



**CITY OF WAUKESHA**

**Administration**

201 Delafield Street, Waukesha, WI 53188  
 Tel: 262.524.3701 fax: 262.524.3899  
 www.waukesha-wi.gov

<b>Committee:</b> None	<b>Date:</b>
<b>Common Council Item Number:</b> 19-1634	<b>Date:</b> 12/3/2019
<b>Submitted By:</b> Brian Running	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator KL
<b>Finance Department Review:</b> Rich Abbott, Finance Director <a href="#">Click here to enter text.</a>	<b>City Attorney's Office Review:</b> Brian Running, City Attorney BER
<b>Subject:</b> Disallowance of claim for personal-injury damages of Jeri Gamache.	

<b>Details:</b> Ms. Gamache served the City with a notice of claim on November 27, 2018, stating that she had fallen and injured herself on a city sidewalk. No disallowance was done at that time because it was only a notice of claim, not an itemization of damages. Our insurer has not received a demand for damages of \$28,000, so it is appropriate to do the disallowance. Disallowance only shortens the time in which a lawsuit may be filed against the City from 6 years to 6 months, it does not bar the claimant from any recovery. Disallowance is recommended because any personal-injury claim involves a balancing of alleged negligence with alleged contributory negligence, which can only be done in a trial. Also, we will not have insurance coverage if we settle the claim against our insurer's wishes.
<b>Options &amp; Alternatives:</b> There are no recommended alternatives.
<b>Financial Remarks:</b> There is no financial impact to the City.
<b>Executive Recommendation:</b> Disallow the claim and authorize the City Clerk to issue formal disallowance of claim.

