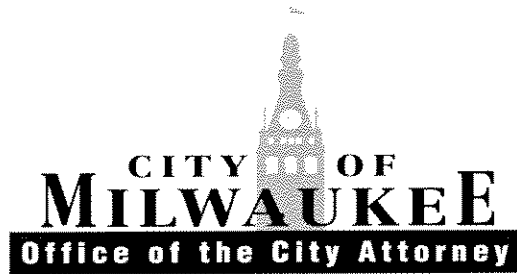


GRANT F. LANGLEY
City Attorney

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
Assistant City Attorneys

September 19, 2006

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

Re: Amended Claim Communication from Attorney Jon Cermele
Eggert & Cermele, S.C. for legal fees
for Police Officers James Campbell, Joseph Warren,
Virgil Cotton, Tom Dineen, Tim McNair,
Ray Harris and Brad Westergaard
C.I. File No. 04-S-98; EC No. 2000

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers James Campbell, Joseph Warren, Virgil Cotton, Tim McNair, Tom Dineen, Ray Harris and Brad Westergaard. The amended claim in the amount of \$1,738.00 for 15.80 hours of service billed at the rate of \$110 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

The officers' attorneys have amended this claim to exclude any billings for two officers who were involved in unrelated criminal matters. With regard to this particular claim, a criminal investigation was initiated against the officers on whose behalf this claim was filed, but they were ultimately not charged.

Common Council
September 19, 2006
Page Two

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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978). The Common Council continues to have discretion with regard to this claim because the fees were incurred prior to the effective date of 2005 Wisconsin Act 73 (effective June 7, 2006) which now makes such payment mandatory except in certain, statutorily-defined circumstances.

Very truly yours,



GRANT F. ANGLEY
City Attorney



JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

109881/1032-2004-1087.002

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 22, 2006

Mr. Jan Smokowicz
Assistant City Attorney
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

RE: AMENDED CLAIM / STATEMENT
MPD Criminal Investigation of PO's James Campbell, Joseph Warren,
Virgil Cotton, Tim McNair, Tom Dineen, Ray Harris and Brad
Westergaard
Allegations regarding Mr. Derrick Brown
Date of Incident: July 12, 2003
Location of Incident: 2800 Block of West Clyborn
EC No.: 2000

Dear Mr. Smokowicz:

The above named police officers 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.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled all of the above-referenced Officers to give statements concerning the incident after issuing PI-21's. Later, the MPD concluded that no criminal charges would be issued. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jonathan Cermele

JC/kjs
Attachment
CAMPBELL, ET AL

7/7/06
O.S.
JAS

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 16, 2006

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

RE: MPD Criminal Investigation re: Mr. Derrick Brown
Regarding: POs James Campbell, Joseph Warren, Thomas Dineen, Tim
McNair, Ray Harris, Brad Westergaard and Virgil Cotton
Date of Incident: July 12, 2003
Location of Incident: 2800 Block of West Clybourn
Professional services

	<u>Hours</u>
7/17/2003 Telephone call from PO Campbell regarding new criminal investigation; memo to file; open file.	0.80
7/21/2003 Telephone call from client.	0.10
7/22/2003 Telephone call from client.	0.10
7/23/2003 Review of file; several telephone calls to and from PO Campbell; memo to file; meeting with PO Campbell at IAD; attend FO Campbell's PI-21; travel; memo to file; telephone call to PO Warren.	1.60
7/24/2003 Telephone call to client; preparation for and appearance at PO Warren's PI-21 statement at IAD; travel.	2.80
7/28/2003 Review of file; memo to file.	0.10
9/15/2003 Review of file.	0.10
9/22/2003 Telephone calls from PO's Cotton, McNair, Dineen, Harris, and Westergaard; memos to file.	1.40

	<u>Hours</u>		<u>Amount</u>
9/23/2003 Telephone call to and from POs Cotton, Dineen and Westergaard; memos to file.	0.70		
9/25/2003 Review of file; travel; meeting with PO McNair at IAD; attend PO McNair's PI-21; return travel; memos to file; telephone call to DDA Reddin.	1.80		
9/26/2003 Review of file; meeting with IAD; meeting with PO Dineen at IAD; attend PO Dineen's PI-21 statement; travel; memo to file.	2.10		
9/30/2003 Review of file; meeting with POs Harris and Cotton at IAD; attend PO Harris's statement to IAD; attend PO Cotton's statement to IAD; travel; memos to file.	1.90		
10/1/2003 Telephone call to and from PO Westergaard; review of file; travel; meeting with PO Westergaard at IAD; attend PO Westergaard's PI-21 statement; return travel; memo to file.	1.20		
10/6/2003 Telephone call to witness.	0.10		
10/7/2003 Telephone call to and from witness.	0.20		
12/19/2003 Review of file; Fax to IAD.	0.20		
1/13/2004 Receive and review correspondence from IAD confirming investigation cleared as baseless.	0.20		
1/14/2004 Correspondence to client regarding IAD having cleared complaint; close file.	0.40		
		<u>15.80</u>	<u>\$1,738.00</u>
For professional services rendered			<u>\$1,738.00</u>
Balance due			<u><u>\$1,738.00</u></u>

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

March 23, 2004

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

**RE: MPD Criminal Investigation of POs James Campbell, Joseph Warren, Virgil Cotton, Tim McNair, Tom Dineen, Ray Harris, Alfonso Glover, Ala Awadallah and Brad Westergaard Allegations Regarding Mr. Derrick Brown
Date of Incident: July 12, 2003
Location of Incident: 2800 Block of West Clyborn
EC No.: 2000**

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.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs James Campbell, Joseph Warren, Virgil Cotton, Tim McNair, Tom Dineen, Ray Harris, Alfonso Glover, Ala Awadallah and Brad Westergaard to give statements concerning the incident after issuing PI-21s. Later, the MPD concluded that no criminal charges would issue. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

JC/ldl
attachment
CAMWAR BRO

04 APR 29 PM 3:22
MILWAUKEE POLICE DEPARTMENT
COMMUNICATIONS SECTION



RECEIVED

JAN 13 2004

EGGERT & CERMELE, S.C.

Nannette H. Hegerty
Chief of Police

Police Department

Tuesday, December 23, 2003

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

Dear Mr. CERMELE:

This letter is in response to your inquiry of December 19, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

STEVEN M. SETTINGSGAARD
POLICE COMMANDER

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY	PENDING
2. 03-246	03-0975	WINSTON, THOMAS	BATTERY	BASELESS
3. 03-180	03-0606	TERRY, OMAR	THEFT	WARRANT REFUSED
4. 03-270	03-1032	PEAKE, SAVANNAH	THEFT	PENDING
5. 03-162	03-0656	HINDS, MARIO	BATTERY	WARRANT REFUSED
6. 03-187	03-0706	LOPEZ, TOMMY JR.	BATTERY	UNFOUNDED
7. 03-186	03-0697	BROWN, DERRICK	BATTERY	UNFOUNDED
8. 03-216	03-0833	McNEIL, BOBBY	THEFT/CDTP	PENDING
9. 03-009	03-0026	SONSTHAGEN, DANIEL	BATTERY	WARRANT REFUSED
10. 03-156	03-0635	EYRE, KEVIN	THREATENING PHONE CALLS	WARRANT REFUSED

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

March 23, 2004

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

RE: MPD Criminal Investigation re: Mr. Derrick Brown

Regarding: POs James Campbell, Joseph Warren, Thomas Dineen, Ala
Awadallah,

Tim McNair, Ray Harris, Alfonso Glover, Brad Westergaard and Virgil
Cotton

Date of Incident: July 12, 2003

Location of Incident: 2800 Block of West Clybourn

Professional services

	<u>Hours</u>
7/17/2003 Telephone call from PO Campbell regarding new criminal investigation; memo to file; open file.	0.80
7/21/2003 Telephone call from client.	0.10
7/22/2003 Telephone call from client.	0.10
7/23/2003 Review of file; several telephone calls to and from PO Campbell; memo to file; meeting with PO Campbell at IAD; attend PO Campbell's PI-21; travel; memo to file; telephone call to PO Warren.	1.60
7/24/2003 Telephone call to client; preparation for and appearance at PO Warren's PI-21 statement at IAD; travel.	2.80
7/28/2003 Review of file; memo to file.	0.10
9/15/2003 Review of file.	0.10
9/22/2003 Telephone calls from POs Cotton, McNair; Dineen; Harris, Glover, Awadallah and Westergaard; memos to file.	1.80

	<u>Hours</u>	
9/23/2003 Telephone call to and from POs Cotton, Dineen and Westergaard; memos to file.	0.70	
9/25/2003 Review of file; meeting with POs McNair and Awadallah at IAD; attend PO McNair's PI-21; attend PO Awadallah's PI-21; travel; memos to file; telephone call to DDA Reddin.	2.60	
9/26/2003 Review of file; meeting with IAD; meeting with PO Dineen at IAD; attend PO Dineen's PI-21 statement; travel; memo to file.	2.10	
9/30/2003 Review of file; meeting with POs Harris and Cotton at IAD; attend PO Harris's statement to IAD; attend PO Cotton's statement to IAD; travel; memos to file.	1.90	
10/1/2003 Telephone call to and from PO Westergaard; review of file; meeting with PO Westergaard at IAD; attend PO Westergaard's PI-21 statement; meeting with PO Glover at IAD; attend PO Glover's PI-21 statement; travel; memos to file.	1.60	
10/6/2003 Telephone call to witness.	0.10	
10/7/2003 Telephone call to and from witness.	0.20	
12/19/2003 Review of file; Fax to IAD.	0.20	
1/13/2004 Receive and review correspondence from IAD confirming investigation cleared as baseless.	0.20	
1/14/2004 Correspondence to client regarding IAD having cleared complaint; close file.	0.40	
		<u>Amount</u>
For professional services rendered	17.40	\$1,914.00
Balance due		<u>\$1,914.00</u>

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. JAMES CAMPBELL
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES

RECEIVED
 04 APR 19 AM 8:44
 MILWAUKEE POLICE
 INTERNAL AFFAIRS

Did you receive legal representation in this matter?

YES

Your signature: _____

Print your name: _____

James Campbell

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

Steven M. Settingsgaard

Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. JOSEPH WARREN
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 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: Joseph R. Warren

Print your name: JOSEPH R. WARREN

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. VIGIL COTTON
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 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: Virgil Cotton, Jr.
Print your name: VIRGIL COTTON, JR.

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. TIM MCNAIR
DISTRICT: THREE

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:

04 APR 12 9 AM 8:44
RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS

- 1) An incident occurring on JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature: PO. T. McNair

Print your name: PO. Timothy A. MCNAIR

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

St. Settingsgaard
Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. TOM DINEEN
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature: PO Thomas Dineen

Print your name: PO THOMAS DINEEN

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

St. Settingsgaard
 Steven M. Settingsgaard
 INSPECTOR OF POLICE
 Internal Affairs Division

SMS:kjs

RECEIVED
 APR 19 AM 8:44
 INTERNAL AFFAIRS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. RAY HARRIS
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO _____


Did you receive legal representation
in this matter?

YES X NO _____

Your signature: PO Ray C Harris

Print your name: PO RAY C HARRIS

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. ALFONSO GLOVER
DISTRICT: THREE

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 JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct?


YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: P.O. Alfonso Glover (Glover)
Print your name: P.O. ALFONSO GLOVER

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

RECEIVED
04 APR 15 AM 9:33
INTERNAL AFFAIRS

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. ALA AWADALLAH
DISTRICT: THREE

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:

RECEIVED
04 APR 29 AM 8:42
MILWAUKEE POLICE
INTERNAL AFFAIRS

- 1) An incident occurring on JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature: 

Print your name: Ala Awadallah

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. BRAD WESTERGAARD
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney

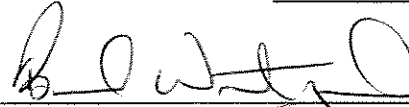
Attorney Laurie Eggert has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
04 APR 15 AM 10:30

- 1) An incident occurring on JULY 12, 2003
- 2) A citizen's complaint made by DERRICK BROWN
- 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: BRAD WESTERGAARD

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division
RTS

SMS:kjs



RECEIVED

JAN 13 2004

EGGERT & CERMELE, S.C.

Nannette H. Hegerty
Chief of Police

Police Department

Tuesday, December 23, 2003

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

Dear Mr. CERMELE:

This letter is in response to your inquiry of December 19, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

STEVEN M. SETTINGSGAARD
POLICE COMMANDER

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY	PENDING
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5. 03-162	03-0656	HINDS, MARIO	BATTERY	WARRANT REFUSED
6. 03-187	03-0706	LOPEZ, TOMMY JR.	BATTERY	UNFOUNDED
7. 03-186	03-0697	BROWN, DERRICK	BATTERY	UNFOUNDED
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10. 03-156	03-0635	EYRE, KEVIN	THREATENING PHONE CALLS	WARRANT REFUSED