

GRANT F. LANGLEY
City Attorney

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Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
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DAVIO J. STANOSZ
SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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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 Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

March 17, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officers Misty Torres and Kevin Malinski
C.I. File No. 07-S-403 (11); EC 2535

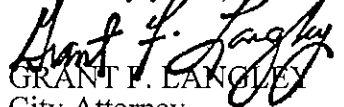
Dear Council Members:

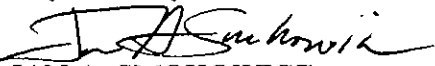
Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Misty Torres and Kevin Malinski. The claim is in the amount of \$1,265.00 for 11.50 hours of service billed at the rate of \$110 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

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 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. Wis. Stat. § 895.35, *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.

1032-2007-3125:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: P.O. KEVIN MALINSKI
DISTRICT: THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 NOVEMBER 21-22, 2006
- 2) A citizen's complaint made by CITY OF MILWAUKEE
- 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. Kevin A. Malinski
PO. KEVIN A. MALINSKI

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

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

November 26, 2007

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

**RE: MPD Criminal Investigation of PO's Misty Torres and Kevin Malinski
Allegations Regarding City of Milwaukee
Date of Incident: November 21 - 22, 2006
Location of Incident: District #3**

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

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 the inventory of money.

According to correspondence from Acting Captain Leibold, the file is suspended. As such, no charges were issued against the officers. Attached is a copy of the letter along with status of the CIS Investigatory file, and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

TORRES and MALINSKI

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
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JONATHAN CERMELE
RACHEL L. PINGS
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LAURIE A. EGGERT
-- OF COUNSEL --

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

November 27, 2007

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: City of Milwaukee
Regarding: PO's Misty Torres and Kevin Malinski
Date of Incident: November 21-22, 2006
Location of Incident: Dist. #3
Professional services

	<u>Hours</u>
1/25/2007 Telephone call from MPD regarding criminal investigation; telephone call to and from PO Torres; open file; memo to file; telephone call to PPD.	0.70
1/31/2007 Telephone call to PPD; memo to file.	0.20
2/1/2007 Correspondence to PO Torres regarding status; telephone call from PPD.	0.20
3/7/2007 Telephone call to PO Malinski; memo to file; telephone call to PPD; intra-office conference with Pings; memo to file.	0.50
3/8/2007 Review applicable MPD Rules and SOPS; telephone call to PO Malinski.	0.70
3/16/2007 Telephone call to and from PO Malinski; memo to file.	0.30
3/19/2007 Telephone call to PPD regarding scheduling statement; telephone call to PO Malinski regarding same; intra-office conference with Pings; telephone call from PPD; telephone call to PO Malinski;	0.80

	<u>Hours</u>
telephone calls to and from PO Torres; telephone call to PPD; memo to file.	
3/21/2007 Intra-office conference with Cermele; telephone call to PPD; telephone calls to PO Malinski; telephone call from and to PPD.	0.50
3/28/2007 Review file; travel; meeting with PO Torres; attend statement of PO Torres to PPD; return travel.	2.20
3/30/2007 Correspondence to PO Torres.	0.10
4/4/2007 Telephone calls to PO Malinski; telephone call to PPD; correspondence to PO Malinski regarding statement date and time.	0.50
4/12/2007 Review file.	0.30
4/13/2007 Travel to Academy; meeting with PO Malinski; attend PO Malinski's statement; return travel.	1.70
5/7/2007 Telephone call to PPD regarding case status.	0.10
5/8/2007 Telephone call to PPD.	0.10
5/9/2007 Telephone call to PPD; memo to file.	0.20
5/10/2007 Fax to PPD seeking file clearance; correspondence to clients regarding closure.	0.30
6/14/2007 Intra-office conference with Cermele; telephone call to and from PPD.	0.30
6/15/2007 Receive and review Fax from PPD.	0.20
6/18/2007 Telephone call to PO Malinski; memo to file.	0.20
6/21/2007 Intra-office conference with Pings.	0.10

	<u>Hours</u>
6/21/2007 Telephone call to and from PO Malinski; telephone call to PPD; telephone call to PO Malinski; memo to file; calendar follow-up.	0.50
6/27/2007 Review statement of PO Malinski; calendar follow-up with PPD.	0.20
7/13/2007 Telephone call from Det. Dubis as follow-up on clearance fax; memo to file; calendar follow-up.	0.20
11/2/2007 Receive and review written confirmation of investigation being closed.	0.20
11/6/2007 Correspondence to clients regarding closure of file; close file.	0.20

	<u>Amount</u>
For professional services rendered	11.50 \$1,265.00
Balance due	<u>\$1,265.00</u>

(Rate: \$110.00 per hour)



RECEIVED

NOV 02 2007

TERMELEN ASSOCIATES S.C.

Police Department

Nannelle H. Hegerty
Chief of Police

Monday, October 29, 2007

Matthew L. GRANITZ
Attorney At Law
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Dear Mr. GRANITZ,

This letter is in response to your inquiries regarding the status of CIS Investigatory Files.

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

Sincerely,

KURT LEIBOLD
ACTING CAPTAIN OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 07-042	07-0159	SARLITTO, IAN	BATTERY	WARRANT REFUSED
2. 07-110	07-0490	HEWINGS, ALBERT	MISC. IN PUBLIC OFFICE	UNFOUNDED
3. 07-132	07-0576	COMODORE, SALLIE	CRIMINAL DAMAGE TO PROP	SUSPENDED-PEND NEW INF
4. 07-080		DYES, NICOLE	THEFT OF MONEY	SUSPENDED-PEND NEW INF
5. 07-027	07-0089	DHEMBI, SOLIAN	THEFT OF MONEY	SUSPENDED-PEND NEW INF
6. 06-177	06-1025	CITY OF MILWAUKEE	THEFT OF MONEY	SUSPENDED-PEND NEW INF
7. 07-133	07-0596	ANDERSON, RUBEN	BATTERY	PENDING-TBD