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September 3, 2008

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

Re: Resolution relating to the claim of Cam Ranh Bay Oriental
Super Market, LLC
Through their attorney, The Schroeder Group, S.C.
C.I. File No. 08-L-70

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, Cam Ranh Bay Oriental Super Market, LLC, 7312 West Appleton Avenue, Milwaukee, WI 53216 alleges through their attorney, The Schroeder Group, S.C., Crossroads Corporate Center, 20800 Swenson Drive, Suite 475, Waukesha, WI 53186, that on May 23, 2008 a City sewer backed up into their client's basement. They claim damages in the amount of \$115,482.00.

Our investigation reveals that the Infrastructure Services Division records indicate that the sewer in question is on a regular cleaning schedule. The last time the sewer was cleaned was on March 21, 2006. Because the sewer was on a regular cleaning schedule

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and the City of Milwaukee did not have any notice of any problems with the sewer, the City cannot be held liable. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
1029-2008-2465:136711