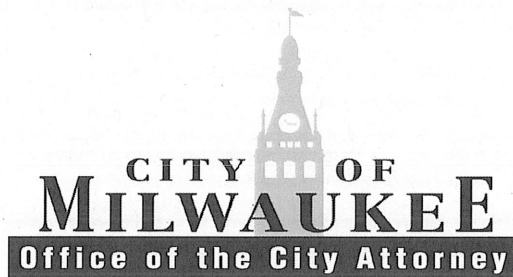


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August 14, 2019

To the Honorable Common Council
Of the City of Milwaukee
Room 205 – City Hall

Re: C.I. File No: 1029-2019-1040
Communication from Emma Jackson

Dear Common Council Members:

We return the enclosed document which has been filed with the City Clerk and ask that it be introduced and referred to the Committee on Judiciary & Legislation with the following recommendation.

On May 7, 2019 at approximately 2:42 p.m., Ms. Jackson was walking toward the entrance of the Milwaukee Health Department Northwest Health Center, 7630 W. Mill Road. She was carrying her great granddaughter in a car seat when Ms. Jackson allegedly stepped in a hole in the pavement resulting in her falling on her right side. On May 8, 2019, Ms. Jackson visited Ascension Columbia St. Mary's River Woods Urgent Care. Her discharge diagnosis was a lumbar spine strain, right ankle sprain and right wrist sprain.

Ms. Jackson has filed a claim for \$100,000 for the injuries she sustained from her fall on May 7, 2019 at the Milwaukee Health Department Northwest Health Center, 7630 W. Mill Road. Ms. Jackson also filed a claim against the City for \$50,000 for her great granddaughter. According to Ms. Jackson, the great granddaughter, 3 months old, was never taken to a medical physician for possible injuries, nor was there any medical costs incurred that could be attributed to the May 7, 2019 incident.

The investigation of this matter revealed there is a slight elevation difference and separation between sidewalk sections near the entrance. There are no holes in the pavement as alleged by Ms. Jackson. The City did not have prior knowledge of this elevation difference and separation in the walk when Ms. Jackson had her accident.

Furthermore, Wisconsin municipalities have discretionary immunity from liability for any damages that are due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for the damages. Because of this lack of notice,



Honorable Common Council

August 15, 2019


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and the City's discretionary immunity, the City is not liable for Ms. Jackson's injuries. As such, we recommend that this claim be denied.

Very truly yours,



GRANT F. LANGLEY
City Attorney



KATRYNA C. RHODES
Assistant City Attorney

KCR:mal
Enclosure

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