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Common Council
City of West Allis

RE: Bob Lurie Glass Corp Claim

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 this claim based on the summary below.

Facts: On June 10, 2022, a City forestry employee was traveling westbound on National Avenue and turned right onto northbound 60th Street. The employee made a slightly wide right turn to jump the curb and turn into the small pocket park on the corner. The Bob Lurie employee was traveling eastbound on National Avenue, turned left to also head northbound on 60th Street but he made a wide turn trying to pass in the northbound parking lane just as our City employee was turning into the pocket park.

Claim: Bob Lurie Glass Corp. is asserting \$14,919.71 in damages. This consists of approximately \$8,000 to repair the van involved and the approximate \$6,000 remaining for accessories attached to the van alleged to need replacement.

Analysis: The claim should be denied because under Wisconsin State Statutes Section 895.045 contributory negligence bars recovery where the claimant's negligence is greater than 50%. Our office believes that was the case here given the Bob Lurie's driver's actions of improper passing being the significant contributing factor to the accident. Additionally, their employee did not possess a valid driver's license at the time of the accident further calling into question his culpability in the incident.

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

Respectfully submitted,

Rebecca Monti
Principal Assistant City Attorney