

Statewide Services, Inc.

Claim Division

**1241 John Q Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555**

VIA E-MAIL ONLY

July 13, 2022

Village of Cottage Grove
Attn: Mr. Matt Giese
221 E. Cottage Grove Rd.
Cottage Grove, WI 53527

RE: Our Claim #: WM000131120062
Date of Loss: 05/01/2022
Claimant: Mr. Charles Rogers
221 W. Reynolds St.
Cottage Grove, WI 53527

Loss location: 221 W. Reynolds St.
Cottage Grove, WI 53527

Dear Mr. Giese:

As you know, Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the Village of Cottage Grove. We are in receipt of the above-captioned claim involving damage to a window of the claimant's home when a baseball struck by a batter at a Village baseball field, or park, adjacent to the claimant's home left the field and landed on the claimant's home to cause the window damage.

We have completed our investigation, and we recommend that the Village disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will shorten the statute of limitations period to six months.

After speaking with you and the Village Parks & Recreation Director, Shawn Brusegar, the Village had no role with the management of the league or teams that play on the ballpark. Once more, the Village had no ministerial duty—or mandate—to have a netting structure in place around the ballpark to capture or prevent struck (or thrown) baseballs from leaving the park; and the Village did not fail any ministerial duties associated with maintenance of the ballpark. Therefore, WI statute 893.80 will afford the Village discretionary immunity from damage. As the Village is obviously not liable for hitting the baseball into the claimant's home, and given the discretionary immunity afforded to the Village, we recommend that the Village disallow the claim.

I have enclosed a sample Notice of Disallowance for your use, should you choose to use it, or you may use your own. Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent via certified or registered (restricted) mail and it must be received by the claimant within 120 days after you received the claim. Please send me a copy of the letter for our file.

Thank you, Matt, and please do not hesitate to contact me with any questions.

Best regards,

Doug Detlie

Douglas A. Detlie

Casualty Claims Specialist

Office: 608-828-5503

Fax: 800-720-3512

E-mail: ddetlie@statewidesvcs.com

[Cc: Ryan Burns, Agent](#)