

CITY OF MILWAUKEE

Form CA-43

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October 5, 2004

West Bend Mutual Insurance Co.
Attn: Jeana Steffens, Claim Representative
1900 South 18th Street
West Bend, WI 53095

RE: C.I. File No.: 04-V-143
Your Insured: Sylvia J. Barnett
Your Claim No.: HHV 5227888 15

Dear Ms. Steffens:

This office is in receipt of your claim in the amount of \$6,366.00, relating to your subrogation interest and the interest of your insured arising from an August 5, 2004 loss in which your insureds' vehicle was damaged when it failed to yield for a City of Milwaukee emergency vehicle at North 27th Street and West Brown Street.

Our investigation reveals the Wisconsin Motor Vehicle Accident Report completed as a result of this accident noted that the Milwaukee police vehicle was operating as an emergency vehicle with its red light and siren activated. The police officer stopped and then proceeded through the intersection. Your insured failed to maintain lookout and yield the right-of-way to the police vehicle that was operating as an emergency vehicle; as such, the City cannot accept liability. Accordingly, we are denying your claim.

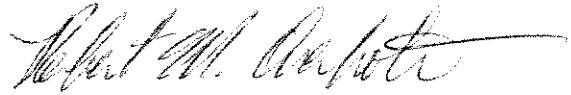
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If you wish to appeal this decision, you may do so by sending a letter within 21 days of the receipt of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202, requesting a hearing.

Very truly yours,



GRANT E. LANGLEY
City Attorney



ROBERT M. OVERHOLT
Investigator Adjuster

RMO:beg
Enclosure
1032-2004-2782:85924