



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

3 **AGENDA BRIEFING MEMORANDUM**

4 **COMMITTEE:** Finance and Personnel **LEGISLATION ITEM #:** 0224-19

5 **AGENDA DATE:** March 11, 2019

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

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

9 **Reviewed By:** City Attorney Scott R. Letteney

11 **SUBJECT:** Communication from the City Attorney submitting the claim of the City of Kenosha for
12 consideration.

14 **EXECUTIVE SUMMARY:**

15 The City Attorney’s Office recommends that the Common Council approve the settlement of the
16 claim of the City of Kenosha in order to resolve this matter without incurring the additional costs of
17 litigation.

19 **BACKGROUND & ANALYSIS:**

20 Cities and Villages Mutual Insurance (“CVMIC”) filed a claim on behalf of its insured, claimant,
21 City of Kenosha, for reimbursement of expenses paid in Workers Compensation Benefits in the amount of
22 \$50,000.00 for an injury to a City of Kenosha police officer recruit allegedly arising from the actions of a
23 City of Racine police officer recruit on March 13, 2018.

24 The Kenosha recruit was allegedly injured as a result of the Racine recruit engaging in horseplay
25 during a class at the Law Enforcement Academy at Gateway Kenosha in March 2018. Specifically, the
26 Racine recruit was sitting on the floor and grabbed the legs of the Kenosha recruit, who was standing nearby,
27 which caused the Kenosha recruit’s legs to buckle and allegedly injured the Kenosha recruit’s right leg.

28 CVMIC presented the City of Racine with an itemized breakdown of the costs that were incurred
29 by the City of Kenosha, which were as follows:

30 Medical Payments: \$48,289.46
31 Expense Payments: \$2,673.70
32 Indemnity Payments: \$19,806.05
33 Total Payments: \$70,769.21
34

35 The parties have reached a tentative settlement agreement, pending the approval of the Common
36 Council and the Department of Workforce Development, for a payment of \$50,000.00 in exchange for a
37 release of liability from the City of Kenosha and the Kenosha recruit. Although more than \$70,000 in
38 damages were allegedly incurred, the law imposes a \$50,000 limit on damages arising from tort actions
39 against municipalities. If the proposed settlement is rejected, the City could be sued for subrogation, and
40 there would be costs involved in defending the lawsuit. Although this lawsuit would be handled in-house,
41 the costs of litigating this matter would be added to the \$50,000.00 in existing damages, resulting in a
42 greater overall expenditure of the City's limited funds and resources in order to arrive at the same result.

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44 **BUDGETARY IMPACT:**

45 Funding to cover the settlement is available in account 11202-53500, Judgment and Claims.

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47 **OPTIONS/ALTERNATIVES:**

48 If the recommendation to approve this settlement is rejected, the City could incur additional
49 liabilities related to this incident.

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51 **RECOMMENDED ACTION:**

52 The City Attorney's Office respectfully recommends that the Common Council approve the
53 settlement of this claim.

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55 **ATTACHMENT(S):**

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