

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

June 13, 2002

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

Re: Communication from CNA Insurance
on behalf of Northtown Dental
Group, SC/James Mack, DDS
C.I. File No. 02-L-59

Dear Council Members:

We return the enclosed document which has been filed with City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

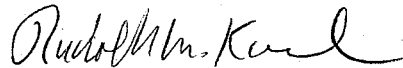
Claimant, Northtown Dental Group, SC/James Mack, DDS, 1929 West Atkinson Avenue, Milwaukee, WI 53206 by CNA Insurance, P.O. Box 34, Watertown, WI 53094, as subrogee alleges that on March 19, 2002 they sustained damage to the building and contents due to a City Sewer main back-up. They claim damages in the amount of \$12,605.24.

The Infrastructure Services Division records indicated they investigated this incident on March 19, 2002. The City main sewer was immediately cleaned to restore normal service. The clog appeared to be due to grease originating from an unknown source. The sewer was inspected with closed circuit television and has since been recommended for replacement. The sewer in question has been on a special one month cleaning schedule since this incident.

June 13, 2002

Prior to this incident the sewer in question was on a three year cleaning schedule. The last time the sewer was cleaned was on September 29, 2000. Because the sewer was on a regular cleaning schedule and the City of Milwaukee did not have any notice of any problems with the sewer, the City cannot be held 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