



# GENERAL LIABILITY

## CLAIM AGAINST THE CITY OF PORTLAND

\* for damages to persons or property \*



File Number: 2024-014643-20

A claim must be filed with **City of Portland Risk Management** within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

**Please be sure your claim is against the City of Portland, not another public entity.**

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5<sup>th</sup> Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. **Claimant** (Circle: Mr Mrs. Ms. Miss) Joshua Kawka Date of Birth [REDACTED]

a. Address 3935 SE Caruthers St City Portland State OR Zip 97214

b. Home Phone 815-757-8425 Business Telephone 503-427-0616 x.019 Cell Phone 815-757-8425

c. Occupation Electrical Engineer d. Marital Status: Single (☒) Married ( ) Divorced or Widowed ( )

If married, name of spouse \_\_\_\_\_

d. E-mail address [REDACTED]

2. **If claim involves a vehicle:** a. Year, make and model \_\_\_\_\_

b. License Plate Number \_\_\_\_\_ Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

c. At time of accident, were you (check all that apply) Owner: \_\_\_\_\_ Driver \_\_\_\_\_ Passenger \_\_\_\_\_ N/A \_\_\_\_\_

d. Name and address of owner if different from claimant (1. Above) \_\_\_\_\_

### 3. Occurrence or event from which the claim arises:

a. Date 01/09/2024 Time 2:30 Circle AM / PM

b. Place (exact and specific location) Basement of 3935 SE Caruthers St

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): See attached word document.

d. State how the City of Portland or its employees were at fault: See attached word document.

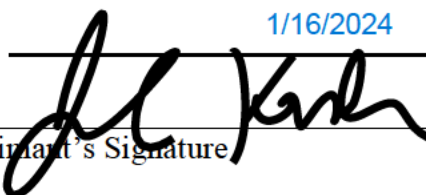
e. Were you on the job at the time of the accident? Yes \_\_\_\_\_ No X

If yes, what is the name / phone number of employer \_\_\_\_\_


4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. \_\_\_\_\_  
[See attached excel document.](#)
- 
5. **\*We are required to report all claims for injuries to Medicare/Medicaid Services\***  
 If you were injured please provide the following: Social Security #: N/A  
 Medicare/Medicaid Beneficiary? Yes \_\_\_\_\_ No \_\_\_\_\_
6. **Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury** \_\_\_\_\_  
[City of Portland Water Bureau](#)
7. **Name and address of any other person injured** \_\_\_\_\_  
[Jacob Long, 3935 SE Caruther St., Portland, OR 97214, 817-805-5852](#)
8. **Name and address of the owner of any damaged property if different from claimant** \_\_\_\_\_
9. **Damages claimed:**
- |   |                       |
|---|-----------------------|
| a. Amount claimed as of this date:  | \$ <u>\$27,621.28</u> |
| b. Estimated amount of future costs:  | \$ <u>\$25,000</u>    |
| c. Total amount claimed:  | \$ <u>\$52,621.28</u> |
| d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): | _____                 |
- [See attached excel document.](#)
10. **Names, addresses / phone #s of all witnesses** \_\_\_\_\_  
[Jacob Long, 3935 SE Caruthers St., Portland, OR 97214, 817-805-5852](#)
11. **Any additional information that might be helpful in considering your claim** \_\_\_\_\_  
[See attached word document.](#)

**WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)**

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: 1/16/2024  
  
 Claimant's Signature

Joshua Kawka  
 Print Name

Joshua Kawka  
3935 SE Caruthers St  
Portland, OR 97214  
815-757-8425  


3c. At approximately 2:30AM on 9 January 2024, my tenant, Jacob Long, in the basement apartment woke to use the bathroom and discovered standing water in his apartment (Figures 1-3). The entire basement floor was covered: His bedroom and closet, his living room, his bathroom, the closet under the stairs, and the utility room where the washer, dryer, hot water heater, and furnace are located. With a ruler I measured that the water was approximately four inches in depth.

I called 911 Restoration to begin the water removal and mitigation process. Thanks to their work, by the end of the first day nearly all the water on the floor was removed. During their work they discovered that the downstairs toilet wouldn't "take" water, and most of the water poured into it would come back up through the floor drain located a few feet away in the utility room. This led them to conclude the floor drain was the source of the initial water entry.

Also on January 9<sup>th</sup>, Da Vinci's Best Plumbing arrived to help investigate and clear any blockage from my house to the street, if required. His snake tool did not return with any debris or other blocking material. He told me he would return the next day with a snake camera to inspect all necessary and related piping.

Later that night some amount of water did return and recede, leaving behind some solid material which I was told by 911 Restoration was mostly, but not entirely, dirt (Figure 4).

3d. On 10 January I coordinated to have Da Vinci's Best Plumbing, armed with a snake camera, and the Portland Water Bureau's Emergency Maintenance and Construction team on premises at the same time, so they could both witness the live camera footage. The camera was inserted into an access pipe in the front lawn and run south towards the main sewer line under Caruthers Street. It was soon discovered that the ABS pipe under my property gave way to a small section of city pipe under the planting strip which connected to what appeared to be...nothing. There was instead rocks and debris and open space.

The city of Portland workers agreed that something was amiss and began the process of digging up Caruthers Street to further investigate. They excavated a square hole directly adjacent to the northside curb of Caruthers. As seen in the attached photos (See Figures 5-8), the first leg of pipe owned by the city of Portland (beginning under the curb strip and extending a few feet into/under Caruthers Street) was unearthed, but it was crushed and connected to nothing. A sinkhole had formed and washed away the last leg of pipe that was supposed to connect to the main sewer line under Caruthers Street. One city worker proclaimed "I've been doing this a long time and I have never seen anything like this." Another told me "this is clearly a city problem, you should file a claim."

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11. On 10 January the city was able to install a temporary pipe from the curb to the main sewer line under Caruthers Street. A more permanent fix will require further excavation to backfill the sinkhole but the crew had to end work to prepare for the winter storm approaching the Portland metro area. This terrible timing has the further effect of forcing me to stay in a hotel from 9 to 15 January. I am back home now, though I have no heat, so I may return to a hotel in the coming days.

Additional expenses:

- I was unable to work for, to date, three days, forcing me to use 27 hours of PTO.
- Hotel expenses, 9 January – 15 January.
- Fuel expenses (to/from hotel), 9 January – 15 January.
- My tenant has chosen to move out entirely, so I will be losing rental income for at least the month of February, and possibly longer.
- After water removal and mediation, already a significant cost, I expect the repair costs to be substantial: new drywall, doors, and trim. Painting of the walls and floor.
- Incurred plumbing costs will also be substantial. Pipe snaking, inspection, repairs, and the installation of a backwater valve(s) to ensure that future city negligence will never cause a sewer backup into the house again.
- On 15 January 2024 a licensed HVAC technician inspected the furnace and determined the control board was corroded and irreparably damaged (see Figures 9-11) due to being submerged in the water. He bypassed this control board and attempted to run the blower internal to the unit directly. It did not start or run, and he recommended it also be replaced.
- It is possible my washing machine needs repairs and/or replacing, TBD.
- It is possible my dryer needs repairs and/or replacing, TBD.

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Figure 1

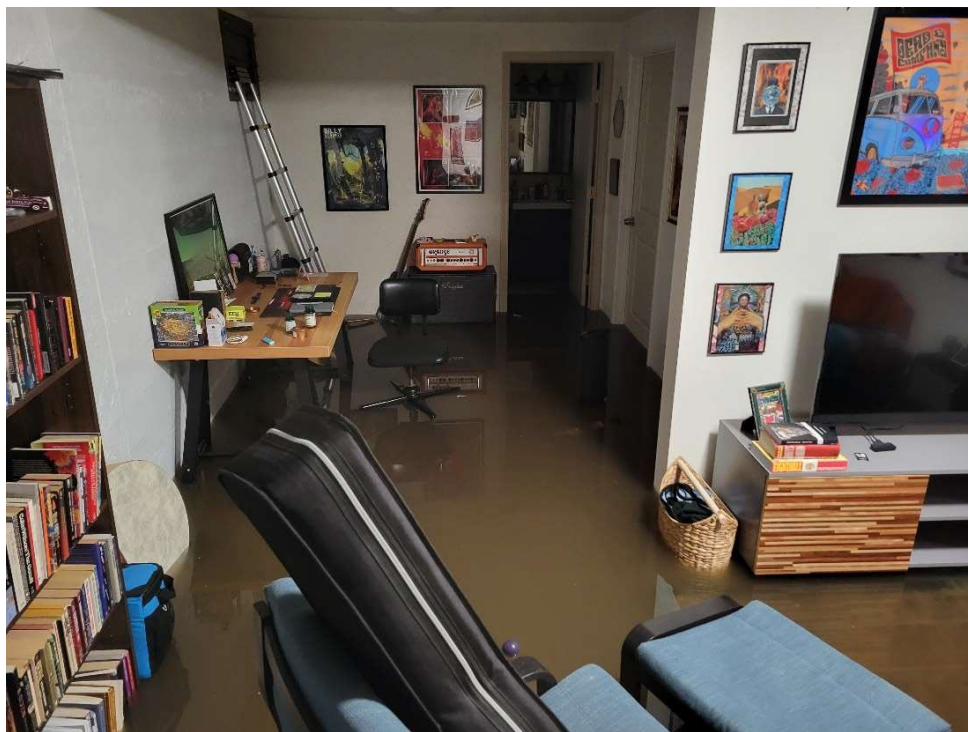


Figure 2



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Figure 3

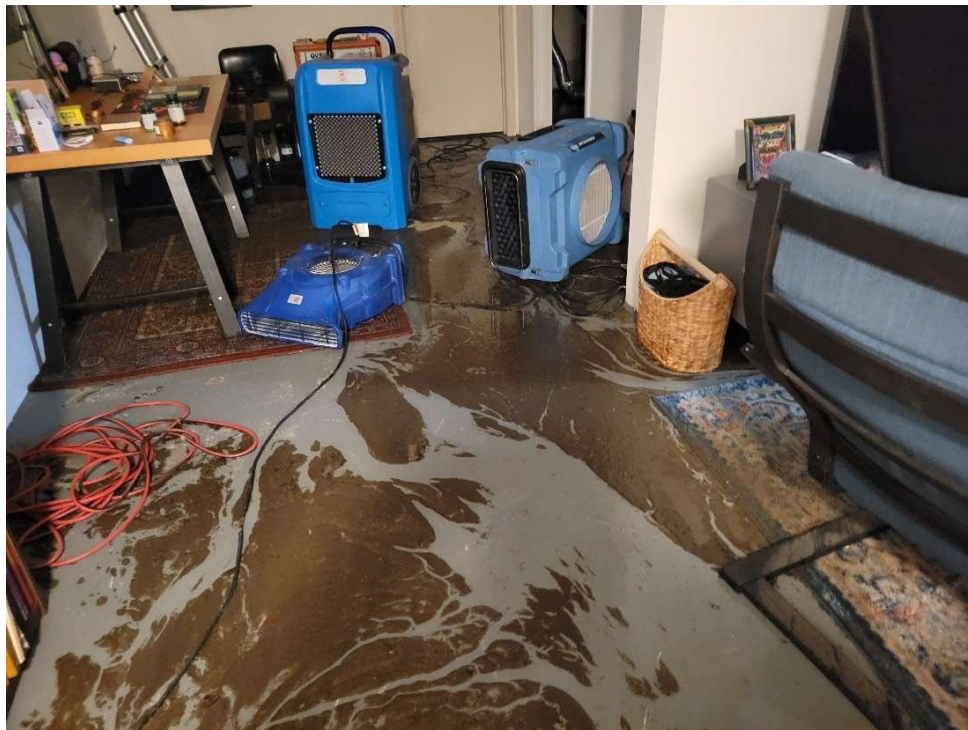


Figure 4

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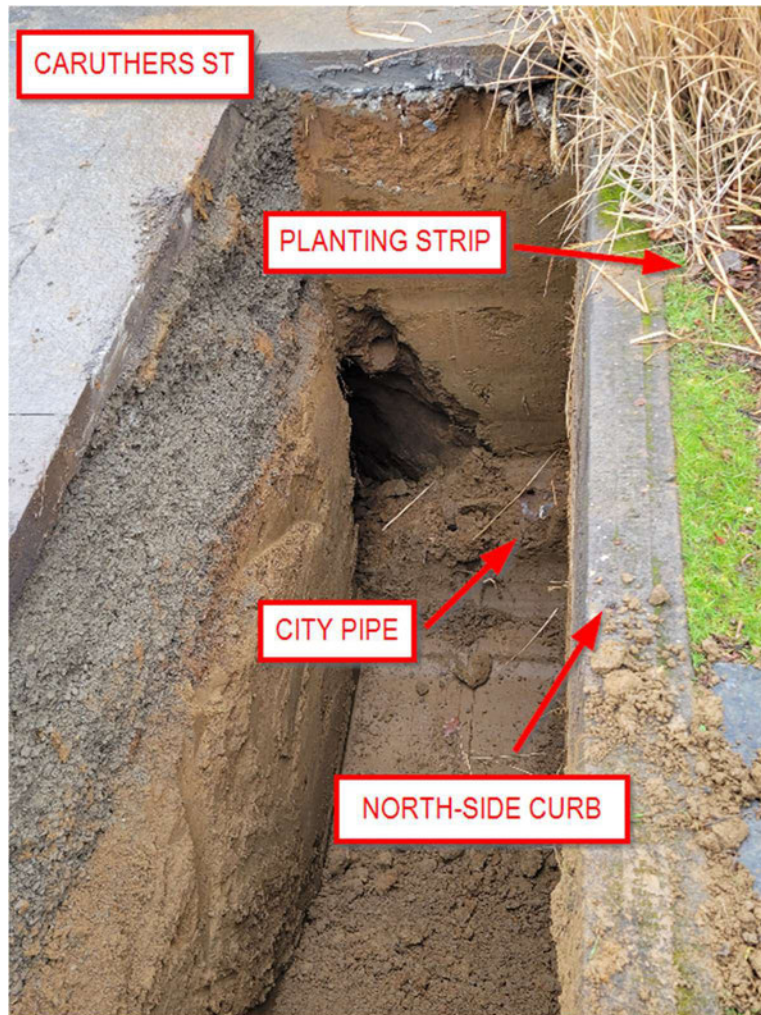


Figure 5



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Figure 6



Figure 7



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[REDACTED]



Figure 8



Figure 9



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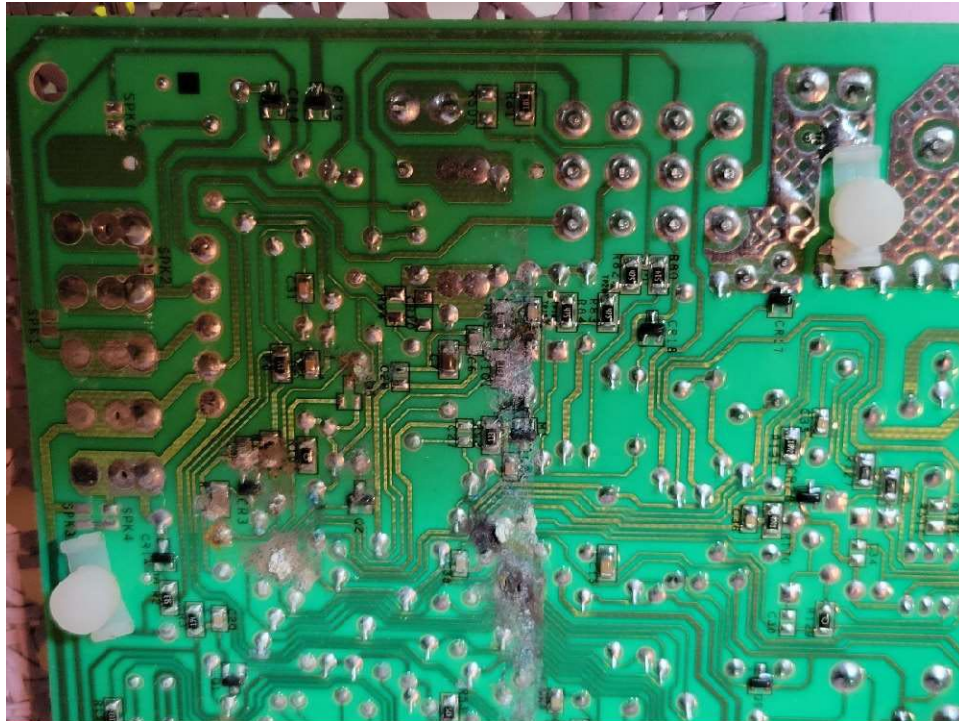


Figure 10

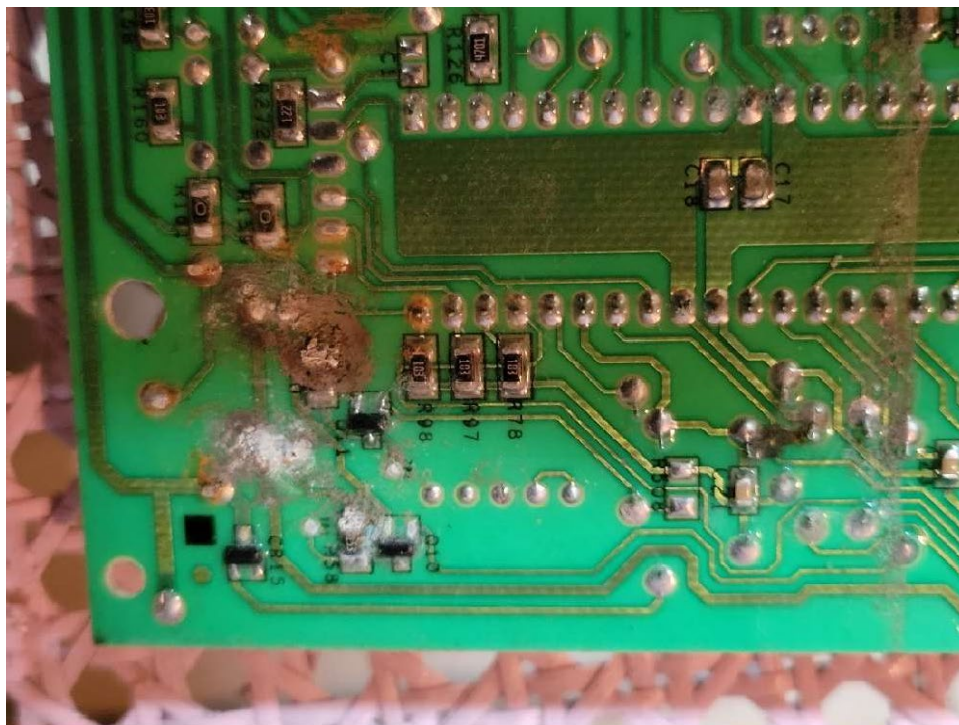


Figure 11