

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 8, 2008

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office,
S.C. for legal fees for Police Officers David Wilhelm and Dale
Bormann, Jr.
C.I. File No. 06-S-257 EC 2301

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers David Wilhelm and Dale Bormann, Jr.. The claim is in the amount of \$525.29 including \$8.29 in disbursements for 4.70 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., Bablitch and Bablitch v. Lincoln County, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-2006-586:124771v1

OFFICE OF THE CITY ATTORNEY

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 9, 2006

TO: P.O. DALE BORMANN
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

RECEIVED
06 MAR 15 PM 1:26
MILWAUKEE POLICE
INTERNAL AFFAIRS

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on APRIL 23, 2004
- 2) A citizen's complaint made by CARNALE FOSTER
- 3) A police shooting incident occurring on N/A

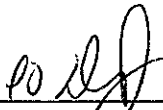
Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

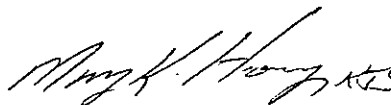
Your signature: _____



Print your name: _____

PO Dale Bormann

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.



MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 9, 2006

TO: P.O. DAVID WILHELM
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
PROGRAM
06 MAR 14 AM 10:45

Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on APRIL 23, 2004
- 2) A citizen's complaint made by CARNALE FOSTER
- 3) A police shooting incident occurring on N/A

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: *David P. Wilhelm*

Print your name: DAVID P. WILHELM

Upon completion, please return this memorandum to the Professional Performance Division at the Police Academy (Room 325) as soon as possible.

Mary K. Hoerig
MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 15, 2006

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

CITY OF MILWAUKEE
2006 FEB 20 PM 3:49
RONALD D. LEONHARDT
CITY CLERK

**RE: Citizen Complaint of Mr. Carnale Foster
Against PO's David Wilhelm and Dale Bormann, Jr.
Complaint No.: 04-61
Date of Incident: April 23, 2004**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent them and, as they were performing the duties of their office at the time of the events giving rise to the incident, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a field interview. The Fire and Police Commission dismissed the complaint. Attached are copies of the dismissal notices and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/kjs
Attachment
WILHELM and BORMANN

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

February 15, 2006

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Carnale Foster
Against POs David Wilhelm and Dale Bormann, Jr.
FPC No: 04-61
Date of Incident: April 23, 2004
Professional services

| | <u>Hours</u> |
|--|--------------|
| 11/1/2004 Initial conference with PO's Bormann and Wilhelm; open file; memo to file; review municipal and circuit court records; correspondence to MPD Open Records. | 2.30 |
| 11/2/2004 Correspondence to FPC; conference with and telephone call from MPD; memo to file. | 0.30 |
| 11/3/2004 Conference with MPD; telephone call to and from PO Bormann; memo to file; telephone call to MPD. | 0.30 |
| 11/9/2004 Review of correspondence from FPC. | 0.10 |
| 12/6/2004 Telephone call from PO Bormann; memo to file. | 0.30 |
| 1/12/2005 Review of file. | 0.10 |
| 1/18/2005 Telephone call from PO Bormann; memo to file. | 0.30 |
| 2/18/2005 Receive and review open records request; file same. | 0.20 |

Hours

| | | |
|-----------|--|------|
| 3/15/2005 | Review Complaint and Appeal Report regarding status. | 0.10 |
| 7/5/2005 | Conference with PO Bormann; check CCAP. | 0.30 |
| 2/13/2006 | Telephone call from client regarding dismissal; receive and review orders dismissing complaint; correspondence to PO's Bormann and Wilhelm regarding same; close file. | 0.40 |

Amount

| | | |
|------------------------------------|------|----------|
| For professional services rendered | 4.70 | \$517.00 |
| Additional charges: | | |

| | | |
|-----------|--------------------------|------|
| 2/18/2005 | MPD Open Records request | 8.29 |
|-----------|--------------------------|------|

| | | |
|-------------|--|---------------|
| Total costs | | <u>\$8.29</u> |
|-------------|--|---------------|

| | | |
|---------------------------|--|-----------------|
| Total amount of this bill | | <u>\$525.29</u> |
|---------------------------|--|-----------------|

| | | |
|-------------|--|------------------------|
| Balance due | | <u><u>\$525.29</u></u> |
|-------------|--|------------------------|

(Rate: \$110.00 per hour)

RECEIVED

FEB 06 2006

EGGERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF CARNALE FOSTER
AGAINST POLICE SERGEANT WILLIE MURPHY
AND POLICE OFFICERS DAVID WILHELM AND
DALE BORMANN, JR.

ORDER OF DISMISSAL

To Officer David Wilhelm:

It is hereby ordered that the Complaint of Carnale Foster, Complaint No. 04-61, filed with the Board on July 22, 2004, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD J. SOBCZAK, CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 30, 3006.

c: Attorney Rachel Pings ✓

RECEIVED

FEB 06 2006

EGGERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF CARNALE FOSTER
AGAINST POLICE SERGEANT WILLIE MURPHY
AND POLICE OFFICERS DAVID WILHELM AND
DALE BORMANN, JR.

ORDER OF DISMISSAL

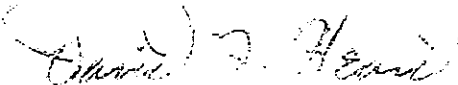
To Officer Dale Bormann, Jr.:

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MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

LEONARD J. SOBCZAK, CHAIRMAN

BY:


DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 30, 2006.

c: Attorney Rachel Pings ✓