

## Rachelle Blich

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**From:** Allison C. De Franze <allisond@cvmic.com>  
**Sent:** Wednesday, September 4, 2024 2:18 PM  
**To:** Rachelle Blich  
**Subject:** Tina Mandel v City of Whitewater

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Hi Rachelle,

I am in receipt of the above claim that has been filed by Tina Mandel in the amount of \$5000 against the City of Whitewater, for injuries sustained as a result of a trip and fall on a public sidewalk. As you are aware, the City is self-insured for this loss, and should the City decide to settle this matter within their retention, the settlement would come from City funds.

Based on the information that I have received, it is my understanding that the City does take corrective action to address defects on city sidewalks 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 of sidewalk. 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. How often a municipality inspects and maintains their sidewalks is a discretionary decision, for which the City would have immunity based on the above statute.

Based on the above, it is my opinion that this claim should be denied.

Should you have any questions, please feel free to contact me.

Thank you,