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August 29, 2019

**SENT VIA US POSTAL SERVICE, CERTIFIED MAIL RETURN RECEIPT
REQUESTED**

City of Norman
ATTN: Brenda Hall, City Clerk
PO Box 370
201 West Gray
Norman, OK 73070

RE: Sewage Line Backup at 3545 Brookford Drive, Norman, OK 73072

Dear City of Norman City Clerk:

Please allow this correspondence to confirm our firm's representation of Kerri Brackin ("Brackin") as it relates to a sewage backup which occurred on March 10, 2019 (the "Backup") at her home located at 3545 Brookford Drive, Norman, OK 73072 (the "Property"). This correspondence shall serve as notice to the City of Norman pursuant to the Governmental Tort Claims Act (51 O.S. §§ 151 – 172) (the "Act").

The Backup occurred when a main sewage line backed up into the Property. On the evening of March 10, the downstairs toilet at the Property began making noises (and had not been recently used). Following the noises raw sewage came up through the drain in the hot water heater closet located in the kitchen. The sewage soaked through the wall which lead it into the living room, where it covered the floors and began running over furniture.

Brackin called her family and within minutes they arrived to help move furniture and begin soaking up the raw sewage (that was still intruding into the Property). Brackin has two (2) dogs that needed to be removed from the home so that they would not become exposed to the sewage. Brackin and her family used Lysol and bleach as best they could, but the sewage had penetrated into the floorboards and beneath the carpet pad.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 8/30/19

Kevin Newton (“Newton”), a plumber Brackin hired to help remediate the damage and prevent it from occurring again, came to the Property and inspected the line. He discovered that the Property is the closest to the stoppage in the City sewer line. While Newton was at the Property a City employee checked in with Brackin in order to run a camera from her Property to check the line’s condition. Newton also noted that a City employee had been out inspecting the line the day prior to the Backup. Enclosed with this correspondence please find a letter from Newton documenting his findings.

Raw sewage backed up directly into the Property, causing significant damage to the flooring, piano, and additional personal items located in the home. Brackin has expended significant resources remediating, repairing, and/or replacing items damaged by the Backup. The first order of business was a complete remediation and sanitation of the affected area of the Property. The risk of disease due to exposure to raw sewage is incredibly high, as a result Brackin took this step first.

Brackin then had to pay for movers to move furniture out of her home in order to allow the flooring to be replaced. She also replaced several items that were damaged beyond repair due to the Backup. She has not been able to replace every item, as the financial damage she sustained is significant. She was forced to make choices as to what she would replace and when, and she expects to be replacing items for many weeks to come as she is able to do so. Flooring, baseboards, and a new toilet were necessary due to the extensive intrusion from the sewage.

Brackin has incurred the following expenses, which fall into the following categories: remediation, replacement, or repair:

BRACKIN DAMAGES

ITEM	VENDOR/PROVIDER	DATE	AMOUNT
Dishwasher Toe Panel	Sears Parts Direct	April 26, 2019	\$35.32
Glass/Paint/Drywall repair	Kel-Co Construction, Inc.	June 19, 2019	\$5,992.94
Wood Flooring	Nadine Floor Company	March 15, 2019 March 16, 2019	\$5,482.73 \$1,304.17
Clean up/remediation/disinfectant	Sani-Sheen System, Inc.	March 11, 19, and April 11, 2019	\$723.51 [3 invoices]
Movers	Little Guys Movers, Inc.	April 18, 2019	\$129.52
Hazardous material clean up	Oklahoma Steamclean & Restoration, Inc.	March 29, 2019	\$653.66
Replacement doormats	Orange County Gifts		\$107.88
Pet Bed			\$79.20
Hardwood floor removal/installation	Davidson Hardwood Floors, Inc.		\$5,473.00
Sewage screen testing	BioCheck Corporation	April 19, 2019	\$440.00

Sewer maintenance/additional plumbing services	KDN Services	March 11 and April 7, 2019	\$501.00 \$633.36
Movers	You Move Me (AW Patriot Enterprises, Inc.)	March 16, 2019	\$230.00
Piano removal/storage/tuning	A&E Piano Company	March 18, 2019 – April 19, 2019	\$605.00
Sofa and chaise lounge	Mathis Brothers		\$1,833.41
Large wicker basket	At Home		\$79.00
Monogrammed bath sheets	Restoration Hardware		\$142.00
Decorative pillows			\$200.00
5 bath towels	Bed, Bath, and Beyond		\$100.00
2 blankets	Restoration Hardware		\$278.00
Throw	CVS		\$15.00
	TOTAL:		\$25,038.70

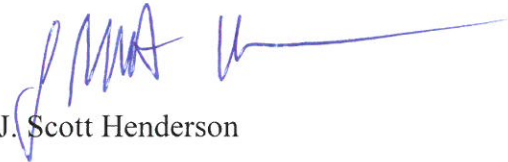
Enclosed with this correspondence are receipts and invoices which support the above charges/expenses.

Brackin has incurred the above expenses due to no fault of her own. She has the misfortune of being in the Property closest to the main sewer line, so she was the only Property into which sewage backed up. There is no argument that liability for this backup lies solely with the City of Norman. This is evidenced by the fact that at least two (2) City employees were out attempting to determine what the issue was with the line on the day before and day of the Backup. Brackin has been forced to retain an attorney due to the Backup. Her damages exceed \$25,000.00, the cap on claims per the Act. As a result, Brackin hereby demands **\$25,000.00**.

Additionally, Brackin requests a copy of the City of Norman's plan to prevent such backups from occurring again. It is clear the City was aware of this issue, as an employee was inspecting the sewer line the day before the Backup occurred. What preventative measures does the City plan on implementing to ensure this issue does not occur in the future? Needless to say, Brackin is now very concerned about future incidents given the location of the Property as it relates to the sewage line.

Please direct any questions to the undersigned. I am sure the City will do the right thing and pay Brackin's claim quickly, as there can be no argument that the Backup was due to any action or inaction of Brackin. I look forward to resolving this matter quickly.

Cordially,



J. Scott Henderson

ENCLOSURES

CC: Kerri Brackin (*via email only*)