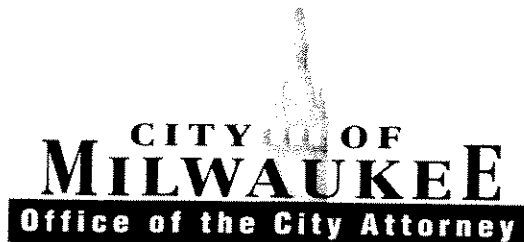


GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

April 25, 2007

SENTRY INSURANCE

Attn: Andrea Kulick
Post Office Box 8026
Stevens Point, WI 54481-8026

RE: C.I. File No: 07-S-6
Your Claim No: 74A104426-653
Your Insured: David Melnick

Dear Ms. Kulick:

We have received your claim in the amount of \$4,520.57, and a claim from your insured, David Melnick in the amount of \$4,901.66, relating to your subrogation interests and the interests of your insured arising from a December 15, 2006 incident in which your insured's vehicle was damaged after colliding with a pothole and a piece of concrete at or near 1102 North Broadway.

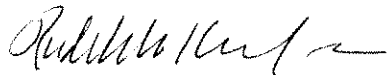
Our investigation reveals the Infrastructure Services Division-Field Operations (ISD) reviewed their records and the records of the DPW Call Center for the period December 15, 2005 to December 31, 2006. The ISD did not conduct any asphalt patching operations in the subject area for this time period, other than this loss. The ISD records reflected they were dispatched to this location on the subject date by the Milwaukee Police Department. Once on scene, the City repair person found an approximate 5"x6" pothole which he barricaded and subsequently repaired with a "cold" asphalt mix. The only other activity in the time frame was public right-of-way permits for work completed by private parties.

The DPW Call Center did not receive any complaints for this area or time period. The ISD did not have prior knowledge of this hazard at this location prior to December 15, 2006. When the ISD is notified of a hazard in the roadway, they will send a crew to investigate and/or patch the hazard. Prior to this the City had no notice of this hazard and because of this lack of notice, the City would not be liable, therefore; we are denying these claims.

Sentry Insurance
April 25, 2007
Page 2

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
1029-2007-64:118415
c: Attorney David Melnick ✓