

TEARMAN SPENCER
City Attorney

MIRIAM R. HORWITZ
ADAM B. STEPHENS
MARY L. SCHANNING
Deputy City Attorneys



Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551
Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

SUSAN E. LAPPEN
PATRICIA A. FRICKER
HEIDI WICK SPOERL
GREGG C. HAGOPIAN
JAY A. UNORA
KATHRYN Z. BLOCK
KEVIN P. SULLIVAN
THOMAS D. MILLER
ROBIN A. PEDERSON
JEREMY R. MCKENZIE
PETER J. BLOCK
JENNY YUAN
ALLISON N. FLANAGAN
HEATHER H. HOUGH
ANDREA J. FOWLER
PATRICK J. MCCLAIN
NAOMI E. GEHLING
BENJAMIN J. ROOVERS
ELLENY B. CHRISTOPOULOS
TYRONE M. ST. JUNIOR
HANNAH R. JAHN
JULIE P. WILSON
GREGORY P. KRUSE
KIMBERLY A. PRESCOTT
SHEILA THOBANI
KATRYNA C. RHODES
NICOLE F. LARSEN
JAMES M. CARROLL
WILLIAM G. DAVIDSON
MEIGHAN M. ANGER
ALEXANDER R. CARSON
JENNIFER J. TATE
Assistant City Attorneys

June 16, 2020

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

Re: C.I. File Nos. 1029-2020-402; 1029-2020-403
Communication from: Attorney Heath P. Straka
Axley Brynerson, LLP
2 East Mifflin Street, Suite 200
Madison, WI 53703 on behalf of
Ana Saavedra
10115 Armando Circle
Orlando, FL 32825-7725, and
Jake Kromanaker
10115 Armando Circle
Orlando, FL 32825-7725

Dear Council Members:

Axley Brynerson, LLP represents Ana Saavedra and Jake Kromanaker. They allege that on October 26, 2019 Ms. Saavedra sustained injuries when she tripped and fell on an uneven sidewalk slab at the corner of East Clybourn Street and North Water Street. Mr. Kromanaker sustained a loss of society and companionship due to Ms. Saavedra's injuries. The total damages claimed are \$100,000.

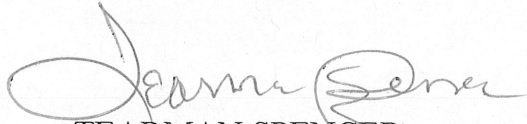
Wisconsin municipalities have discretionary immunity from liability for any damage that is due to a defect in a sidewalk or street. Under discretionary immunity, the City is generally not liable for damages.

City records indicate that prior to October 26, 2019 the City had no notice of this hazard in the sidewalk. Because of this lack of notice and the City's discretionary immunity, the City is not liable for the damages.



Honorable Common Council
June 28, 2020
Page 2

Therefore, we recommend that these claims be denied.
Very truly yours,



TEARMAN SPENCER
City Attorney



KATRYNA C. RHODES
Assistant City Attorney

KCR:mal
Enclosure

C: James Washington (Infrastructure)

1029-2020-402:268760