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April 1, 2009

Dwayne Westmoreland
4978 North 58th Street
Milwaukee, WI 53218

RE: Dwayne Westmoreland
C.I. File No: 09-S-85

Dear Mr. Westmoreland:

We have received your claim in the amount of \$2,790.00, relating to damage allegedly sustained in June 2008 when backwater from the City's sewer backed up into your residence at 4978 North 58th Street.

Our investigation reveals that this claim was filed on March 9, 2009. Wisconsin Statute §893.80 (1) (a) requires that a claim must be filed within 120 days after the happening of the event giving rise to the claim. This claim was not timely filed. In addition, the Infrastructure Services Division 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 City checked the sewer main as a result of this claim and found it to be improper working order. The City was not negligent in this matter. As such, the City would not be liable. Therefore, we are denying your claim.

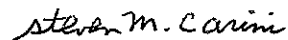
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT F. LANGLEY
City Attorney



STEVEN M. CARINI
Investigator Adjuster

SMC:beg
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