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July 24, 2009

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

Re: Resolution relating to the claim of Jeslia Barajas
Through her attorney, Law office of Daniel W Stevens
C.I. File No. 09-L-65

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, Jeslia Barajas, 1425 South Comstock Avenue, Milwaukee WI 53204 alleges through her attorney, Law Office of Daniel W. Stevens, Centre of Brookfield, 14380 West Capitol Drive, Brookfield, WI 53005 that on June 18, 2009 she sustained damages when a City sewer backed up into her basement. They claim damages in the amount of \$50,000.00. The assessor's Office information notes that he was not the owner of record at the time of the loss.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that they did not receive a complaint of backwater at the time. Their records also indicate that because of the large amount and strong intensity of the rain during the June 18, 2009

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flood, the City experienced flows that exceeded the capacity of the sewer systems. Additionally, the ISD checked the City main sewer as a result to Ms. Barajas' claim and found it to be in proper working order. The City was not negligent in the 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
1029-2009-1900:148298