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City of Racine, Wisconsin
COMMON COUNCIL

AGENDA BRIEFING MEMORADUM (ABM)

COMMITTEE: Finance and Personnel Committee **LEGISLATION ITEM #:** 0477-24

AGENDA DATE: May 28, 2024

DEPARTMENT: City Attorney's Office

Prepared By: City Attorney Scott R. Letteney

Reviewed By: N/A

SUBJECT: Communication sponsored by Alder West, on behalf of the City Attorney, requesting authorization for the City Attorney's Office to represent all City employees and officers in the following cases:

Berns, et al., v. King et al., Racine County Circuit Court Case No. 2023 CV 905

Brown v. City of Racine, et al., US District Court for the Eastern District of Wisconsin Case No. 23-CV-1327

Fagan, et al., v. City of Racine, et al., Racine County Circuit Court Case No. 2024 CV 223

Hollimon, et al., v. City of Racine., et al., Racine County Circuit Court Case No. 2023 CV 1428

Progressive Universal Insurance Company v. Honor, et al., Racine County Circuit Court Case No. 2023 CV 1510

Jackson, et al., v. City of Racine, et al., Racine County Circuit Court Case No. 2024 CV 460

Mitchell, et al., v. Smith, et al., US District Court for the Eastern District of Wisconsin Case No. 23-CV-400

Reed v. City of Racine, et al., Racine County Circuit Court Case No. 2023 CV 964

Shukar, et al., v. County of Kenosha, et al., US District Court for the Eastern District of Wisconsin Case No. 23-CV-880.

EXECUTIVE SUMMARY: The City Attorney seeks Common Council authorization to represent an all employees in several pending lawsuits.

32 **BACKGROUND & ANALYSIS:** Pursuant to Wis. Stat. § 895.46, a municipality is required to defend or pay
33 for the defense of any official or employee sued for acts taken in the conduct of official business and to
34 indemnify such employee or official if any judgment is ordered. Pursuant to Wis. Stat. § 62.115, the
35 common council of any city may by ordinance or resolution authorize the city attorney to defend actions
36 brought against official or employee sued for acts taken in the conduct of official business.

37 It is more efficient and easier to control costs if the City Attorney's Office simply defends, or manages
38 the defense of, lawsuits against City employees than to have an employee pay for her/his own defense
39 and seek reimbursement.

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41 **BUDGETARY IMPACT:** The City Attorney's Office will handle the Brown, Hollimon, Progressive Insurance,
42 Mitchell, Reed, and Shukar cases in-house. The Fagan case will be handled by retained, CVMIC-
43 authorized outside counsel. The Bers and Jackson cases will be handled by attorneys retained by Transit
44 Mutual Insurance Company.

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46 **OPTIONS/ALTERNATIVES:** Require employees to pay for their own defense and seek reimbursement
47 from the City.

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49 **RECOMMENDED ACTION:** To authorize the City Attorney the City Attorney's Office to represent all
50 City employees and officers in the following cases:

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52 *Berns, et al., v. King et al.,* Racine County Circuit Court Case No. 2023 CV 905

53 *Brown v. City of Racine, et al.,* US District Court for the Eastern District of Wisconsin Case No.
54 23-CV-1327

55 *Fagan, et al., v. City of Racine, et al.,* Racine County Circuit Court Case No. 2024 CV 223

56 *Hollimon, et al., v. City of Racine., et al.,* Racine County Circuit Court Case No. 2023 CV 1428

57 *Progressive Universal Insurance Company v. Honor, et al.,* Racine County Circuit Court Case No.
58 2023 CV 1510

59 *Jackson, et al., v. City of Racine, et al.,* Racine County Circuit Court Case No. 2024 CV 460

60 *Mitchell, et al., v. Smith, et al.,* US District Court for the Eastern District of Wisconsin Case No.
61 23-CV-400

62 *Reed v. City of Racine, et al.,* Racine County Circuit Court Case No. 2023 CV 964

63 *Shukar, et al., v. County of Kenosha, et al.,* US District Court for the Eastern District of Wisconsin
64 Case No. 23-CV-880.

65

66 **ATTACHMENT(S):** None