

**GRANT F. LANGLEY**  
City Attorney

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



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
SUSAN D. BICKERT  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
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  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
JARELY M. RUIZ  
ROBIN A. PEDERSON  
DANIELLE M. BERGNER  
Assistant City Attorneys

July 14, 2009

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.  
for legal fees for Police Officer Jon Duchateau  
C.I. File No. 07-L-32; EC 2440

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Jon Duchateau. The claim is in the amount of \$2,554.60 including \$24.60 in disbursements for 23.00 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 officer 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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink that reads "Grant F. Langley".

GRANT F. LANGLEY  
City Attorney

A handwritten signature in black ink that reads "Jan A. Smokowicz".

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.

1032-2007-965:124771v1

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
LAURIE A. EGGERT  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

March 22, 2007

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

CITY OF MILWAUKEE  
2007 MAR 26 PM 3:02  
RONALD D. LEONHARDT  
CITY CLERK

**RE: Citizen Complaint of Mr. Michael Key  
Against PO Jon Duchateau  
Complaint No.: 04-41  
Date of Incident: December 24, 2003**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him and, as he was performing the duties of his office at the time of the events giving rise to the incident, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a field interview.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs  
Attachments

CITY OF MILWAUKEE  
RECEIVED  
2007 MAR 26 PM 3:22  
OFFICE OF  
CITY ATTORNEY

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

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March 22, 2007

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

RE: Citizen Complaint of Mr. Michael Key  
Against PO Jon Duchateau  
FPC No: 04-41  
Date of Incident: December 24, 2003  
Professional services

	<u>Hours</u>
9/29/2004 Receive and review Fax from PO Duchateau regarding citizen complaint; open file; sign correspondence to FPC.	0.40
10/5/2004 Review of file; conference with client; memo to file; correspondence to MPD Open Records.	1.00
10/28/2004 Telephone calls from FPC (2).	0.20
11/3/2004 Review of correspondence from FPC; correspondence to client.	0.20
11/4/2004 Telephone calls from client (2); telephone call to FPC.	0.20
11/8/2004 Telephone call from FPC.	0.20
11/9/2004 Review of correspondence from FPC.	0.10
11/12/2004 Telephone call to client.	0.10
11/18/2004 Intra-office conference with Cermele; telephone call to client; telephone call to FPC; correspondence to client; memo to file.	0.50

	<u>Hours</u>
11/29/2004 Review of correspondence from FPC.	0.10
12/29/2004 Review of correspondence from FPC.	0.10
1/12/2005 Review of file.	0.20
2/8/2005 Receive and review open records; file same.	0.30
2/9/2005 Receive and review Complaint and Appeal Report regarding status; update file.	0.20
3/15/2005 Review Complaint and Appeal Report regarding status.	0.10
11/14/2005 Review of correspondence from FPC; review of file.	0.50
12/1/2005 Telephone call to Atty. Fuchs; telephone call from and to Atty. Rettko; revise and send Witness and Exhibit List.	1.00
12/5/2005 Receive and review Atty. Rettko's Witness and Exhibit List.	0.20
12/14/2005 Correspondence to FPC.	0.20
12/16/2005 Receive and review correspondence from Atty. Rettko regarding complainant's lack of Witness and Exhibit List.	0.20
12/30/2005 Receive and review correspondence from Atty. Rettko; correspondence to FPC.	0.20
1/3/2006 Receive and review correspondence from FPC regarding new scheduling order; file same.	0.10
1/4/2006 Receive and review complainant's Witness and Exhibit List.	0.30
1/11/2006 Draft Witness and Exhibit List; receive and review Atty. Rettko's Witness and Exhibit List; correspondence to complainant with revised Witness and Exhibit List.	0.60

	<u>Hours</u>
1/18/2006 Receive and review returned Witness and Exhibit List; re-mail to complainant.	0.20
1/24/2006 Receive return mail again.	0.10
2/7/2006 Receive and review correspondence from Atty. Rettko; telephone call to Atty. Rettko; correspondence to FPC.	0.30
6/5/2006 Telephone call from FPC; revise calendar.	0.20
6/6/2006 Telephone call from FPC; review file; telephone call to client; correspondence to client.	0.30
6/22/2006 Correspondence to client.	0.10
6/26/2006 Telephone call from client.	0.10
6/27/2006 Receive and review correspondence from Atty. Rettko; telephone call to client; correspondence to FPC.	0.30
7/21/2006 Telephone call from and to Atty. Rettko; telephone call to client; e-mail and telephone call to FPC; review file; telephone call to potential witnesses.	0.50
7/26/2006 Telephone call from and to FPC; telephone call to client; telephone call to Atty. Rettko.	0.30
7/27/2006 Telephone call from Atty. Rettko; telephone call to FPC; e-mail to Atty. Rettko and FPC; correspondence to client.	0.30
8/3/2006 Organize file; print e-mail from FPC.	0.30
8/17/2006 Review file; prepare subpoenas; correspondence to witnesses with relevant reports; receive and review Notice of Hearing; several telephone calls to FPC; travel to Academy to serve subpoenas.	2.50

	<u>Hours</u>
8/21/2006 Review file; telephone call from client; conference with client; memo to file.	2.00
8/30/2006 Review file; prepare for hearing.	1.50
Review file in preparation for 08/31/06 hearing; intra-office conference with Granitz regarding same.	0.50
8/31/2006 Travel to and perform hearing before Examiner Flores; return travel.	4.50
1/10/2007 Receive and review Examiner's Proposed Findings of Fact and transcript; begin response to same.	1.00
2/13/2007 Receive and review correspondence from client; respond to same with correspondence to client.	0.20
2/26/2007 Receive and review correspondence from FPC regarding closed meeting to deliberate.	0.10
3/20/2007 Receive and review FPC's Decision to Dismiss Complaint; correspondence to client regarding same; close file.	0.50
	<u>Amount</u>
For professional services rendered	23.00
Additional charges:	\$2,530.00
2/5/2005 MPD Open Records request	2.60
8/16/2006 Subpoenas (3)	18.00
8/31/2006 Parking	4.00
	<u>Total costs</u>
	\$24.60

Mr. Ronald Leonhardt

Page 5

Amount

Total amount of this bill

\$2,554.60

Balance due

\$2,554.60

RECEIVED  
MAR 20 2007  
CERMELE & ASSOCIATES, S.C.

BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE

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In the matter of the complaint of

MICHAEL A. KEY

Vs.

P.O. JON DUCHATEAU

ORDER OF DISMISSAL

FPC Complaint No. 04-41

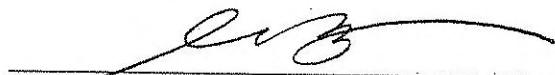
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Upon all records files and proceedings had herein, and upon the stipulation of Complainant Michael A. Key, we do hereby find that there is no basis for any claim or finding of misconduct by Police Officer Jon DuChateau in this instance. Accordingly, We do hereby Order this complaint dismissed as to Police Officer Jon DuChateau.

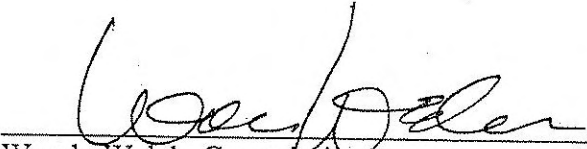
Signed and dated at Milwaukee, Wisconsin this 28<sup>th</sup> day of February, 2007.

Board of Fire and Police Commissioners  
Of the City of Milwaukee

By:

  
Ernesto A. Baca, Commissioner

  
Earl A. Buford, Commissioner

  
Woody Welch, Commissioner