

CITY OF MILWAUKEE

Form CA-43

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October 30, 2001

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

Re: Communication from Great West Casualty Company
on behalf of Badger State Western, Inc.
C.I. File No. 01-L-117

Dear Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

Claimant, Vickie Grundy, Subrogation Specialist of Great West Casualty Company, P.O. Box 277, South Sioux City, NE 68776-0277, on behalf of and in the interest of their insured Badger State Western, Inc., allege that on May 29, 2001, their insured sustained damage to their vehicle when it collided with a City tree branch at 3154 South Chase Avenue. They claim damages in the amount of \$11,362.50.

Our investigation reveals that the claimant's truck was occupying the parking lane when the right upper front corner of its cargo box collided with the branch at a point directly vertical to the curb of the road and at a height of 11.6 feet. The Forestry Division prunes branches to a height of at least 14 feet where they extend over regular traffic lanes and this tree was pruned well in excess of that minimum. The Forestry Division followed all procedures properly in maintaining and pruning the tree.

To the Hon. Common Council

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Responsibility for this accident rests solely with the truck operator, not the City of Milwaukee. Accordingly, we recommend that this claim be denied.

Very truly yours,



GRANT LANGLEY
City Attorney



MICHAEL G. TOBIN
Assistant City Attorney

MGT:beg
Enclosure