



**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

INTRO TO COUNCIL DATE: May 19, 2026

STANDING COMMITTEE DATE: May 26, 2026

FINAL ACTION COUNCIL DATE: June 2, 2026

DEPARTMENT: City Attorney's Office

Prepared By: Deputy City Attorney Marisa L. Roubik

SUBJECT: Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Linda Smith for consideration for disallowance.

EXECUTIVE SUMMARY:

Linda Smith, by and through her attorney, Charles Polk of Sobo & Sobo Attorneys at Law, filed a claim with the City of Racine requesting \$50,000.00 in un-itemized damages related to allegations that Ms. Smith was at the Racine Transit Center, transferring between two RYDE Racine buses after her shift as a RYDE Racine bus driver, when she purportedly slipped and fell, which caused her to suffer personal injuries. Ms. Smith filed a Worker's Compensation claim with the City for these injuries that occurred in her workplace, and the right to recovery under the Worker's Compensation law is the exclusive remedy for such claims. Therefore, this claim is not actionable as filed. Furthermore, the City denies liability due to a defect in the claim as filed.

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

BACKGROUND & ANALYSIS:

Linda Smith, of 702 Imperial Drive, Racine, Wisconsin 53402, by and through her attorney, Charles Polk of Sobo & Sobo Attorneys at Law, of One Dolson Avenue, Middletown, New York 10940, filed a claim with the City of Racine requesting \$50,000.00 in un-itemized damages related to allegations that Ms. Smith was at the Racine Transit Center, transferring between two RYDE Racine buses after her shift as a

RYDE Racine bus driver, when she purportedly slipped and fell, which caused her to suffer personal injuries.

Ms. Smith filed a Worker's Compensation claim with the City for these injuries that occurred in her workplace, and the right to recovery under the Worker's Compensation law is the exclusive remedy for such claims. Worker's compensation laws are considered "the grand bargain" "under which workers, in exchange for compensation for work-related injuries regardless of fault, . . . relinquish the right to sue employers and . . . accept smaller but more certain recoveries than might be available in a tort action.". *County of La Crosse v. WERC*, 182 Wis. 2d 15, 30, 513 N.W.2d 579 (1994). Wisconsin's Worker's Compensation statutes "shall be the exclusive remedy against the employer." Wis. Stat. § 102.03(2). Therefore, this claim is not actionable against the City as filed because it is barred by the existence of Ms. Smith's Worker's Compensation claim.

Furthermore, the claim that the claimant filed with the City on or about February 16, 2026, did not include an itemized statement of the relief sought, as required by law. The claimant requested damages of \$50,000.00; however, the claimant failed to include any itemization of those alleged damages. As such, the claimant did not satisfy the statutory requirements for filing a claim containing an itemized statement of the relief sought, in accordance with Wis. Stat. § 893.80(1d). Therefore, the City denies liability due to a defect in the claim as filed.

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

BUDGETARY IMPACT:

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

RECOMMENDED ACTION:

That the disallowance of this claim be recommended for approval.
