



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 1055-23

AGENDA DATE: November 13, 2023

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa Roubik

SUBJECT: Communication sponsored by Alder West on behalf of the City Attorney's Office submitting the claim of Kim Griffin for consideration for disallowance.

EXECUTIVE SUMMARY:

Claimant Kim Griffin filed a claim with the City requesting an unspecified amount of damages allegedly arising from unspecified damage to a structure that was purportedly struck in the alley behind the residence of 1417 Flett Avenue in Racine on or about July 20, 2023. Due to defects in the claim as filed and because there are no direct allegations or evidence that the City caused the alleged damage, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Claimant Kim Griffin, of 1417 Flett Avenue, Racine, Wisconsin 53405, filed a claim with the City on September 18, 2023, requesting an unspecified amount of damages allegedly arising from unspecified damage to a structure that was purportedly struck in the alley behind the residence of 1417 Flett Avenue in Racine on or about July 20, 2023.

A claim must be definite enough to provide the City with the information necessary to decide whether to settle the claim, while giving sufficient information so that the City can budget accordingly for either settlement or litigation. *State Dep't of Nat. Res. v. City of Waukesha*, 184 Wis. 2d 178, 198, 515 N.W.2d 888, 895-96 (1994).

Contrary to the law, this claim fails to clearly identify the damage at issue or assert that the damage to the unspecified structure in question was caused by the City or an agent, officer, or employee thereof.

31 The claim did not provide the names of any witnesses or proof that the City caused the alleged damage.
32 Even the date of the alleged incident is uncertain. The Claimant offers no direct allegations or evidence
33 that the City caused the alleged damage, and the claim does not provide the City with the information
34 necessary to assess the claim for liability or budget for its resolution. As such, this claim is legally deficient.

35 Furthermore, the claim fails to specify the damages sought, as required by law. Pursuant to
36 Wisconsin Statute section 893.80(1d)(b), a claim must contain an itemized statement of the relief sought.

37 Because this claim failed to provide the City with the information necessary to assess the claim for
38 liability or budget for its resolution, and the Claimant did not specify the amount of damages requested, this
39 claim is deficient under Wisconsin law and should be disallowed.

40 For the reasons stated above, it is the recommendation of the City Attorney's Office that this claim
41 be disallowed.

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43 **BUDGETARY IMPACT:**

44 Assuming the recommendation to disallow this claim is adopted, this item would have a \$0.00
45 impact on the City's budget.

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47 **RECOMMENDED ACTION:**

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

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