

**CITY OF WAUKESHA****Administration**

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<b>Source:</b> City Attorney	<b>Date:</b> 2/2/2017
<b>Common Council Item Number:</b> 17-0188	<b>Date:</b> 2/7/2017
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator <a href="#">Click here to enter text.</a>
<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 <a href="#">Click here to enter text.</a>
<b>Subject:</b> Disallowance of claim for personal injuries.	

**Details:**

Linda Glavan, a City resident, filed a notice of claim for damages with City on December 5, 2016. The claim arises from an incident in which Ms. Glavan allegedly tripped and fell when she stepped into a pothole on a City street. A notice of claim is required to be filed to preserve the claimant's right to sue the City. A disallowance of the claim serves to shorten the time period in which a lawsuit can be filed against the city, from 6 years to 6 months. Disallowance is recommended in this case because there are clearly issues of contributory negligence and damages that will require a lawsuit to determine. The claim was presented to the City's liability insurer, and the insurer is also recommending disallowance.

**Options & Alternatives:**

If no formal notice of disallowance is done, then the claimant will have a 6-year period within which to file suit against the City, as opposed to a 6-month period.

**Financial Remarks:**

There is no cost associated with a disallowance. The eventual resolution of the claim may involve some payment by the City, but that is not able to be determined now.

**Staff Recommendation:**

City Attorney recommends disallowance of the claim.