

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
Deputy City Attorneys



## OFFICE OF CITY ATTORNEY

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

January 21, 2004

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officer Roy Horn  
C.I. File No. 02-L-143; EC No. 1821

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Roy Horn. The claim is in the amount of \$1,205.28, including \$17.28 in disbursements for 10.80 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. 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.

2295

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**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**  
**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**  
**DAWN M. BOLAND**  
**KATHRYN M. ZALEWSKI**

Assistant City Attorneys

**EGGERT & CERMELE, 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

October 21, 2002

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

CITY OF MILWAUKEE  
2002 OCT 23 PM 12:01  
RONALD D. LEONHARDT  
CITY CLERK

**RE: Citizen Complaint of Ms. Patricia Fleming  
Against PO Roy Horn  
Complaint No.: 01-44  
Date of Incident: May 13, 2001  
EC No.: 1821**

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, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop and subsequent arrest and conviction of the complainant for resisting PO Horn. 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,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

CITY OF MILWAUKEE  
2002 OCT 23 PM 3:48  
CITY ATTORNEY

LAE/ldl  
HORN

1/20/04  
O.K.  
JAS  
Letter 2295

RECEIVED  
02 NOV -7 PM 2:52  
MILWAUKEE  
INTERNAL AFFAIRS  
DIVISION

RECEIVED

OCT 1 2002

EXHIBIT 100000

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

---

In Re:  
THE CHARGES OF PATRICIA A. FLEMING  
AGAINST POLICE OFFICER ROY HORN

ORDER OF DISMISSAL

---

To Officer Roy Horn:

It is hereby ordered that the Complaint of Patricia A. Fleming, Complaint No. 2001-44, filed with the Board on May 22, 2001, is dismissed because the Complaint lacks sufficient prosecutorial merit, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE  
COMMISSIONERS

WOODY WELCH,  
CHAIRMAN

BY:

  
JOSEPH I. CZARNECKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 26, 2002.

c: Attorney Laurie Eggert ✓

**EGGERT & CERMELE, 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

October 21, 2002

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

RE: Citizen Complaint of Ms. Patricia Fleming  
Against PO Roy Horn  
FPC No: 01-44  
Date of Incident: May 13, 2001  
Location of Incident: 3100 Block of North Fond du Lac Avenue

Professional services

	<u>Hours</u>
08/22/01 Review complaint; open file; telephone call to client; review of file; review of correspondence from FPC.	0.60
08/29/01 Review complaint; telephone call to client; memo to file; correspondence to MPD Open Records.	2.30
09/17/01 Review of file; telephone call to FPC.	0.30
09/28/01 Review of file; memo to file; research regarding court records.	0.60
10/16/01 Telephone call from FPC; review of file; memo to file.	0.20
12/10/01 Telephone call from Heard; review of file.	0.20
01/24/02 Review documents from MPD Open Records; search muni. court and circuit court records; telephone call to client; memo to file.	1.20
01/25/02 Telephone call to client; review records.	0.40

	<u>Hours</u>	
01/29/02 Telephone call from and to client; memo to file.	0.30	
03/06/02 Review of file; correspondence to circuit court; record search.	0.40	
03/07/02 Review of file.	0.20	
03/19/02 Review of correspondence from circuit court; correspondence to FPC with motion to dismiss.	0.80	
04/13/02 Review of correspondence from FPC; correspondence to client; review of file; correspondence to FPC.	0.80	
05/06/02 Review of correspondence from client; memo to file; review of file.	0.40	
06/21/02 Review of file; telephone call to FPC; draft witness/exhibit list.	1.10	
08/27/02 Review of file; telephone call to FPC; memo to file.	0.40	
10/02/02 Review of correspondence from FPC; memo to file; correspondence to client; close file.	0.60	
	<u>10.80</u>	<u>Amount</u>
For professional services rendered	10.80	\$1,188.00
Additional charges:		
01/24/02 MPD Open Records request		7.28
03/19/02 Clerk of Court records		10.00
Total costs		<u>\$17.28</u>
Total amount of this bill		<u>\$1,205.28</u>

Mr. Ronald Leonhardt

Page 3

Amount

Balance due

\$1,205.28

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 25, 2002

TO: P.O. Roy Horn  
SOB Cycles

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 13, 2001
- 2) A citizen's complaint made by Patricia Flemming
- 3) ~~A police shooting incident occurring on N/A~~ *RAW*

*RAW*

Is this information correct? YES X NO \_\_\_\_\_

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

Your signature: *Roy A. Horn*

Print your name: ROY HORN

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

*St. Settingsgaard*  
KJS  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

RECEIVED  
02 DEC -3 AM 8:42  
MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION