

**GRANT F. LANGLEY**

City Attorney

**VINCENT D. MOSCHELLA**

**MIRIAM R. HORWITZ**

**ADAM B. STEPHENS**

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

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  
JAY A. UNORA  
KATHRYN Z. BLOCK  
KEVIN P. SULLIVAN  
THOMAS D. MILLER  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
JEREMY R. MCKENZIE  
MARY L. SCHANNING  
PETER J. BLOCK  
NICHOLAS P. DESIATO  
JOANNA GIBELEV  
JENNY YUAN  
KAIL J. DECKER  
ALLISON N. FLANAGAN  
LA KEISHA W. BUTLER  
PATRICK J. LEIGL  
HEATHER H. HOUGH  
ANDREA J. FOWLER  
PATRICK J. MCCLAIN  
NAOMI E. GEHLING  
CALVIN V. FERMIN  
BENJAMIN J. ROOVERS  
Assistant City Attorneys

February 26, 2016

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: C.I. File No. 1068-2015-2297  
Communication from: STATE FARM INSURANCE, by its representative  
Jessica Kellerhals  
P.O. Box 106172  
Atlanta, GA 30348-6172

Dear Council Members:

State Farm Insurance alleges that on July 13, 2015 a City tree branch broke and fell on their insured's car at 1616 North 51<sup>st</sup> Street. Claimed damages total \$11,673.14.

Forestry Section records indicate that on July 13, 2015 they responded to a call to remove a tree branch which had fallen on a car at 1615 N. 51<sup>st</sup> Street. Upon arrival, their crew found that a 19-inch diameter, 30-foot branch from a 24-inch diameter Norway Maple at 1609 N. 51<sup>st</sup> Street had fallen on a car. The tree was alive with visible decay. The Section removed the branch; the remainder of the tree was removed on a later date.

Thunderstorms moved through Milwaukee on July 13, 2015, with a peak wind speed of 51 MPH.

Forestry reviewed their records for the previous five years and found no other service requests for this location. The trees in this area are on a regular pruning schedule and were last pruned in January 2014.



To the Honorable Common Council  
Of the City of Milwaukee  
February 26, 2016  
Page Two

There is no legal basis for City liability. Therefore, we recommend that this claim be denied.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

PATRICIA A. FRICKER  
Assistant City Attorney

PAF:cdr

Enclosure

c: Jeffrey Kluslow (Forestry)

1068-2015-2297/225926