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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

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5 **INTRO TO COUNCIL DATE: May 6, 2025**

6 **STANDING COMMITTEE DATE: May 12, 2025**

7 **FINAL ACTION COUNCIL DATE: May 20, 2025**

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

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

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12 **SUBJECT:** Communication sponsored by Alder Land on behalf of the City Attorney's Office  
13 submitting the claim of Progressive Insurance Company, on behalf of their insured, Carlos Saldana, for  
14 consideration for disallowance.

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16 **EXECUTIVE SUMMARY:**

17 Progressive Insurance Company, on behalf of their insured, Carlos Saldana, filed a claim requesting  
18 \$8,261.97 for damages allegedly arising from their insured's parked vehicle being struck by a City-owned  
19 front loader in the 1100 block of Layard Avenue, on or about November 5, 2024. On or about March 3,  
20 2025, in exchange for a damages payment of \$6,378.37, Mr. Saldana entered into an agreement with the  
21 City releasing the City from liability for any and all further claims related to this accident, and Mr. Saldana  
22 agreed to defend and hold the City harmless from any such claims. The City maintains that it is not liable  
23 to Progressive for the claimed damages, rather, Progressive must seek recovery from their insured, Carlos  
24 Saldana. Because the City can no longer be held liable for this accident, it is the recommendation of the  
25 City Attorney's Office that this claim be disallowed.

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27 **BACKGROUND & ANALYSIS:**

28 Progressive Insurance Company, P.O. Box 94639, Cleveland, Ohio 44101-9908, on behalf of their  
29 insured, Carlos Saldana, filed a claim requesting \$8,261.97 for damages allegedly arising from their  
30 insured's parked vehicle being struck by a City-owned front loader in the 1100 block of Layard Avenue,  
31 on or about November 5, 2024.

32           On or about March 3, 2025, in exchange for a damages payment of \$6,378.37, Mr. Saldana entered  
33 into an agreement with the City releasing the City from liability for any and all further claims related to this  
34 accident, and Mr. Saldana agreed to defend and hold the City harmless from any such claims. Therefore,  
35 upon receipt of this claim from Progressive, the City notified Progressive that the City had been released  
36 by Mr. Saldana from liability for this incident and included a copy of the City's release of liability  
37 agreement with Mr. Saldana. The City maintains that it is not liable to Progressive for the claimed damages,  
38 rather, Progressive must seek recovery from their insured, Carlos Saldana.

39           Because the City can no longer be held liable for this accident, it is the recommendation of the City  
40 Attorney's Office that this claim be disallowed.

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42 **BUDGETARY IMPACT:**

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

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46 **RECOMMENDED ACTION:**

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

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