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**City of Racine, Wisconsin
Common Council**

AGENDA BRIEFING MEMORANDUM

COMMITTEE: Finance and Personnel

LEGISLATION ITEM #: 0896-19

AGENDA DATE: August 12, 2019

DEPARTMENT: City Attorney's Office

Prepared By: Assistant City Attorney Marisa Roubik

SUBJECT: Communication from Alderman Q.A. Shakoor, II submitting the claims of Allison Olsen and her three minor children, Paige Olsen, Jordan Olsen, and Brendan Olsen, for consideration.

EXECUTIVE SUMMARY:

The City Attorney's Office advises this Committee to recommend that the Common Council disallow the claims of Allison Olsen and her three minor children, Paige Olsen, Jordan Olsen, and Brendan Olsen.

BACKGROUND & ANALYSIS:

Allison Olsen, and her three minor children, Paige Olsen, Jordan Olsen, and Brendan Olsen ("the Olsens"), of Racine, Wisconsin, claim reimbursement in the combined amount of \$47,000.00 for alleged injuries arising from a collision involving a DPW solid waste vehicle on or about January 16, 2018.

On said date, a DPW vehicle was allegedly attempting to stop at the stop sign at the intersection of Westwood Drive and Jefferson Street in the City of Racine; however, the DPW vehicle purportedly slid on the snow covered roadway and struck the vehicle that was being driven by Allison Olsen, with her three minor children as passengers.

26 The Olsens' attorney alleged that, as a result of this incident, the Olsens incurred the following
27 damages:

| | Allison Olsen | Paige Olsen | Jordan Olsen | Brendan Olsen | Totals |
|--------------------------------------|----------------------|--------------------|---------------------|----------------------|--------------------|
| Medical Bills | \$5,426.00 | \$1,992.00 | \$1,244.00 | \$1,192.00 | \$9,854.00 |
| Wage Loss | \$703.85 | – | – | – | \$703.85 |
| Daycare Charges | \$179.50 | – | – | – | \$179.50 |
| Rental Car | \$186.29 | – | – | – | \$186.29 |
| Ins. Deductible | \$500.00 | – | – | – | \$500.00 |
| Total Alleged Special Damages | \$6,995.64 | \$1,992.00 | \$1,244.00 | \$1,192.00 | \$11,423.64 |
| <i>Damages Requested by Olsens</i> | <i>\$25,000.00</i> | <i>\$6,000.00</i> | <i>\$7,500.00</i> | <i>\$8,500.00</i> | <i>\$47,000.00</i> |

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29 As shown in the chart above, the alleged “special damages” (i.e., out-of-pocket costs) for all four
30 claimants totals \$11,423.64. However, the claimants have requested a settlement of an additional
31 \$35,576.36 in unspecified damages, for a total of \$47,000.00. It is the opinion of the City Attorney’s Office
32 that the claimants’ request for \$35,576.36 in unspecified damages is excessive and unfounded.

33 On or about July 19, 2019, the City Attorney’s Office sent correspondence to the Olsens’ attorney
34 in an attempt to settle these claims, pursuant to Wis. Stat. § 904.08, for a reasonable amount in accordance
35 with City Attorney’s authority under Section 2-627(b) of the Racine, Wisconsin, Municipal Code of
36 Ordinances. The City’s offer was met with no response from the Olsens nor their attorney as of the date of
37 the drafting of this Memorandum.

38 Because the total damages requested by the Olsens is excessive and unfounded, and neither the
39 Olsens nor their attorney have responded to the City’s reasonable offer to settle this matter, the City
40 Attorney’s Office advises this Committee to recommend that the Common Council disallow the claims of
41 Allison Olsen and her three minor children, Paige Olsen, Jordan Olsen, and Brendan Olsen.

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43 **BUDGETARY IMPACT:**

44 Assuming the recommendation to disallow these claims is adopted, this item would have a \$0.00
45 impact on the City’s budget. However, unknown costs could be incurred if subsequent litigation ensues.

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47 **OPTIONS/ALTERNATIVES:**

48 If the recommendation to disallow these claims is rejected, and the Committee recommends that
49 this claim be paid by the City this item would have a \$47,000.00 impact on the City’s 2019 claims budget.

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51 **RECOMMENDED ACTION:**

52 That the claims of Allison Olsen and her three minor children, Paige Olsen, Jordan Olsen, and
53 Brendan Olsen, be disallowed.