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October 27, 2025

Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

RE: Communication from Attorney Eugene Bykhovsky regarding  
KRYSTLE ROGERS  
C.I. File No. 1029-2024-475

Dear Council Members:

Enclosed please find the proposed resolution. We ask that it be referred to the Committee on Judiciary and Legislation with the following recommendation.

Krystal Rogers through her attorney Eugene Bykhovsky, alleges that the City is liable for failing to identify and make repairs in a timely matter, or take steps to warn pedestrians in regards to a large crack in the asphalt, at the Northeast corner of Michigan Avenue and Van Buren Street. As a result, on December 1, 2023, Ms. Rogers sustained injuries after she stepped off the sidewalk and fell on the large crack in the street. Ms. Rogers is seeking damages for her past and future medical expenses, wage loss, and pain and suffering.

Our investigation determined that DPW Infrastructure Services Division conducted a search of service requests and revealed there were no requests regarding this segment of hazard prior to December 1, 2023, when Ms. Rogers sustained injuries. The search included the 700 blocks of W. Michigan Street and the 600 block of N. Van Buren Street during the time frame of October 1, 2023 through December 1, 2023.



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Wisconsin Municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Because of the lack of notice of this hazard, and the City's discretionary immunity, the City is not liable for damages. We recommend that the claim for \$50,000 be denied.

Very truly yours,



EVAN C. GOYKE  
City Attorney



NAOMI E. SANDERS  
Deputy City Attorney

ECG/NES/MTG/cdr

1029-2024-475/