

October 15, 2003

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

Re: Communication from Roger and Iona Stank
C.I. File No. 03-L-80

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's, Roger & Iona Stank, 5511 North 53rd Street, Milwaukee, WI 53218, allege that on February 22, 2003 they sustained damages when, the Milwaukee Fire Department extinguished a fire in their building located at 4265 North 27th Street. They also allege that items were stolen from the building after the fire was extinguished because the Milwaukee Police Department did not secure the building. They claim damages in the amount of \$300,000.00.

Our investigation reveals that the Milwaukee Fire Department records indicate that they were sent to the location to respond to a fire. They followed standard fire fighting procedures in combating the fire. As such, the department and the City cannot be liable for those damages resulting from the necessary performance of their duties. The Milwaukee Police Department

To the Hon. Common Council
October 15, 2003
Page 2

records indicate that they did secure the location as part of their investigation. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure
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