

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

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

April 5, 2005

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 Officers Michael Lutz, Aaron Froh and Julie Gonzalez
C.I. File No. 03-S-382; EC No. 1941

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Michael Lutz, Aaron Froh and Julie Gonzalez. The claim is in the amount of \$805.00, including \$2.00 in disbursements for 7.30 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 officers 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,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
91788/1032-2003-3160

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

September 24, 2003

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

**RE: Citizen Complaint of Mr. Albert Gavin
Against POs Michael Lutz, Aaron Froh and Julie Gonzalez
Complaint No.: 03-12
Date of Incident: December 12, 2002
EC No.: 1941**

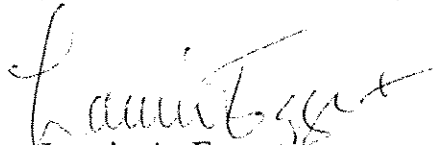
Dear Mr. Leonhardt:

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 an arrest at District #3. 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
Attorney at Law

4/3/05
D.K.
JAS
Letter 2295

LAE/ldl
attachment
LUTZ et al.

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

September 23, 2003

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

RE: Citizen Complaint of Mr. Albert Gavin
Against POs Michael Lutz, Aaron Froh and Julie Gonzalez
FPC No: 03-12
Date of Incident: December 12, 2002
Location of Incident: 2333 North 49th Street
Professional services

	<u>Hours</u>
3/28/2003 Conference with client; open file; memo to file; review documents from client; correspondence to FPC.	1.60
4/1/2003 Telephone call from Gonzalez; memo to file; correspondence to FPC.	0.60
4/2/2003 Memo to file.	0.20
4/3/2003 Telephone call from FPC; review of file; conference with Froh; correspondence to FPC; memo to file.	1.40
4/11/2003 Review of correspondence from FPC.	0.10
4/16/2003 Review documents from Gonzalez.	0.20
4/29/2003 Telephone call from FPC; memo to file; review of file; telephone call to FPC.	0.40
5/5/2003 Review of correspondence from FPC; memo to file; correspondence to client.	0.30
6/2/2003 Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	1.70
6/3/2003 Telephone call from FPC; memo to file.	0.10

Mr. Ronald Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
7/31/2003 Review of file; telephone call to FPC; memo to file.	0.20	
9/15/2003 Review of correspondence from FPC; correspondence to clients; close file.	0.50	
	<u>7.30</u>	<u>\$803.00</u>
For professional services rendered Additional charges:		
6/2/2003 Parking		2.00
Total costs		<u>\$2.00</u>
Total amount of this bill		<u>\$805.00</u>
Balance due		<u><u>\$805.00</u></u>

(Rate: \$110.00 per hour)

RECEIVED
AUG 1 2003
EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF ALBERT W. GAVIN
AGAINST POLICE OFFICERS AARON FROH,
JULIE GONALEZ AND MICHAEL LUTZ

ORDER OF DISMISSAL

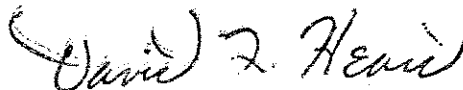
To Officer Michael Lutz:

It is hereby ordered that the Complaint of Albert W. Gavin, Complaint No. 03-12, filed with the Board on February 27, 2003, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JULY 31, 2003.

c: Attorney Laurie Eggert ✓

RECEIVED

AUG 1 2003

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF ALBERT W. GAVIN
AGAINST POLICE OFFICERS AARON FROH,
JULIE GONALEZ AND MICHAEL LUTZ

ORDER OF DISMISSAL

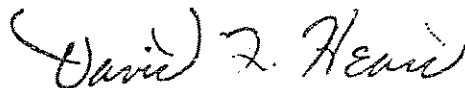
To Officer Julie Gonzalez:

It is hereby ordered that the Complaint of Albert W. Gavin, Complaint No. 03-12, filed with the Board on February 27, 2003, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JULY 31, 2003.

c: Attorney Laurie Eggert ✓

RECEIVED
AUG 1 2003
& CERMELE, S.C.

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

In Re:
THE CHARGES OF ALBERT W. GAVIN
AGAINST POLICE OFFICERS AARON FROH,
JULIE GONALEZ AND MICHAEL LUTZ

ORDER OF DISMISSAL

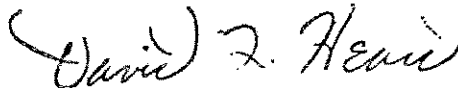
To Officer Aaron Froh:

It is hereby ordered that the Complaint of Albert W. Gavin, Complaint No. 03-12, filed with the Board on February 27, 2003, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JULY 31, 2003.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

OCTOBER 6, 2003

MEMORANDUM

TO: P.O. MICHAEL LUTZ
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 DECEMBER 12, 2002
- 2) A citizen's complaint made by ALBERT GAVIN
- 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: *Michael Lutz*
 Print your name: MICHAEL LUTZ

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

Steve Settingsgaard
 Steven M. Settingsgaard
 Police Commander
 Internal Affairs Division

RECEIVED
 03 NOV 25 PM 2:05
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION

SMS:kjs

December 2, 2003

ACA Jan Smokowicz
800 City Hall
200 E. Wells Street
Milwaukee, WI 53202

Sir,

Per your request dated September 29, 2003, I am sending you the officers responses to Attorney Eggege's bill. The C.I. # is 03-S-382. Please be advised regarding Aaron Froh, his separation date from the department was 9-17-03. Regarding Robert Henry his separation date from the department was 03-27-03.



Kurt J. Sutter
Detective
Internal Affairs Division

MILWAUKEE POLICE DEPARTMENT

OCTOBER 6, 2003

MEMORANDUM

TO: P.O. JULIE GONZALEZ
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 DECEMBER 12, 2002
 - 2) A citizen's complaint made by ALBERT GAVIN
 - 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. Julie Gonzalez*
Print your name: P.O. JULIE GONZALEZ

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
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE
INTERNAL AFFAIRS
DIVISION

03 OCT - 9 PM 12:27

RECEIVED