

CITY OF MILWAUKEE

Form CA-43

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May 3, 2005

Acuity Insurance Company
Attn: Kevin Peyton, Field Claim Representative
P.O. Box 5070
Sheboygan, WI 53082

RE: C.I. File No: 05-S-104
Your Clm. No: KT6577
Your Insured: Peter & Gladys Katzfey

Dear Mr. Peyton:

We have received your claim in the amount of \$4,879.00, relating to your subrogation interest and the interest of your insured arising from a February 20, 2005 loss in which your insured's vehicle suffered damaged when you alleged it collided into an improperly covered nor barricaded excavation, located at 3986 South Pine Street, Milwaukee, WI.

Our investigation reveals the Infrastructure Division-Underground Operations was engaged in the repair of a Sanitary Sewer in the area. Their records noted the excavation was properly barricaded, covered with plywood and "Advance Warning signs" were placed north and south of the excavation when the work crew left the site on February 17, 2005. Steel plates were not used because traffic was not expected to drive over the excavation. The City had no notice of this condition and because we had no notice we cannot accept liability, as such, we are denying your claim.

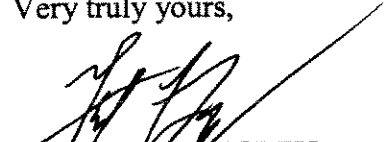
Acuity Insurance Company

May 3, 2005

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

Very truly yours,



GRANT F. LANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
1029-2005-922