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June 17, 2009

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

Re: Resolution relating to the claim of Southeastern Pediatric
& Adolescent Medicine
C.I. File No. 09-L-38

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, Southeastern Pediatric & Adolescent Medicine, 8532 West Capitol Drive, Milwaukee, WI 53222 alleges that on January 23, 2009 a City equipment failure caused a WE Energies breaker to activate which allowed electricity to back up and damage the claimant's property. They claim damages in the amount of \$5,484.85.

Our investigation reveals that the Infrastructure Services Division records indicate that on January 23, 1009 a City breaker in the substation located at 8723 West Capitol Drive shorted out and caused a WE Energies breaker to activate. Prior to this, there were no complaints and the City had no notice of any problems with the breaker. After a City crew repaired the City breaker, all services affected were restored by WE Energies. Their electrical grid is set up to protect their clients from electricity back feeding into any power lines. The WE Energies breaker should have protected their clients. There is no

To the Hon. Common Council
June 17, 2009
Page 2

evidence that the City was negligent in this matter. As such, the City would not be 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
1029-2009-1150:147039