

April 1, 2004

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

Re: Communication from attorney Thomas Molinaro
on behalf of Jon Jacobson
C.I. File No. 03-L-162

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, Jon Jacobson, 10131 Myre Road, Tomahawk, WI 54487, through his attorney Thomas Molinaro, 1400 Merrill Avenue, Wausau, WI 54401 alleges that he sustained injuries on August 29, 2003 at North 2nd Street and West Chambers Street as a result of negligence of the Milwaukee Water Works. They claim damages in the amount of \$75,000.00.

Our investigation reveals that a private contractor, Eli Environmental was issued a permit to use the fire hydrant at this location from August 27, 2003 through September 3, 2003. On that date, contractor's employee asked that the Milwaukee Water Works (MWW) turn on the hydrant, which was done. When the water was turned on, the side nozzle insert came out of the hydrant, causing water to spray out and push the claimant against a stop sign. The MWW records note Eli Environmental had installed a hose connection to the hydrant prior to the request to turn the hydrant on. The MWW had no knowledge of what the contractor might have done to damage the hydrant while installing the hose connection or of possible defects with the hydrant.

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The MWW was not negligent in this matter, as such, the City cannot accept liability. 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
1048-2003-4057:79526