

June 21, 2002

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

Re: Communication from Kmiec Law Offices
on behalf of Lorinda Avila
C.I. File No. 02-L-78

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, Lorinda Avila, 434 West Harrison Avenue, Milwaukee, WI 53207, alleges through her attorney, Kmiec Law Offices, 3714 West national Avenue, Milwaukee, WI 53215-1007, that on May 17, 2002 she sustained injuries when she tripped and fell due to a Water Stop Box which was not screwed down at 434 West Harrison Avenue. They claim damages in the amount of \$50,000.00.

Our investigation reveals that the Milwaukee Water Works records indicate that the claimant notified them of a problem with a stop box in the area of 434 West Harrison on May 17, 2002. A Water Works repair crew was sent to the location on the same day, found the stop box in question was too high, and made the necessary adjustment. It further reflects that the Water Works was not notified of a problem with

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this stop box prior to this incident, they responded to this notice in a timely manner and made the necessary repairs. Therefore, 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