

To the City of Milwaukee,

Please find below information regarding my client Michael Dupar's claim against the City of Milwaukee for damage to his vehicle caused by the negligence of the City and/or its employees acting within the scope of their employment, for which he seeks damages in the amount of \$3,506.45.

Claimant Information

Michael Dupar
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Description of Incident

The following is a summary of the information known about this incident to date, all of which Claimant is willing and able to testify to under oath if so called.

At approximately 2 a.m. on July 9th, 2025, my client, Claimant Mr. Dupar, awoke to a loud sawing sound. Upon walking downstairs and into the street, he found City of Milwaukee Arborists feeding a portion of a large tree limb into a wood chipper. The limb had fallen directly onto his 2017 Subaru Crosstrek, caving-in the hood of the vehicle and damaging the front frame, moon roof and windshield.

The vehicle was parked across the street from his residence at 2955 S. Wentworth Ave, directly in front of the property located at 2954 S Wentworth Ave. The weather on the night of the incident was typical of a mild summer night. No storms, high winds or extreme heat were present in the day preceding the event.

Prior to the incident, the same tree had dropped a much smaller branch on June 23rd, 2025 that did not cause such significant property damage. The neighbor, Michael Peña, who resides at 2954 S. Wentworth Ave., put in a service request to the City via its software Accela/Click4Action to address the problem. Mr. Peña notified the claimant of the fallen branch and that City Arborists were being dispatched to respond to his claim.

According to the City's website regarding Forestry Services,
<https://city.milwaukee.gov/dpw/operations/forestry>:

Common reasons for out-of-cycle pruning include low branches growing over the sidewalk and street, and noticing a defect such as a split, large cavity, or large

deadwood. A trained arborist will inspect all requests for tree pruning and determine if out-of-cycle pruning is warranted.

Milwaukee's Municipal Code recognizes that such decaying trees are a public nuisance to be ameliorated. *See Milwaukee Code of Ordinances ("MCO") 116-53.*

Mr. Peña observed the City Arborists who were dispatched on June 23rd, 2025 and saw that they were trimming the tree directly in front of the claimant's residence (2955) and not the tree identified in the service request, which subsequently totaled the claimant's vehicle. Mr. Peña was prohibited by city ordinance from "delay[ing] or interfer[ing]" with this work in any way, even though the Arborists were transparently working on the wrong tree. *See MCO 116-69.* Less than 3 weeks later, that same tree had now totaled the claimant's car.

Claim Amount

Mr. Dupar seeks an amount representing the difference between the actual fair market value of his vehicle at the time of the incident and a lower value paid by his insurer, \$13,714.40, which was \$500 less than the insurer's "*settlement*" value estimate after accounting for Mr. Dupar's deductible.

Attached are several value estimates, itemized at the appropriately high level for the damage caused given that damage to the vehicle resulted in a total loss. First is that generated by Progressive Group of Insurance Companies, indicating a value of \$14,214.40. A second estimate is included from JD Power, indicating an average value of \$19,000. Finally, I am attaching two (2) fair market value estimates for a substantially similar 2017 Subaru Crosstrek generated by Kelley Blue Book, one for \$17,988 and one for \$17,681. The average of these four figures is \$17,220.85.

Less the \$13,714.40 paid in settlement by Mr. Dupar's insurer, my client's remaining claim for which he seeks compensation is \$3,506.45.

Conclusion

The tree of reference and the damage to his vehicle may be seen in the attached photos. The tree is the property of the City of Milwaukee and shows clear indications of rot, and such indications were present in the months leading up to the incident in question. The tree shows indicators that should have raised concerns amongst qualified Arborists, especially considering that they were dispatched so recently regarding the same tree and had been given actual notice of its condition.

On behalf of the claimant,

/s/ Daniel J. Schneider

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