



**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

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**INTRO TO COUNCIL DATE: October 7, 2025**

**STANDING COMMITTEE DATE: October 13, 2025**

**FINAL ACTION COUNCIL DATE: October 21, 2025**

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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 Land on behalf of the City Attorney's Office submitting the claim of Nicole Robinson and Nolan Sertich for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Claimants Nicole Robinson, and her son Nolan Sertich, are requesting \$300,000.00 for reimbursement of medical expenses and other damages arising from an alleged injury that Mr. Sertich incurred while riding his skateboard at the B3 Skate Park, located at 800 Pershing Park Drive in Racine, on or about March 7, 2025. Pursuant to Wis. Stat. § 895.52, the City is immune from liability for the alleged damages. Therefore, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Claimants Nicole Robinson, and her son Nolan Sertich, of 3617 Daisy Lane, Racine, Wisconsin 53405, are requesting \$300,000.00 for reimbursement of medical expenses and other damages arising from an alleged injury that Mr. Sertich incurred while riding his skateboard at the B3 Skate Park, located at 800 Pershing Park Drive in Racine, on or about March 7, 2025.

Wisconsin's recreational immunity law provides, in relevant part, that no owner, including a municipal government body, is liable for any injury to a person who is allowed to engage in a recreational activity on the owner's property. "[S]kating" is explicitly listed as a "[r]ecreational activity" under Wis. Stat. § 895.52(1)(g). Two exceptions to this immunity, neither of which are applicable to this situation, exist at Wis. Stat. § 895.52(4) for instances where a "death or injury that occurs on property of which a

governmental body is the owner at any event for which the owner charges an admission fee for spectators,” or “[a] death or injury caused by a malicious act or by a malicious failure to warn against an unsafe condition of which an officer, employee or agent of a governmental body knew, which occurs on property designated by the governmental body for recreational activities.” Conduct is considered to be “malicious” if it is “the result of hatred, ill will, a desire for revenge, or inflicted under circumstances where insult or injury is intended.” *Ervin v. Kenosha*, 159 Wis. 2d 464, 483, 464 N.W.2d 654, 662 (1991). Again, neither of these two statutory exceptions are applicable in this case.

In the instant case, no fee was charged at the B3 Skate Park on or about March 7, 2025. Additionally, the City was not aware of any unsafe conditions at the park on the date in question, and there was a sign posted at the park notifying users that they were skating at their own risk, that the facility’s conditions should be checked by users before they skate, and that they should report any issues to the Parks, Recreation, and Cultural Services Department. Similar warnings are posted on the City’s website for Pershing Park – Skateboard Park at <https://cityofracine.org/parksrec/pershingpark/>. No evidence exists that the claimants’ alleged injuries or other damages resulted from the City’s malicious act or malicious failure to warn against an unsafe condition at the park.

For the reasons set forth above, the City is immune from liability for the alleged damages under Wis. Stat. § 895.52. Therefore, it is the recommendation of the City Attorney’s Office that this claim be disallowed.

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**BUDGETARY IMPACT:**

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

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**RECOMMENDED ACTION:**

That the disallowance of this claim be recommended for approval.

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