

Amanda Baryenbruch

Subject: FW: External: RE: L20-00117 BROTSKI Claim

From: Allison C. De Franze <acd@cvmic.com>
Sent: Wednesday, May 18, 2022 3:17 PM
To: Jane Rhode <jrhode@manitowoc.org>
Cc: Kathleen McDaniel <kmcdaniel@manitowoc.org>
Subject: External: RE: L20-00117 BROTSKI Claim

Hi Jane,

I am in receipt of the above claim that has been filed against the City of Manitowoc in the amount of \$8608.37 for injuries the claimant allegedly sustained when she tripped and fell on a city street. As you are aware, the City is self-insured for this loss, and should the City decide to settle this claim, any settlement would come from City funds.

It is my understanding that the City does take corrective action to address defects on city property when they are made aware of known problems. I have also been advised that the City had no prior notice of any dangerous condition on this particular area. Based on this, it is my opinion that the city is meeting the standard of reasonable care, which is the standard that municipalities are held to.

In addition, it is my opinion that the City would be immune from liability under Wis. Stat. 893.80 (4), which provides immunity for discretionary actions by municipalities. It is my opinion that when and how often a municipalities inspects and maintains their streets is a discretionary decision, for which the City would have immunity based on the above statute.

As such, it would be my recommendation that this claim be denied.

Should you have questions regarding this matter, please feel free to contact me.



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