

CITY OF MILWAUKEE

Form CA-43

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To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: Communication from Sentry Insurance Company
on behalf of Denise Hodkiewicz
C.I. File No. 01-S-262

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Denise Hodkiewicz, 5344 West Stack Drive, Milwaukee, WI 53219 alleges through Sentry Insurance Company, P.O. Box 8026, Stevens Point, WI 54481-8026 as subrogee that during the summer of 2000 lightning struck and damaged a limb on a City tree in front of her property. Her husband requested maintenance and was told by the Forestry Division that the tree was fine. On June 11, 2001 a large storm with very high winds caused the decayed limb to separate and land on the claimant's vehicle. They claim damages in the amount of \$5,223.73.

Our investigation reveals that the Forestry Division searched their records from the previous seven years and found no other requests for service at this location regarding this tree. They also note that the physical evidence did not indicate any prior lightning strikes and the lightning damage was not a factor. In addition, prior to this incident the tree was alive. The damaged limb was not decayed, nor was decay visible from the exterior.

Finally, at the time of the loss a major statewide storm occurred which caused high wind conditions and damaged trees in all parts of the City. This loss was not in any way related to negligence by the City of Milwaukee. As such, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



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Assistant City Attorney

MGT:beg
Enclosure