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November 2, 2009

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

Re: Resolution Relating to the Claim of Jeanette Apollo
C.I. File No. 09-L-105

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, Jeanette Apollo, 2773 North 76th Street, Milwaukee, WI 53222, alleges that on June 18, 2009 she sustained damages when there was a sewer back-up at her home. She claims damages in the amount of \$250,000.00.

Our investigation reveals that the Infrastructure Services Division (ISD) records indicate that because of the large amount and strong intensity of rain during this time, the City experienced flows that exceeded the capacity of the sewer system. City records indicate that the main had last been cleaned in April 2009. The ISD checked the main sewer again as a result of this claim and it was found to be in proper working order.

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There is no evidence, therefore, that the City was negligent. It would not, therefore, be liable and we recommend denial of this claim.

Very truly yours,

GRANT F. LANGLEY
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Assistant City Attorney

JAS:ms
Enclosure

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