

# CITY OF MILWAUKEE

Form CA-43

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March 22, 2004

AMERICAN FAMILY INSURANCE CO.  
Attn: Laura Kloth, Subrogation Examiner  
Post Office Box 2927  
Milwaukee, WI 53201-2927

RE: C.I. File No. 04-V-32  
Your Clm No. 00-651-329654-6940  
Your Insured: Brian & Tracie Peksa

Dear Ms. Kloth:

This office is in receipt of your claim in the amount of \$2,262.35, relating to your subrogation interest and the interest of your insured arising from a September 23, 2003 loss in which your insured sustained damage to his vehicle when he hit a tree at North 48<sup>th</sup> and West Lisbon Avenue.

Our investigation reveals that your insured was slow to pull to the side of the road to yield to a Milwaukee County Sheriff's vehicle that was acting as an emergency vehicle. The investigating Milwaukee police officer also noted your insured in the process would not allow the Milwaukee Police Department (MPD) squad to pull over either. The MPD squad was finally able to pull over to yield the right-of-way. The primary liability for your insured's loss was caused by his failure to immediately pull over and yield the right-of-way, pursuant to Wis. State Stats §346.19, as such, the City cannot accept liability. Accordingly, we are denying your claim.

AMERICAN FAMILY INSURANCE CO.

March 22, 2004


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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT E. HANGLEY  
City Attorney



ROBERT M. OVERHOLT  
Investigator Adjuster

RMO:beg  
Enclosure  
1032-2004-596:79183