

**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**  
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**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
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**DONALD L. SCHRIEFER**  
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**LEONARD A. TOKUS**  
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**G. O'SULLIVAN-CROWLEY**  
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**MEGAN T. CRUMP**  
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**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

December 14, 2009

State Auto Insurance Companies  
Attn: Julie Silbaugh, Subrogation Specialist  
P.O. Box 65150  
West Des Moines, IA 50265-0150

RE: Our C.I. File No.: 09-S-362  
Your Insured: Thomas Ballinger  
Your Claim No.: BALL-0023289-080809

Dear Ms. Silbaugh:

We have received your claim in the amount of \$1,792.56, relating to your interests and the interests of your insured when a branch from a City tree fell on it at 2632 North Farwell Avenue on August 8, 2009.

Our investigation reveals that the Forestry Section responded to an emergency request for service. They found a branch had split from a live tree that showed no external signs of decay. The Forestry Section immediately removed the branch and removed the rest of the tree on September 17, 2009. The trees in the area were last pruned in 2004 pursuant to the City's programming pruning schedule. The Forestry Section also checked their records for the last five years and found no request for tree service at this address. Since the City followed standard procedures and this loss occurred during windy conditions, it cannot accept liability and we are denying your claim.

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2801 • TDD: 414.286.2025 • Fax: 414.286.8550

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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 E. LANGLEY  
City Attorney



ROBERT OVERHOLT  
Investigator Adjuster

RMO:ms

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