

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550
November 15, 2001

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

American Family Insurance
Attn: Tanya Tracy
Post office Box 2927
Milwaukee, WI 53201-2927

Re: C. I. File No: 01-V-159
Your Clm. No: 00-601-299466-0328
Your Insured: Heather Kruse

Dear Ms. Tracy:

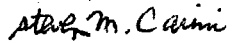
This office is in receipt of your claim in the amount of \$1,344.00, relating to your subrogation interests and the interests of your insured arising from an April 24, 2001 loss when your insured's vehicle was allegedly damaged by City equipment in a coned area at North Hawley Road. & West Notre Dame Court.

Our investigation reveals that the Fleet Accident report completed as a result of this accident notes that the City employee had properly placed cones along the swing side of the gradall and had turned on all emergency lighting. The report also indicated that numerous vehicles had safely passed through the area before your insured's accident. It further notes that your insured had been talking on her cell phone and had been looking over her left shoulder for northbound traffic as she came alongside the gradall, on her right, and contact resulted. The primary liability for this accident rests with your insured. As such, the City cannot accept liability for this loss. Accordingly, 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 F. LANGLEY
City Attorney


STEVEN M. CARINI
Investigator Adjuster

SMC:beg

11-26-01
TCT