



City Attorney's Office

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Common Council
City of West Allis

RE: City Attorney's Report of Claim – Shelly Kerwin

Dear Council Members:

The enclosed claim has been referred to this office in accordance with Section 3.05(8) of the Revised Municipal Code. This office has examined the facts of the claim and the applicable law. This office's recommendation is to deny the claim based on the summary below:

Facts: On November 1, 2017, Shelly Kerwin was leaving a parking stall in the City Hall parking lot when she backed into a City pickup truck that was parked next to an island in the parking lot. Ms. Kerwin caused damage to the City pickup truck and suffered damage to her vehicle.

Claim: Ms. Kerwin is claiming that although she was at fault for the accident, the truck should have been parked in a parking stall. Ms. Kerwin is seeking \$500.00 for her insurance deductible.

Analysis: The claim should be denied because Kerwin was at fault in this action. The City vehicle was legally parked, and Kerwin did not back her vehicle with reasonable safety as the law requires.

Therefore, based on the above analysis, the City Attorney Office's recommendation is to deny this unmeritorious claim.

Respectfully submitted,

Scott E. Post
City Attorney