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February 16, 2011

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

Re: Resolution Relating to the Claim of Nastassia Putz
C.I. File No. 10-L-20

Dear Council Members:

We return the enclosed documents 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, Nastassia Putz, by her attorney, Paul Scoptur, 2600 North Mayfair Road, Suite 1030, Milwaukee, WI 53226-1308, allege that on December 12, 2009 Ms. Putz slipped and fell on ice that had accumulated on a Milwaukee Water Works (MWW) water pipe cap in front of Flannery's Bar in the 400 block of East Wisconsin Avenue. They claim damages in the amount of \$239,633.19.

Our investigation reveals that the actual loss site is in the 400 block of East Wells Street. The Department of Public Works and the MWW reviewed their records relative to this alleged incident.

The Sanitation Department had no record of this alleged condition. The MWW records reflect that it did not perform any repair activity at this location and they did not receive any calls or complaints regarding a leaking water service cover. The Infrastructure Services Division's (ISD) review found that they had not conducted any activity in this area.

To the Honorable Common Council
Of the City of Milwaukee
February 16, 2011
Page 2

The ISD investigation did note that three right-of-way permits were issued to Wisconsin Gas Company and Rawson Contractors, Inc. Since it appears the City was not negligent and it had no notice in this matter, we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
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