

April 30, 2003

Hon. Committee on Judiciary and Legislation  
of the Common Council of the  
City of Milwaukee  
Room 205, City Hall  
Milwaukee, WI 53202

Re: **Clarence Grim, et al. v. City of Milwaukee, et al.**  
**Case No. 02-CV-004477**

Dear Members of the Committee:

Attached is an original resolution for your consideration, which would authorize settlement of the above-noted lawsuit. We make the following recommendation relating to the proposed settlement.

The above-noted matter involves an incident which occurred on May 8, 2000 when the plaintiffs, Clarence and Carlene Grim discovered water entering their basement through the floor drain. Their residence is located at 2203 East Newberry Blvd. in the City of Milwaukee. The Milwaukee Water Works Department determined that the plaintiffs' sanitary sewer lateral was likely damaged by a City work crew repair activity on the water main in the immediate vicinity of the plaintiffs' home.

The plaintiffs claimed damages of \$57,494.00. The plaintiffs have agreed to accept \$35,000.00 for damage to the structure of the home and loss of various contents in the basement.

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In addition, the plaintiffs had a homeowner's insurance policy through State Farm Fire & Casualty Company which paid for \$5,250.00 in cleanup and plumbing repair costs. State Farm Fire & Casualty Company has agreed to accept \$5,000.00 as payment for their claim in this lawsuit.

Because there are no appeal issues and the negotiated settlement is favorable to the City, we recommend payment of these two proposed amounts. A proposed original resolution reflects this recommendation and is provided for your convenience.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

MICHAEL G. TOBIN  
Assistant City Attorney

GFL:MGT:enm  
Encs.

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