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April 26, 2024

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

RE: Communications from DICKSTEIN LAW, LLC for
EMC INSURANCE on behalf of
PRIME FINANCIAL CREDIT UNION
C.I. File No. 1053-2024-177

Dear Sir or Madam:

EMC Insurance through their Attorney, Dickstein Law, LLC., A National Subrogation Firm have submitted a subrogation demand on behalf of their insured Prime Financial Credit Union in the amount of \$13,521.98 (\$12,521.98+\$1,000 deductible) regarding damages that occurred to their elevator on December 22, 2023, allegedly when the City Inspector turned off the circuits to the sump pump and caused damage.

Our investigation reveals that the Department of Neighborhood Services (DNS) reported that on October 23, 2023, a City Inspector completed the standard annual periodic inspection which consisted of inspecting the lobby, elevator (inside and on top) inside the machine room and in the elevator pit. The inspection did not accompany any persons from neither the insurance company, nor the bank.

DNS further reported that it is standard protocol to never turn power off using the circuit breaker that provides power to the sump pump receptacle. The inspector reported that there is a ground fault circuit interrupter receptacle located in the pit that provides power to the sump pump, and after the receptacle was tested with a cube tester, the receptacle test button was reset that restored power to the sump pump. Additionally, there was no water in the pit during this inspection. The inspection



The Honorable Common Council
April 26, 2024
Page Two

resulted as Pass and a Certificate of elevator Inspection - was issued and an invoice was sent to the owner on 11/15/23.

It is our view that the City is not responsible for damage and we recommend that the claim be denied.

Very truly yours,



EVAN C. GOYKE
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ECG/JLW/MTG/cdr

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