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**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

**COMMITTEE:** Finance and Personnel

**LEGISLATION ITEM #:** 1042-24

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**AGENDA DATE:** November 25, 2024

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**DEPARTMENT:** City Attorney's Office

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

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**SUBJECT:** Communication sponsored by Alder Horton on behalf of the City Attorney's Office submitting the claim of Sara C. Jerry for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Claimant Sara C. Jerry, by and through her attorneys, filed a claim with the City requesting \$250,000.00 in damages resulting from a hit-and-run car accident on August 11, 2022, near the intersection of Marquette Street and 8th Street in Racine, wherein a reckless driver first hit a City of Racine solid waste truck, and subsequently, the reckless driver's vehicle struck the claimant's vehicle. At no time did the City's solid waste truck hit the claimant's vehicle. The City maintains that it is not liable for the series of events giving rise to this claim; rather, the reckless driver who was operating a vehicle contrary to the law is at fault for this accident and liable for the resulting damages claimed. The City is not liable for alleged damages that result from the illegal acts of a hit-and-run driver.

For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Claimant Sara C. Jerry, of 3211 Durand Avenue, Apartment 114, Racine, Wisconsin 53405, by and through her attorneys, Steven T. Botzau, Habush, Habush & Rottier, S.C., 5439 Durand Avenue, Suite 220, Racine, Wisconsin 53406, and John A. Becker, Becker & French, 822 Wisconsin Avenue, Racine, Wisconsin 53403, filed a claim with the City requesting \$250,000.00 in damages resulting from a hit-and-run car accident on August 11, 2022, near the intersection of Marquette Street and 8th Street in Racine, wherein a reckless driver first hit a City of Racine solid waste truck, and subsequently, the reckless driver's vehicle struck the claimant's vehicle. At no time did the City's solid waste truck hit the claimant's vehicle.

32           The City maintains that it is not liable for the series of events giving rise to this claim; rather, the  
33 reckless driver who was operating a vehicle contrary to the law is at fault for this accident and liable for the  
34 resulting damages claimed. The City is not liable for alleged damages that result from the illegal acts of a  
35 hit-and-run driver.

36           For this reason, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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38   **BUDGETARY IMPACT:**

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

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42   **RECOMMENDED ACTION:**

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

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