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September 26, 2006

HALLING & CAYO, S.C.
Attn: Mary K. Berg, Paralegal
320 East Buffalo Street, Suite 700
Milwaukee, WI 53202

RE: C.I. File No: 06-S-213
Your Client: John M. Binter

Dear Ms. Berg:

We have received your client's claim in the amount of \$2,130.84, relating to damage allegedly sustained to his vehicle on June 21, 2006 when a City of Milwaukee crew removed a tree which had fallen on it at 2308 East Euclid Avenue.

Our investigation reveals that the Forestry Division records indicate that on June 21, 2006 a storm passed through the City with peak winds of 45 mph as reported by the National Weather Service. The division responded to many calls for service, one of them was for a private tree in the road at 2319 East Euclid Avenue.

Upon arrival, a Forestry crew found that a portion of a 28 inch diameter Norway maple tree located on private property had fallen and blocked the road. The tree was resting on three vehicles. In addition, there were numerous utility cables lying on the ground. WE Energies was contacted to take care of the downed power lines and restore power. The Forestry crew blocked the area for public safety until WE Energies arrived. Once the downed cables were removed by WE Energies, the Forestry crews cleared the City right of way

The tree rested at the rear of a vehicle and two other vehicles were also parked under it. The crew, using as much care as possible, removed small portions of the tree. When enough of the tree had been cleared, the owners were allowed to move their vehicles. The crew leader reported that one vehicle had only a broken passenger window and that this was caused by the tree when it fell during the storm. As such, the City would not be liable for your client's alleged damages. Therefore, we are denying your client's 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 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

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

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