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August 19, 2013

*Mailed  
8/22/13*

Ms. Jeanette Harris  
3900 N. 80th Street  
Milwaukee, WI 53222

RE: C.I. File No. 1068-2013-1851  
Communication from JEANETTE HARRIS

Dear Ms. Harris:

We have received your claim in the amount of \$3,338.49, relating to damage sustained to your vehicle which you allege happened on May 5, 2013 when a branch from a City tree fell onto it while it was parked at/near 3900 North 80<sup>th</sup> Street.

The Forestry Section records indicate that they received two calls on May 14, 2013 to request removal of a broken branch down at 3900 North 80<sup>th</sup> Street. The first request, to remove a broken branch not blocking, was called into the DPW Call Center at 10:05 p.m. and was immediately dispatched to a Forestry Crew Leader for response. The second request, to remove a broken branch on car, was called into the Call Center at 10:15 p.m. but was not called to the crew who responded to the initial call. The Section responded to the first request that day. Upon arrival, their crew found that a broken branch had fallen from a 22 inch diameter Norway Maple street tree and was lying on the ground. They did not report a damaged vehicle being present when they arrived. The crew removed the branch and proceeded to their next assigned location. The second request was received by the Section the next morning, viewed as a duplicate which had already been handled and no further follow up was done.

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The Section also noted that the City experienced windy conditions on May 14, 2013 and that the peak wind speed was 46 miles per hour. They responded to numerous requests regarding broken branches and downed trees. The Section reviewed their records for the last 5 years and found no complaint or service requests for this tree. The trees in this area are on a regular pruning schedule and were last pruned in July 2011.

There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we are denying your claim.

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

*Steven M. Carini*

STEVEN M. CARINI  
Investigator Adjuster

SMC:cdr

1068-2013-1851/195092