



City Attorney's Office

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March 9, 2018

Common Council
City of West Allis

RE: City Attorney's Report of Claim – **Michael and Lillian Raymond**

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. I have examined the facts of the claim and the applicable law. I recommend that the claim be placed on file.

This claim is for personal injuries suffered by the claimants that occurred on August 6, 2015, when Michael Raymond tripped on the sidewalk in the area of 1445 South 84th Street in the City of West Allis and landed on Lillian Raymond, causing her to fall to the ground. The total amount demanded for the claimants' injuries was originally \$60,000.

My investigation into this matter revealed that the accident did occur as stated by the claimants. Due to the City having prior notice of the damage to the sidewalk and notice of someone tripping over it a few days prior to this incident, a court would likely find that the City had a ministerial duty to repair the sidewalk or barricade it prior to the incident date. Pursuant to settlement guidelines and approval from the Administration and Finance Committee on February 6, 2018, the City Attorney's Office paid the claimants \$36,000 and obtained a Release of all Claims signed by the claimants on March 2, 2018. Therefore, this matter should be placed on file.

Respectfully submitted,

Jenna Merten
Deputy City Attorney