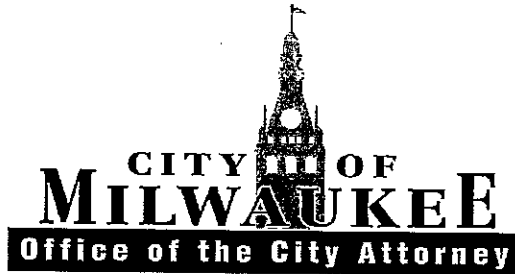


GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
DANIELLE M. BERGNER
Assistant City Attorneys

October 26, 2009.

Celeste Baldwin
4623 North 38th Street
Milwaukee, WI 53209

RE: Celeste Baldwin
C.I. File No.: 09-S-370

Dear Ms. Baldwin:

We have received your claim in the amount of \$1,456.22, relating to damage allegedly sustained to your vehicle on October 2, 2009 when a branch from a City tree fell onto it while it was parked at 5537 West Melvina Street.

Our investigation reveals that the Forestry Division records indicate that on October 2, 2009, they received and responded to an emergency request for service involving a fallen branch at 5537 West Melvina Street. Upon arrival, their crew found that a 16-inch diameter by 55-foot long branch from a 33-inch diameter Norway maple tree, located in the right-of-way, had fallen. The tree and limbs were alive and showed no external or internal signs of decay. The division noted that the area had experienced a peak wind speed of 35 miles per hour. They also reviewed the DPW Service Request database for the last 5 years and found no service requests for this tree. The tree is on a regular pruning schedule and was last pruned in 2005. 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.

Celeste Baldwin
October 26, 2009
Page 2

If you wish to appeal this decision, you may do so by sending a letter within 21 days of 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

Steven M. Carini

STEVEN M. CARINI
Investigator Adjuster

SMC:ms
1068-2009-2750:151260