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September 29, 2006

Paul Holzhauer
6021 West Stevenson Avenue
Milwaukee, WI 53213

RE: Paul Holzhauer
C.I. File No: 06-S-230

Dear Mr. Holzhauer:

We have received your claim in the amount of \$1,864.79, relating to vehicle damage that occurred on August 5, 2006 when a branch from a City tree fell on your truck at 6021 West Stevenson Street.

Our investigation reveals the Forestry Section was notified of a broken branch down on a vehicle on August 5, 2006 at the subject location. The responding forestry employee removed the broken branch. He noted the branch came from a City tree that was alive and healthy. The branch and the tree had no visible decay.

The Forestry Section also reviewed their records relative to any other information regarding the tree in question. They found they had responded to a service request from you on May 5, 2006. They inspected the tree on May 8, 2006 and found no cause for action regarding the tree. The section responded to another service request from you on or about August 30, 2006. The section found the tree to be a "specimen tree" and not in need of pruning. The Forestry Section followed their standard procedures with this tree and there was no way the section could have foreseen nor prevented this loss. Since the City was not negligent in this matter, it cannot accept liability, as such; we are denying your claim.

Paul Holzauer
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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

ROBERT OVERHOLT
Investigator Adjuster

RMO:beg
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