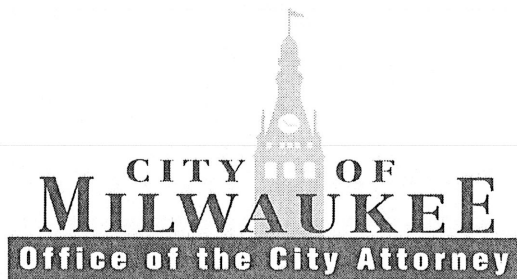


TEARMAN SPENCER
City Attorney

ODALO J. OHIKU
ROBIN A. PEDERSON
S. TODD FARRIS
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

HEIDI WICK SPOERL
KATHRYN Z. BLOCK
THOMAS D. MILLER
PETER J. BLOCK
ALLISON N. FLANAGAN
PATRICK J. MCCLAIN
HANNAH R. JAHN
JULIE P. WILSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
ALEX T. MUELLER
ALEXANDER D. COSSI
LISA A. GILMORE
NICHOLAS R. SINRAM
TAVISS K. SMITH
KATHERINE A. HEADLEY
L. ANTHONY JACKSON
STACY J. MILLER
MICHAEL C. RADAVICH
JORDAN M. SCHETTLE
THERESA A. MONTAG
TYLER M. HELSEL
NANCY A. DOMINSKI
ALEXANDER E. FOUNDOS
CHRISTOPHER P. JACKSON
JAMES D. LEWIS
TRAVIS J. GRESHAM

Assistant City Attorneys

November 17, 2022

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

Re: Communication from Chubb Group of Insurance Companies
on behalf of Beth Duray and Tim Casey
C.I. File No. 1048-2022-493

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 that a break in their insured's water service lateral and subsequent flooding damage at their residence at 3048 North Shepard Avenue was caused by the negligence of the Milwaukee Water Works(MWW) regarding their previous repair activity at 3043 North Shepard Avenue.

An investigation into this matter by Milwaukee Water Works(MWW) revealed that on February 20, 2022, claimants reported water in the basement of their property at 3048 North Shepard Avenue. MWW responded and performed an emergency water shut-off of the nearby water main, and located a leak on the private portion of the lead service line near the foundation of the home. Upon the location of the leak, MWW was required to place the property into the Lead Service Line (LSL) Replacement Program, requiring the property owners to replace the lead line with a copper line from the curb stop to the water meter.




To the Honorable Common Council
Of the City of Milwaukee
November 17, 2022
Page Two

In checking their records for 3043 North Shepard Avenue, MWW found that Mid City Plumbing replaced the portion of the service lateral from the main to the curb stop on August 17, 2021, and section of the lateral from the curb stop to the water meter on November 23, 2021. It is the position of MWW that this activity would not have caused the leak on claimant's water service lateral on February 20, 2022.

There is no evidence that the City was negligent in this matter. Therefore, we recommend that the claim submitted by Chubb Group of Insurance Companies on behalf of Beth Duray and Tim Casey in the amount of \$29,638.00 be denied.

Very truly yours,


TEARMAN SPENCER
City Attorney



S. TODD FARRIS
Deputy City Attorney

STF/PK/cdr

Enclosures

1048-2022-493/282553