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December 12, 2022

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

Re: Communication from National Subrogation Services
on behalf of Elizabeth and Shane Kasmarek
C.I. File No. 1029-2022-890

Dear Sir or Madam:

Enclosed please find a proposed resolution. We ask that it be referred to the Committee on Judiciary and Legislation with the following recommendation.

Claimant alleges their insured sustained property damage as a result of a sewer backup at their residence located at 9432 West Concordia Avenue on March 23, 2022. They further allege that the sewer was damaged as a result of construction activity in the area.

The City's Sewer Department investigation into this matter revealed that on April 4, 2022, Sewer Maintenance responded to a backwater complaint 9432 West Concordia Avenue. The backwater was considered to be an internal issue and the homeowner was advised to hire a licensed plumber. On April 5, 2022, as a follow up, Sewer Maintenance CCTV televised the sewer main and checked the connection for 9432 West Concordia Avenue. It was found to be a good connection and no other work was performed at this address.




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In response to the allegation that road construction activity in the area may have caused the sewer damage, the City's Infrastructure Construction Department checked their records and found there had been no recent road construction activity in the area.

It is our position that there is no evidence that the City of Milwaukee was negligent in this matter. Therefore, we recommend that the claim submitted by National Subrogation Services on behalf of Elizabeth and Shane Kasmarek in the amount of \$11,000.00 be denied.

Very truly yours,



TEARMAN SPENCER
City Attorney



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STF/PK/cdr

Enclosures

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