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October 3, 2013

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

Re: Communication from KEVIN THOMAS
C.I. File No. 1048-2013-2139

Dear Council Members:

Claimant, Kevin Thomas, 4538 North 21st Street, Milwaukee, WI 53209, alleges through Travelers Insurance, by its representative Emily Donohue, P.O. Box 2954, Milwaukee, WI 53201, that on April 23, 2013 a deteriorated water meter caused damage to their insured's basement. They claim damages in the amount of \$16,035.38.

According to Assessor's Office records Mr. Thomas purchased the property on April 30, 2010. In an attempt to access the property and maintain the water meter, Water Works mailed four "estimated meter reading letters" to the claimant over the next 2 ½ years. Mr. Thomas did not respond to these letters.

On February 23, 2011 meter services attempted to gain access to the meter, but no one was home. On May 23, 2012 Water Works again tried to verify the meter reading, but were unable to gain access because the property was vacant.

Municipal services bills were mailed five times to the claimant's mailing address of 4538 North 21st Street from July, 2011 to June, 2013; each was returned with the envelope stamped as "return to sender, not deliverable as addressed and unable to forward." The claimant has still not updated his billing/ mailing address with Water Works.

Water Works did not receive any calls, complaints or reports of a problem at this location until May 4, 2013, when Mr. Thomas requested a water turn-off due to

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flooding at this location. Water Works dispatched a field investigator who turned water off at the curb stop.

On June 27, 2013 Water Works conducted a meter exchange at the property. They tested the meter before the exchange; it tested within PSC standards and showed no signs of damage.

There is no evidence that Water Works was 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

PATRICIA A. FRICKER
Assistant City Attorney

PAF:cdr

Enclosure

1048-2013-2139/196464