

October 17, 2019
Cupertino, CA

Mr. David Cahen
Risk Manager, -- Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118-3686

Ref: Claim Denial L1900002

Dear Mr. Cahen;

We received your letter denying responsibility for damage to the new fence that we share with the Fong family; -- and respectfully ask if you might reconsider your findings.

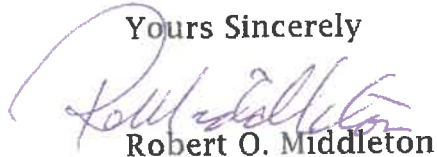
When a tree falls and crushes a citizen's fence; -- \$1044 in repair cost; -- we fail to see why the entity that owns the tree is not at fault. The tree and all aspects of it, are the owner's responsibility.

And, as to the statement that there was no liability "Unless the entity had actual knowledge that the tree was not healthy." Why was it not VW's responsibility, as owner, to be aware of the tree's health? They control the tree's status, location, and well being; -- and should accept responsibility for any damage it might cause.

That VW doesn't accept any responsibility in the matter, doesn't seem fair. We, as private citizens, would certainly not be allowed that license.

Again, we respectfully and hopefully ask, that you reevaluate your recommendation to the Board.

Yours Sincerely



Robert O. Middleton

22044 Creekside Court, Cupertino 95014 (408) 255-0620

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