

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

December 14, 2009

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

Re: Communication from LMR OF MILWAUKEE, LLC
C.I. File No.: 09-L-93

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Claimant, LMR of Milwaukee, LLC, c/o Brett Mazzone, 1121 North Waverly Place, Apt. No. 901, Milwaukee, WI 53202 alleges through Society Insurance, by its representative, Kevin Crouse, P.O. Box 127, Ixonia, WI 53036, as subrogee that on August 18, 2009, a Department of Public Works crew was cleaning a City sewer and it backed up into their insured's property. They claim damages in the amount of \$9,459.29.

Our investigation reveals that on August 18, 2009 the Infrastructure Services Division (ISD) was using an 8-inch Wayne ball to clean the sanitary sewer in the 6800 block of West Oklahoma Avenue. Due to excessive calcium in the sewer, the ball got stuck and there was a sewer back up into the insured's property. After the ball was dislodged, the sewer was restored to proper working order. Subsequently, the ISD televised the sewer, removed calcium and will in the future clean this sewer with a sewer jet. The ISD indicated that they had no notice that the Wayne ball had encountered a restriction until after there was a back-up in the insured's basement. Once the ISD received notice, it acted promptly to take corrective action. The City was not negligent in this matter. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:ms
Enclosure
1029-2009-2356:152968

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550