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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0450-23

AGENDA DATE: May 8, 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 Eileen Warren for consideration for disallowance.

EXECUTIVE SUMMARY:

Eileen Warren filed a claim with the City requesting \$340.00 to compensate for alleged medical costs incurred on or about January 5, 2023, when she tripped while walking through City Hall. According to an Incident Report completed on January 5, 2023, Ms. Warren admitted that she tripped on her own shoe when she spoke with City staff who came to her immediate assistance. Although this incident is unfortunate, the City is not legally liable for alleged damages that result from tripping on one's own shoes in a City building. As such, it is the recommendation of the City Attorney's Office that this claim be disallowed.

BACKGROUND & ANALYSIS:

Eileen Warren, of 1006 Yout Street in Racine, Wisconsin, filed a claim for reimbursement in the amount of \$340.00 for alleged medical costs incurred on or about January 5, 2023, when she tripped while walking through the first floor of City Hall. According to an Incident Report completed on January 5, 2023, Ms. Warren admitted that she tripped on her own shoe when she spoke with City staff who came to her immediate assistance. No liquids or other foreign substances were observed on the floor in the area where this fall occurred.

All pedestrians have a duty to use ordinary care when walking. If a pedestrian fails to do so the pedestrian is negligent. Although this incident is unfortunate, the City is not legally liable for alleged damages that result from tripping on one's own shoes in a City building.

31 As such, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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33 **BUDGETARY IMPACT:**

34 Assuming the recommendation to deny this claim is adopted, this item would have a \$0.00 impact
35 on the City's budget.

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37 **RECOMMENDED ACTION:**

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

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