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November 20, 2008

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

Re: Resolution relating to the claim of Debra Cerniglia  
C.I. File No. 08-L-314

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, Debra Cerniglia, 7210 West Eden Place, Milwaukee, WI 53220-1106 alleges that on June 7/8, 2008 she suffered damage to her home and personal property due to a sewer back-up. She seeks damages in the amount of \$35,000.00.

The Infrastructure Services Division (ISD) reviewed their records relative to this incident. They found that because of the large amount of rainfall and its intensity during this time period the City's storm sewer system was surcharged and it experienced flows that exceeded the capacity of the sewer system. They also checked the City main sewer as a result of this claim and found it to be improper working order. Since the City was not negligent in this matter, we recommend denial of the claim.

Very truly yours,

  
**GRANT F. LANGLEY**  
City Attorney

  
**JAN A. SMOKOWICZ**  
Assistant City Attorney

JAS:beg  
Enclosure  
1029-2008-3149:139957

OFFICE OF THE CITY ATTORNEY