

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY  
200 EAST WELLS STREET, SUITE 800  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 286-8550

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
DAVID R. HALBROOKS  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
JAY A. UNORA  
DONALD L. SCHRIEFER  
EDWARD M. EHRlich  
CHRISTOPHER J. CHERELLA  
LEONARD A. TOKUS  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 7, 2001

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 John Tabaska and Dan Dziewit  
C.I. File No. 00-S-419/ELO 1555**

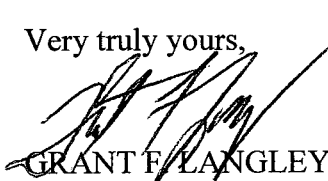
Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers John Tabaska and Dan Dziewit. The claim is in the amount of \$712.27 including \$8.27 in disbursements for 6.40 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 a criminal investigation. No criminal charges were brought against the Police Officers on whose behalf this claim was filed.

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:enm  
Enc.  
2276

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
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MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD 286-2025  
FAX (414) 286-8550

November 16, 2000

Commander Dale Schunk  
Milwaukee Police Department  
Internal Affairs Division  
6680 North Teutonia Avenue, Rm 325  
Milwaukee, WI 53209

Re: C.I. File No. 00-S-419  
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Amberg, Anderer/Rodriguez, Anderson, Bartlett/Jack, Blaszak/Carrasco, Boswell/Heaney/Pruitt, Chu/Scanlan, Curtis, et al., Farina, Goldberg, Heim/Pierce, Kronschnabel, Lutz, Miscichoski, Novak, Rozga and Tabaska.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:beg  
Enclosure  
5091

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
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MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

INTERNAL AFFAIRS  
DIVISION

00 DEC 26 AM 6:58

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

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

November 7, 2000

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

**RE: MPD Criminal Investigation of POs John Tabaska and Dan  
Dzievit  
Allegations Regarding Mr. Andrew Ratliff  
Date of Incident: May 27, 2000  
Location of Incident: 4018 W. Burleigh St.  
ELO No.: 1555**

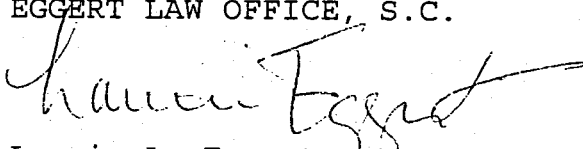
Dear Mr. Leonhardt:

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, the claim is hereby made on their behalf for the indicated legal fees. This incident involved a foot chase and subsequent arrest. Charges will not be issued against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

  
Laurie A. Eggert  
Attorney at Law

JC/ldl  
TABASKA

5/7/2001

O.K.

JAS

Letter # 2276

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

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

November 7, 2000

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

RE: MPD Criminal Investigation  
Regarding: POs John Tabaska and Dan Dzievit  
Date of Incident: May 27, 2000  
Location of Incident: 4018 W. Burleigh St.

Professional services

	<u>Hours</u>
6/23/00 Telephone call from PO Dzievit; memo to file; open file; telephone call to and from PO Tabaska; memo to file; telephone call to IAD.	0.80
6/26/00 Telephone call to PO Tabaska.	0.10
6/27/00 Telephone call to and from PO Tabaska.	0.40
6/28/00 Discussion with IAD; telephone call to IAD.	0.30
7/26/00 Discussion with IAD.	0.20
8/1/00 Telephone call from DDA Reddin; telephone call to IAD.	0.20
8/8/00 Telephone call to and from DDA Reddin; telephone call to clients.	0.40
8/17/00 Discussion with IAD.	0.20

	<u>Hours</u>	
8/24/00 Telephone call to DDA Reddin; telephone call to clients; discussion with IAD.	0.40	
8/25/00 Review file; meeting with POs Tabaska and Dzievit at CJF; attend PO Tabaska's statement to DDA Reddin; attend PO Dzievit's statement to DDA Reddin; travel; memo to file.	2.50	
9/6/00 Review of correspondence from DDA Reddin; correspondence to MPD Open Records; correspondence to clients.	0.40	
10/26/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.40	\$704.00
Additional charges:		
8/25/00 Parking		4.00
10/26/00 MPD Open Records request		4.27
Total costs		<u>\$8.27</u>
Total amount of this bill		<u>\$712.27</u>
Balance due		<u><u>\$712.27</u></u>

(Rate: \$110.00 per hour)

RATLIFF was conveyed to CJF, where after examination from a nurse, was denied admittance due to his complaint of pain and a high blood pressure reading. He was subsequently conveyed to Mt. Sinai's E.R., where Doctors noted the fracture of a broken rib on the side of the body kicked by the officer (DZIEVIT).

CONCLUSION:

During investigation, both officers admitted to chasing RATLIFF on foot and, after a brief struggle and the use of O.C., were able to handcuff RATLIFF and convey him to CJF. With the exception of the use of O.C., both officers denied using excessive physical force on RATLIFF. Officer TABASKA stated while he chased RATLIFF on foot, he observed RATLIFF attempt to jump over a 6 foot high wooden fence in one of the yards he ran through. When RATLIFF was unsuccessful, he turned toward officer TABASKA and was immediately decentralized.

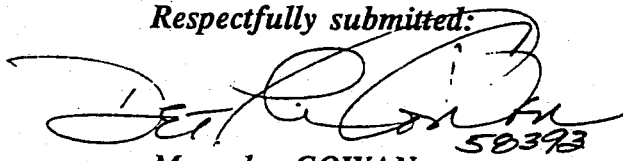
While at the scene, Sgt. BRITTON questioned RATLIFF if he had a complaint against the officers. RATLIFF declined to file a complaint and declined medical attention at that time. RATLIFF filed a complaint at District #4, following his release.

The charge of Resisting an Officer was No Process, but the charge of POCS-Marijuana was issued against RATLIFF the following day.

Deputy District Attorney Jon REDDIN declined prosecution on RATLIFF's claims due to insufficient evidence to prove that officers acted criminally in the arrest of RATLIFF. This case will be cleared as warrant refused.

INTERNAL AFFAIRS DIVISION	
Received	SEP 6 2000
Referred	Reviewed / signed
By	Cowen, Mercedes

Respectfully submitted:

  
Mercedes COWAN,  
Police Detective, 58393  
CIU/IAD, Day Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JANUARY 3, 2001

TO: PO JOHN TABASKA  
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of  
Attorney

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 MAY 27, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES  NO

Did you receive legal representation  
in this matter?

YES  NO

Your signature: PO [Signature]

Print your name: PO JOHN C TABASKA

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

*[Signature]*

DALE T. SCHUNK *[Signature]*  
Commander of Police  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JANUARY 3, 2001

TO: PO DAN DZIEVIT  
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of  
Attorney

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 MAY 27, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES  NO

Did you receive legal representation  
in this matter?

YES  NO

Your signature: PO Daniel Czizit DZIEVIT

Print your name: PO DANIEL C DZIEVIT

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

*Dale T. Schunk*

DALE T. SCHUNK *JS*  
Commander of Police  
Internal Affairs Division

DTS:dnp