



**City of Racine, Wisconsin  
Common Council**

**AGENDA BRIEFING MEMORANDUM**

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**INTRO TO COUNCIL DATE: May 6, 2025**

**STANDING COMMITTEE DATE: May 12, 2025**

**FINAL ACTION COUNCIL DATE: May 20, 2025**

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**DEPARTMENT: City Attorney's Office**

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

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**SUBJECT:** Communication sponsored by Alder Land on behalf of the City Attorney's Office submitting the claim of Progressive Subrogation a.k.a. Artisan Truckers Casualty Company, on behalf of their insured, Tavis Weaver, for consideration for disallowance.

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**EXECUTIVE SUMMARY:**

Progressive Subrogation a.k.a. Artisan Truckers Casualty Company, on behalf of their insured, Tavis Weaver, filed a claim with the City Clerk on January 22, 2025, requesting \$11,318.56 for damages allegedly arising from their insured's vehicle striking a City-owned DART bus at the intersection of Durand Avenue and Taylor Avenue, on or about January 18, 2024. The City maintains that the notice of circumstances for this claim was untimely filed and denies liability for the alleged damages. As such, it is the recommendation of the City Attorney's Office that this claim be disallowed.

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**BACKGROUND & ANALYSIS:**

Progressive Subrogation a.k.a. Artisan Truckers Casualty Company, P.O. Box 94639, Cleveland, Ohio 44101-9908, on behalf of their insured, Tavis Weaver, filed a claim with the City Clerk on January 22, 2025, requesting \$11,318.56 for damages allegedly arising from their insured's vehicle striking a City-owned DART bus at the intersection of Durand Avenue and Taylor Avenue, on or about January 18, 2024.

The notice of circumstances that the claimant filed with the City Clerk on January 22, 2025 was filed untimely. Per Wis. Stat. § 893.80(1d)(a), a claimant must file a written notice of the circumstances of a claim within 120 days of the happening of the event giving rise to the claim. The event giving rise to this

claim occurred on or about January 18, 2024; therefore, the notice of circumstances for this claim would need to have been filed on or before May 17, 2024, in order to be timely filed, which it was not.

Moreover, the City denies liability for the alleged damages. Mr. Weaver failed to yield the right of way and struck the City-owned DART bus while making a left turn with his vehicle at the intersection of Durand and Taylor Avenues. As such, the City maintains that Mr. Weaver was at fault for this accident.

In sum, the City believes that the notice of circumstances for this claim was untimely filed and denies liability for the alleged damages. As such, 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 disallow 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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