

March 27, 2026

City Clerk
ATTN: CLAIMS – Appeal Hearing Request
200 E. Wells Street, Room 205
Milwaukee, Wisconsin 53202-3567

CITY OF MILWAUKEE
2026 MAR 30 P 1:22
CITY CLERK'S OFFICE

Re: Claim 17052507

City Attorney Evan C. Goyke:

I am writing to request an appeal hearing after receiving the response from the City of Milwaukee ("City") to my initial claim, dated and post marked March 10, 2026.

Further, after providing substantial proof of my claim, including enough direct evidence about the compromised state of this tree that should have warranted an off-cycle inspection between March 2023 and June 2025, I am extremely disappointed with the results of this review and find them to be an abuse of power and process.

1. You indicated Forestry staff could not verify the downed branch and damage to the vehicle.
 - I provided substantial photographic evidence, providing over a dozen labeled photos with my original claim request, which would easily be confirmed as authentic due to the meta data captured by electronic devices when their camera applications are used.
 - How would Forestry possibly assess the damage to a vehicle, given it is not their specialty or occupation? Past the fact that I took many pictures to document the event, I provided two separate estimates as required.
 - Staff found remaining detritus at the curb for processing for several reasons:
 - Continued damage could have occurred, and especially given this response, I was correct in my actions to remove the limb from my vehicle. The City is not taking responsibility for the tree they are solely responsible for, as I am literally prevented from maintaining this tree.
 - I both needed to get my child to his summer school programming and get myself to work, all of which we missed and/or were late for due to the branch that fell on my vehicle due to the City's negligence. Based on previous experience with Forestry, there was no way of knowing how long it would take for them to respond, with expectations that service that day should not be expected.

- For the winter season 2022-2023, there were prior snow fall events in late-January 2023 and late-February 2023 that were greater than and/or substantially equal to that received between March 9 and March 10, which did not result in the branch failing. This means that although the snow and wind may have acted as the final “nail in the coffin” for this branch, the real issue was the substantial internal decay. As previously noted, that means any reasonable arborist would naturally conclude the tree needs additional inspection. Therefore, the City knew or should have known the tree was a risk, which clearly makes it eligible for off-cycle inspection and trimming.
- In this same section, you noted last pruning was in October 2025 and that scheduled maintenance is planned to occur in 2027 on the “new” inspection cycle. The event where the City’s tree damaged my personal property occurred in June 2025. These points have no bearing on my claim.

I continue to request compensation from the City for damage caused to my personal property by a tree the City is responsible for managing, as it is located in the curb strip, and for which it knew, or should have known, as shown by all the counterpoints raised above, that the tree was in substantial need of trimming maintenance and care.

The City is already in possession of my initial claim letter, which included details and substantial photographic evidence. The initial claim also included estimates for the repair of the damages, which validate the amount of damages suffered by me personally as a result of the City’s negligence.

I appreciate your attention to this matter and can be reached by mail at the address where the incident occurred, by phone at 414-339-1038, or by email at mremkay@hotmail.com. If a hearing is still required after review of this letter, I look forward to that session. However, if the City wishes to save time and money, not only for itself but also a lifetime member of the community, reasonable resolution of this matter is still possible by sending a check in the amount of \$3,195.77, made payable to me, and mailed to my address of record.

Sincerely,



Jason Musante-Klumb

3414 N. 49th Street

Milwaukee, Wisconsin 53216

Attachments: Copy of the envelope with postmark that the City’s response to initial claim was mailed in.



PRESORTED
FIRST CLASS



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Mr. Jason Musante-Klumb
3414 N. 49th Street
Milwaukee, WI 53218

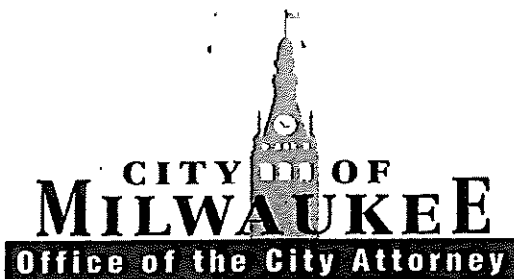


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March 10, 2026

Mr. Jason Musante-Klumb
3414 N. 49th Street
Milwaukee, WI 53218

RE: Communication from JASON MUSANTE-KLUMB
C.I. File No. 2025-002075

Dear Mr. Musante-Klumb:

We are in receipt of your claim in the amount of \$3,195.77, regarding damage sustained to your vehicle on June 30, 2025, at 3414 North 49th Street, allegedly when a branch from a city tree failed and caused damage.

Our investigation determined that on June 30, 2025, the Forestry Section responded to an emergency request at the subject location. Staff found a tree branch down along the curb and tree border. Damage to the vehicle could not be confirmed because no vehicle was present at the site when crews arrived.

The branch that failed came from a honey locust tree measuring approximately 10 inches in diameter and 30 feet in length. Photographic evidence showed internal decay at the point of failure; however, this decay was not visible from the exterior of the branch and could not have been detected through routine observation.

Weather records show that between June 29 and June 30, 2025, Milwaukee experienced a rain event that produced 0.16 inches of precipitation, with sustained winds averaging 8.5 MPH and peak winds of 27 MPH. On June 30, 2025, additional rain occurred, with winds averaging 6.9 MPH and peak winds of 29 MPH. During this severe weather event, the Forestry Section received 176 tree-related service calls citywide.

COPY



Musante-Klumb
March 10, 2026
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Maintenance records were also reviewed. Between March 9 and March 10, 2023, Milwaukee experienced a significant weather event involving 10.7 inches of heavy, wet snow, with sustained winds averaging 12.9 MPH and peak winds between 25 and 30 MPH. The tree was last pruned in October of 2025 to remove any remaining deadwood. The next scheduled inspection of all trees in Quarter Section 288 is planned for 2027, in accordance with the City's new six-year inspection cycle.

Based on the findings of this investigation, the damage could not have been foreseen or prevented. As a result, the City is not liable for the claimed damages, and your claim is denied.

If you wish to appeal this decision, you may do so by sending a written statement requesting a hearing within 21 days of the postmarked date of this letter to the Milwaukee City Clerk, 200 East Wells Street, Room 205, Milwaukee, Wisconsin 53202. Please include a photocopy of this letter's envelope, showing the postmark, and retain the original in the event further proof is needed.

Very truly yours,



Evan C. Goyke
City Attorney



MICHELLE THOMPSON-GRAY
Investigator/Adjuster

ECG/MTG/cdr

2025-002075/