

February 18, 2003

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

Re: Communication from attorney Pierski & Gray, LLP
on behalf of Jesse Peplinski
C.I. File No. 03-L-2

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, Jesse Peplinski, 3003 South 43rd Street, Milwaukee, WI 53219, alleges through his attorney, Pierski & Gray, LLP, 229 East Wisconsin Avenue, Suite 1102, Milwaukee, WI 53202, that sometime in October 2002 he discovered that his sanitary and storm sewer laterals were improperly connected and that this caused sewage to back-up in his basement. They claim damages in the amount of \$5,700.00.

Our investigation reveals that the Department of Neighborhood services records indicate that in August 2002, they investigated a complaint regarding storm water coming out of the basement sanitary fixtures at this property after a rainstorm. They advised the owner that their sanitary and storm sewer laterals were possibly cross-connected and that the sewers should be videotaped. On August 15, 2002 Heiden Plumbing videotaped and dye tested the sewer laterals and found them to be cross-connected. On November 13, 2002 a permit was issued to correct this. The City inspected this on November 20, 2002 and found the repairs to be proper. The existing sewer pipe looked original. The department indicates that the sewer laterals were installed by a private contractor July 19, 1928 and that no other repairs were made to them. The property owner is responsible for the sewer

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laterals. There is no evidence indicating that the City or any of its employees were negligent in this matter. 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
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