



1 City of Racine, Wisconsin
2 Common Council

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel

LEGISLATION ITEM #: 0563-24

5 **AGENDA DATE:** July 8, 2024

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

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

10 **SUBJECT:** Communication sponsored by Alder Horton on behalf of the City Attorney’s Office submitting
11 the claim of Tia Thompson for consideration for disallowance.

13 **EXECUTIVE SUMMARY:**

14 Tia Thompson filed a claim with the City requesting an unspecified amount in damages allegedly
15 arising from injuries she incurred from a fall at the Racine Public Library, on or about January 18, 2024.
16 Neither the City nor the Library can be held liable for this claim due to defects in the claim as filed.
17 However, even if this claim had been properly filed, neither the City nor the Library could not be held
18 liable, due to the claimant’s negligence. As such, it is the recommendation of the City Attorney’s Office
19 that this claim be disallowed.

21 **BACKGROUND & ANALYSIS:**

22 Tia Thompson, of 613 16th Street, Racine, Wisconsin 53403, filed a claim with the City requesting
23 an unspecified amount in damages allegedly arising from injuries she incurred from a fall at the Racine
24 Public Library, on or about January 18, 2024. Both the City and the Library deny liability for the damages
25 alleged in this claim.

26 Neither the City nor the Library can be held liable for this claim due to defects in the claim as filed.
27 This claim did not include an itemized statement of the relief sought, as required by
28 Wis. Stat. § 893.80(1d)(b). As such, the claimant did not satisfy the statutory requirements for filing a
29 timely claim in accordance with Wis. Stat. § 893.80(1d), and she does not have a right to maintain an action
30 against the City or the Library.

31 Furthermore, all individuals have a duty use ordinary care when walking and to look out for
32 potential hazards in plain sight. In this instance, the claimant did not allege that there were any hazards on
33 the Library's staircase that caused her to slip. Therefore, her fall was due to her failure to use ordinary care
34 when she was walking down the stairs. If an individual fails to use ordinary care when walking, the
35 individual is negligent, and neither the City nor the Library can be held liable.

36 For the reasons set forth above, it is the recommendation of the City Attorney's Office that this
37 claim be disallowed.

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39 **BUDGETARY IMPACT:**

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

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43 **RECOMMENDED ACTION:**

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

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