

GRANT F. LANGLEY
City Attorney

LINDA ULISS BURKE
VINCENT D. MOSCHELLA
DANIELLE M. BERGNER
MIRIAM R. HORWITZ
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

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
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
ADAM B. STEPHENS
KEVIN P. SULLIVAN
THOMAS D. MILLER
JARELY M. RUIZ
ROBIN A. PEDERSON
MARGARET C. DAUN
JEREMY R. MCKENZIE
MARY L. SCHANNINS
PETER J. BLOCK
NICHOLAS P. DESIATO
JOANNA GIBELEV
JENNY YUAN
T.C. MAKAYA
KAIL J. DECKER
ALLISON N. FLANAGAN
Assistant City Attorneys

August 19, 2014

Loyd Mallett
2973 North 37th Street
Milwaukee, WI 53210

RE: C.I. File No. 1068-2014-1730
Communication from LOYD MALLETT

Dear Mr. Mallett:

We have received your claim in the amount of \$3,075.80, relating to damage sustained to your vehicle, which you allege happened on April 4, 2014, when a limb from a City tree fell onto it while it was parked at 2973 North 37th Street.

The Forestry Section records indicate that they received a request on April 14, 2014 to remove a broken branch which had fallen from a City tree onto a car located at 2973 North 37th Street. They responded that day. Upon arrival, their crew found that an 8 inch diameter branch from a 20 inch diameter Norway Maple street tree had broken and fallen onto a car. The limb was alive with decay which was not visible from the outside. They removed the branch.

The Section also noted that the City experienced windy conditions on April 14, 2014. The peak wind gust was 42 miles per hour. They responded to numerous requests regarding broken branches and downed trees. They also reviewed their records for the last 6 years and found no other complaints or service requests for this tree. The trees in this area are on a regular pruning schedule and were last pruned in January 2014.

There is no evidence that the City was negligent in this matter. As such, the City would not be liable. Therefore, we are denying your claim.



Loyd Mallett
August 19, 2014
Page Two

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 P. LANGLEY
City Attorney

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:cdr

1068-2014-1730/206587