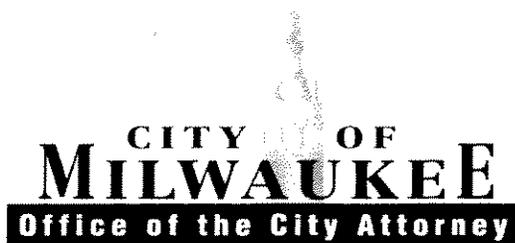


**GRANT F. LANGLEY**  
City Attorney

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



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**STUART S. MUKAMAL**  
**THOMAS J. BEAMISH**  
**MAURITA F. HOUREN**  
**JOHN J. HEINEN**  
**MICHAEL G. TOBIN**  
**DAVID J. STANOSZ**  
**SUSAN E. LAPPEN**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**VINCENT J. BOBOT**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**KATHRYN M. ZALEWSKI**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

April 9, 2007

Progressive Classic Insurance Company  
Attn: Frank Stein, Subrogation Representative  
P.O. Box 149264  
Austin, TX 78714-9264

RE: C.I. File No.: 07-S-67  
Your Claim No.: 071200474  
Your Insured: Jennifer Zembruski

Dear Mr. Stein:

We have received your claim in the amount of \$1,087.87 and a claim from your insured, Jennifer Zembruski, relating to your subrogation interests and the interests of your insured arising from a January 4, 2007 incident in which the insured's vehicle was damaged by a limb that fell from a City tree at 3136 North 74<sup>th</sup> Street during stormy conditions.

Our investigation reveals the Forestry Section responded to an emergency service request on January 4, 2007 involving a downed tree branch that had damaged a car. Prior to this incident the tree was alive and showed no external signs of decay.

The Forestry Section reviewed their records and found the trees in this area were last pruned in April 2006. Their search also noted that they had responded to another branch down call on July 26, 2006 at 3134 North 74<sup>th</sup> Street. The Forestry Section followed their normal procedures with the subject trees and there was no way the section could have foreseen or prevented this loss. Since it appears this loss occurred during windy conditions and was not related to negligence by the City, we are denying your claim.

Progressive Classic Insurance Company  
April 9, 2007  
Page 2

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 M. OVERHOLT  
Investigator Adjuster

RMO:beg  
1068-2007-757:117686

c: Jennifer Zembruski  
1628 North Franklin Place, Apt. 10  
Milwaukee, WI 53202