

# 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 25, 2005

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

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.  
for legal fees for Police Officers Luis Aguilar, Trinidad Rodriguez, James Hernandez,  
Alberto Riestra and Richard Scharnott; C.I. File No. 00-S-57; ELO 1382

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Luis Aguilar, Trinidad Rodriguez, James Hernandez, Alberto Riestra and Richard Scharnott. The claim is in the amount of \$468.99 including \$6.99 in disbursements for 4.20 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 a criminal investigation. No criminal charges were brought against the police 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,

The signature of Grant F. Langley, City Attorney.  
GRANT F. LANGLEY  
City Attorney  
The signature of Jan A. Smokowicz, Assistant City Attorney.

JAN A. SMOKOWICZ  
Assistant City Attorney  
JAS:enm  
Enc.  
89580/ 1032-2001-2294

**EGGERT LAW OFFICE, S.C.**

*Atorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

*CITY OF MILWAUKEE*  
'00 FEB 23 PM 12:54  
RONALD D. LEONHARDT  
CITY CLERK

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

February 18, 2000

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

RE: MPD Criminal Investigation of POs Luis Aguilar,  
Trinidad Rodriguez, James Hernandez, Alberto Riestra  
and Richard Scharnott  
Allegations Regarding Mr. Raymond Greco  
Date of Incident: September 5, 1999  
Location of Incident: 1950 S. 5th Pl.  
ELO No.: 1382

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 and subsequent arrest. Charges will not be issued against the officers; attached is a copy of the clearance report.

The attached is an itemization of the time and services rendered.

Sincerely,

*Laurie Eggert*  
EGGERT LAW OFFICE, S.C.

Laurie A. Eggert  
Attorney at Law

*CITY OF MILWAUKEE*  
'00 FEB 23 PM 3:08  
CITY ATTORNEY  
RECEIVED

JC/ldl  
AGUILAR

9/14/04

O.K.

JAS

Letter 2276  
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**EGGERT LAW OFFICE, 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

February 18, 2000

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

RE: MPD Criminal Investigation

Regarding: POs Luis Aguilar and Trinidad Rodriguez

Date of Incident: September 5, 1999

Location of Incident: 1950 South 5th Place

Professional services

	<u>Hours</u>
9/16/99 Telephone calls from PO Rodriguez (2); open file; memo to file.	1.20
9/17/99 Telephone call from PO Riestra; memo to file; office conference with PO Hernandez; memo to file.	1.60
10/1/99 Review of file; telephone call to IAD.	0.40
11/2/99 Discussion with IAD; correspondence to clients; correspondence to MPD Open Records.	0.50
1/13/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50
	<u>Amount</u>
For professional services rendered	4.20      \$462.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
1/31/00 MPD Open Records request	6.99
Total costs	\$6.99
Total amount of this bill	\$468.99
Balance due	\$468.99

(Rate: \$110.00 per hour)

## IGATION NARRATIVE

This report was dictated by Det. Hattie NICHOLS, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

On Friday, November 5, 1999, this case was ordered in to the District Attorney's office where it was reviewed by Assistant District Attorney Thomas MCADAMS, in the presence of Lt. James SHEPARD and Det. Hattie NICHOLS, both of the CIU/IAD. The complainant, Mr. CREGO, failed to appear as requested.

Assistant District Attorney MCADAMS no processed the case due to the lack of cooperation from the complainant and insufficient evidence to prove the case beyond a reasonable doubt.

This complaint is cleared as warrant refused.

HN:vII 11-09-99  
99-216/99-216.CLR



REVIEWING D.A. ADA Thomas MCADAMS	P.O./DET. ASSIGNED Det. Hattie NICHOLS	COURT CASE NUMBER	
FINAL CHARGE NO PROCESS	DISPOSITION DATE 11-05-99	VICTIM NOTIFIED BY DATE:	
INCIDENT: CLEARED BY ARREST 18 OR OVER STATUS: PARTIAL CLEARANCE BY ARREST UNFOUNDED/BASELESS NO PROSECUTION DESIRED	PROPERTY RECOVERED <input checked="" type="checkbox"/> WARRANT REFUSED	ARREST UNDER 18 A. DETAINED AT M.C.C.C. B. ORDER IN TO M.C.C.C. WAIVED AS AN ADULT DATE:	
C.I.B. ADMINISTRATIVE USE ONLY			
CLEARED EXCEPTIONALLY	A. DEATH OF OFFENDER B. PROSECUTION DECLINED	C. EXTRADITION DENIED D. REFUSED TO COOPERATE	E. JUVENILE NO CUSTODY F. NOT APPLICABLE
JUSTIFIABLE HOMICIDE	A. SUSP ATTACKED P.O. AND SAME P.O. KILLED SUSP B. SUSP ATTACKED P.O. AND OTHER P.O. KILLED SUSP. C. SUSP. ATTACKED CIVILIAN D. SUSP. ATTEMPTED FLIGHT FROM CRIME		E. SUSP KILLED IN COMMISSION OF CRIME F. SUSP. REBATED ARREST G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION H. SUSPECT KILLED BY PRIVATE CITIZEN I. SUSPECT KILLED BY POLICE OFFICER