

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys

**CITY OF**  
**MILWAUKEE**  
**Office of the City Attorney**

THOMAS O. GARTNER  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE RUTLEDGE  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
THOMAS D. MILLER  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
CHRISTINE M. QUINN  
MARGARET C. DAUN  
JEREMY R. MCKENZIE  
MARY L. SCHANNINS  
PETER J. BLOCK  
NICHOLAS P. DESIATO  
Assistant City Attorneys

April 26, 2013

Great West Casualty Company  
1100 W. 29th Street  
P.O. Box 277  
South Sioux City, NE 688776-0277

*mailed  
5-3-13*

RE: C.I. File No. 1068-2013-781  
Your File No. F97940-936 Cargo; F97941-936 Trailer

Dear Great West Casualty Company:

We have received your claim for the amount of \$7,530.17 in relation to the property damage your insured, First Express Inc. sustained on December 14, 2012 at 2818 West Meinecke in Milwaukee, Wisconsin.

The Forestry Department reports a crew responded to a request to remove a city tree on a house and partially blocking the street at 2818 West Meinecke. When the crew arrived, they found a 24 inch diameter Norway Maple tree that had been uprooted by a semi-trailer truck. The tree was removed and a property damage report was filed. The city was not able to take photographs at the time of the incident, but returned on December 16, 2013 to take photos of the damaged truck, property damage, and the remaining tree stump.

Upon inspection of the tree, there was no evidence of the tree having a branch too low over the street because the tree was uprooted and downed by the semi-trailer before the city crew arrived. The last cycle of pruning for this particular tree occurred in December 2009. At that time, this tree was given a full inspection, full prune, and low hanging branches over the street would have been removed.

Great West Casualty Company  
April 26, 2013  
Page 2

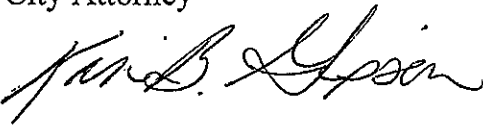
The Forestry Department did not receive any complaints or service requests regarding any defects, potential hazards, or decay in this tree for the five years preceding this incident. Because these damages were caused through no fault or negligence of the City of Milwaukee, the city cannot be held liable. 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 F. LANGLEY  
City Attorney



KARI GIPSON  
Investigator Adjuster

KBG:cdr

1068-2013-781/191519