properties. Mr. Wagner was advised that repairs would have to be made to the service box before the water could be turned off. On December 2, 2020, a MWW crew was assigned to the location to complete the repairs. The repairs were completed on December 3, 2020, and the water was left on, as it is standard practice for repair crews to leave the water service in the state it was found upon arrival at the site.

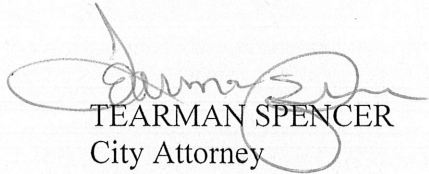
It is the responsibility of the property owner to confirm that the property is or is not receiving water after requesting that it be turned on or off at the curb stop. It is also the responsibility of the homeowner to maintain interior plumbing and to either completely drain or heat all pipes to protect them from freezing.



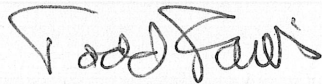
To the Honorable Common Council
June 7, 2022
Page Two

It is our position that the MWW was not negligent regarding Mr. Wagner's request to turn the water off at the curb stop. In addition, there is no evidence that the damages in this case resulted from the water being on at the curb stop. Therefore, we recommend that the claim be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



TODD FARRIS
Deputy City Attorney

TF:pk

1048-2021-852/280399