

July 30, 2004

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

Re: Communication from Encompass Insurance
on behalf of Wilfred & Cathy Kaszuba
C.I. File No. 03-S-225

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.

Claimants, Wilfred & Cathy Kaszuba, 3428 East Van Beck Avenue, St. Francis, WI 53235, allege through Encompass Insurance, by its representative Laura Pickering, Post Office Box 21169, Roanoke, VA 24018 as subrogee that on February 11, 2003 a City of Milwaukee water main break caused water and sewage to back-up in their basement. They claim damages in the amount of \$17,298.07.

Our investigation reveals that the Milwaukee Water Works records indicate that a possible water main break was reported to them at approximately 3:46 a.m. on February 11, 2003. A Water Works investigator was dispatched to the location, arrived and completed an emergency shut-off by 4:55 a.m. A repair

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crew arrived by 7:00 a.m. and made the necessary repairs. The Milwaukee Water Works was not negligent regarding their response, repair or minimization of damages. 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
1048-2003-1658:83348