

CITY OF MILWAUKEE

Form CA-43

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May 8, 2002

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

Re: Communication from Doretha Smith, Guardian
on behalf of Diamond Little
C.I. File No. 01-S-277

Dear Council Members:

Claimant, Diamond Little, 5019 North 54th Street, Milwaukee, WI 53218, alleges through her guardian, Doretha Smith, also of the same address, that on August 1, 2001 she sustained injuries when a branch from a tree located in the city of Milwaukee right-of-way adjacent to 5014 North 54th Street fell on her and another child. She claims damages in the amount of \$6,022.99.

Our investigation reveals that the Forestry Division records indicate that they received a complaint on August 1, 2001. They sent personnel; the tree was determined to be healthy and the branch was removed. The guardian, Doretha Smith, indicated that she had previously contacted her alderman's office concerning the hanging branch. The alderman's office has no record of receiving this request for service.

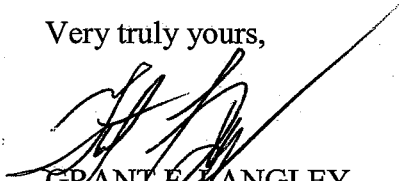
To the Hon. Common Council

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Prior to this complaint, the City had no notice of this alleged defect and because of this lack of notice, the City would not be liable. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT E. LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure