



1 **City of Racine, Wisconsin**  
2 **Common Council**

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE: Finance and Personnel**      **LEGISLATION ITEM #: 00614-23**

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5 **AGENDA DATE: July 10, 2023**

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7 **DEPARTMENT: City Attorney's Office**

8 **Prepared By: Deputy City Attorney Marisa Roubik**

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10 **SUBJECT:** Communication sponsored by Alder West on behalf of the City Attorney's Office submitting  
11 the claim of Travelers, on behalf of their insured, Diels with Wheels, and driver, Robert Paul Diel, for  
12 consideration for disallowance.

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14 **EXECUTIVE SUMMARY:**

15 Travelers, on behalf of their insured, Diels with Wheels, and driver, Robert Paul Diel, claim  
16 reimbursement in the amount of \$6,190.80 allegedly arising from an accident involving a Racine Fire Truck  
17 (on emergency), which is alleged to have struck an illegally parked vehicle in the 3100 block of Washington  
18 Ave., which was being operated by Robert Paul Diel on or about November 17, 2022. The City believes  
19 that this claim was improperly filed, disputes the damages claimed, and its liability therefor. As such, the  
20 City Attorney's Office recommends that this Committee disallow the claim of Travelers, on behalf of their  
21 insured, Diels with Wheels, and driver, Robert Paul Diel.

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23 **BACKGROUND & ANALYSIS:**

24 The claimants, Travelers, P.O. Box 5076, Hartford, CT 06102-5076, on behalf of their insured,  
25 Diels with Wheels, and driver, Robert Paul Diel, of 1632 Deane Blvd., Racine, WI 53405, filed this claim  
26 for reimbursement in the amount of \$6,190.80 allegedly arising from an accident involving a Racine Fire  
27 Truck (on emergency), which is alleged to have struck an illegally parked vehicle, which was being operated  
28 by Robert Paul Diel on or about November 17, 2022.

29 The Racine Fire Department truck was responding to a call with lights and sirens activated when it  
30 allegedly struck a disabled vehicle being operated by Robert Paul Diel, who was illegally parked in a no

31 parking zone in the 3100 block of Washington Ave. But for the claimant’s vehicle being parked illegally,  
32 this accident would not have occurred. Therefore, the City disputes the damages claimed and its liability  
33 therefor.

34 Furthermore, the claim that the claimants filed with the City’s Fire Department on or about April  
35 26, 2023 was untimely and improperly filed. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a notice  
36 of the circumstances of a claim within 120 days of the happening of the event giving rise to the claim. The  
37 event giving rise to this claim occurred on November 17, 2022; therefore this claim would need to have  
38 been filed on or before March 17, 2023 in order to be timely filed, which it was not.

39 Moreover, per Wis. Stat. § 893.80(1d)(a), the notice of circumstances of a claim against the City  
40 must be filed with the City Clerk. In this instance, the claimants filed their claim with the Fire Department,  
41 which was improper.

42 Therefore, this claim was untimely and improperly filed, and the claimants do not have a right to  
43 maintain an action against the City.

44 For the above stated reasons, the City Attorney’s Office recommends that this Committee disallow  
45 the claims of Travelers, on behalf of their insured, Diels with Wheels, and driver, Robert Paul Diel.

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47 **BUDGETARY IMPACT:**

48 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00  
49 impact on the City’s budget.

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51 **RECOMMENDED ACTION:**

52 That the disallowance of this claim be recommended for approval.

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