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December 3, 2008

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

Re: Resolution Relating to the Claim of Deslie Lawrence
C.I. File No. 08-L-324

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, Deslie Lawrence, 3908 North 63rd Street, Milwaukee, WI 53216 alleges through her attorneys, Law Office of Daniel W. Stevens, Centre of Brookfield, 14380 West Capitol Drive, Brookfield, WI 5305 and Petrie & Stocking, S.C., 111 East Wisconsin Avenue, Suite 1500, Milwaukee, WI 53202, that on June 6, 2008, she sustained damages when a City sewer backed up into her residence. This was allegedly due to prior negligent maintenance by the City or its employees locking a valve in the sewer on that day. The claimant and her attorneys claim damages in the amount of \$36,859.75.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of the rain during the weekend of June 6, 2008, the City experienced flows that exceeded the capacity of the sewer systems. The ISD did not work on a valve in the sewer. In addition, the Milwaukee Water Works records indicate that they did not respond to any requests, receive any complaints or conduct any field investigations regarding this general area. The City was not negligent in this matter. As such, the City would not be liable. 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
1029-2008-3145

OFFICE OF THE CITY ATTORNEY