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July 16, 2020

*mailed
7-22-2020*

Rosale Horton
3843 N. 11th Street
Milwaukee, WI 53206

RE: C.I. File No. 1068-2020-174
Communications from ROSALE HORTON

Dear Ms. Horton:

We have received your claim in the amount of \$8,937.98 that resulted from a tree branch falling on your 2012 Buick Regal on October 22, 2019.

The Forestry Section of the City conducted and concluded their investigation of this matter. At the time of this incident, according to NOAA National Weather Service, from October 21, 2019, through October 22, 2019 the City experienced a sustained wind event with peak wind gusts reaching 52 mph and sustained winds of 36 MPH. During this time period, the Forestry Division responded to 161 calls for broken branches and down trees throughout the City.

Prior to this incident, Forestry had received no requests for service on the tree in question within the last six years. In addition, there were no requests to inspect the tree for hazard conditions since the tree was pruned in September 2014.

According to your letter addressed to the Office of the City Clerk dated January 20, 2020 you alleged that on October 22, 2019, Department of Public Works was out cutting branches down from the tree and failed to ensure all branches were secured on the tree and not dangling. After careful review of this matter, there is no record of any Forestry crew working at the tree in question on October 22, 2019 or in the days prior to the October 23rd call for service.

In conclusion, there is no evidence that the City was negligent in this matter. The Forestry Section determined that no reasonable or prudent action on its part could have foreseen or prevented the damages to your vehicle from occurring. As such, the City



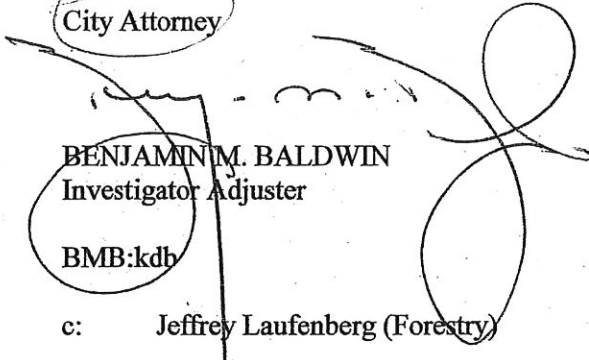
would not be liable for the damages being claimed from the October 22, 2019 incident. Therefore, we are denying your claim.

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,



TEARMAN SPENCER
City Attorney



BENJAMIN M. BALDWIN
Investigator Adjuster

BMB:kdb

c: Jeffrey Laufenberg (Forestry)

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