

MEMORANDUM

TO: Government Section Clients

FROM: Government Section Co-Chairs John Robert Behling and William G. Thiel

DATE: July 27, 2010

RE: **Ronald J. Singel v. City of Chippewa Falls, et al.**

Weld, Riley, Prenn & Ricci, S.C., has successfully defended the City of Chippewa Falls, the City's Mayor and its Common Council in a recent federal lawsuit. In January of 2009, City Administrator Ronald J. Singel was terminated from his employment without cause pursuant to written provisions of his contract with the City. Mr. Singel filed suit in Federal Court claiming his civil rights were violated and brought an action under 42 U.S.C. § 1983. Attorney Joel L. Aberg was assigned to the case by the City's insurer.

The lawsuit charged the City violated Mr. Singel's right to procedural due process in two ways. First, Mr. Singel alleged his termination was actually "with cause" and that he should have been provided with procedural due process protections regarding his property interest in continuing government employment. Second, Mr. Singel claimed the City released his personnel file, including disciplinary documents, to the press after a lawful open records request by local media. Singel complained that a written warning contained in his file defamed him and violated his liberty interest without due process. After some discovery and depositions were taken, the City moved the court for summary judgment and asked that the case be dismissed. A Federal Judge agreed and dismissed the case on July 15, 2010.

In dismissing the case, the Court found the termination occurred pursuant to express provisions found in the employment contract and that the City properly followed those requirements. Regarding the release of disciplinary information from Singel's personnel file, the court determined the information in the warning was true and that Singel was given an opportunity to legally block the release or augment his record, both of which he declined to do. The court further held that Mr. Singel failed to put forth any facts that his inability to get a job resulted from the City's disclosure.

This lawsuit highlights the importance for local government to meticulously follow contractual obligations and take particular care when complying with Wisconsin's public records law. Here, the court focused on these two critical areas in evaluating the conduct of the City and its officials. During these events the City relied upon and followed the advice of its legal counsel and was able to defeat Mr. Singel's legal action by use of a summary judgment motion prior to a time consuming and expensive trial.