

**GRANT F. LANGLEY**  
City Attorney

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



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
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  
KATHRYN M. ZALEWSKI  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
Assistant City Attorneys

April 16, 2007

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

Re: Communication from Attorney Jon Cermele, Eggert & Cermele  
for legal fees for Police Officers Tom Dineen, Jason Mucha,  
Paul Lough, Joseph Warren and Ray Harris  
C.I. File No. 04-S-267-3; EC No. 2042

Dear Council Members:


Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Tom Dineen, Jason Mucha, Paul Lough, Joseph Warren and Ray Harris. This is an amended claim in which the attorneys have removed from their billing any request for payment for services for Police Officer Ala Awadallah. The claim is in the amount of \$1,298.00 for 11.80 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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:enm

Enc.

117988/1032-2004-2324

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings  
Timothy J. Walther

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

February 22, 2006

Mr. Jan Smokowicz  
Assistant City Attorney  
800 City Hall  
200 East Wells Street  
Milwaukee, WI 53202

**RE: AMENDED CLAIM / STATEMENT**  
**MPD Criminal Investigation of PO's Tom Dineen, Jason Mucha, Paul Lough, Joseph Warren and Ray Harris**  
**Allegations regarding Mr. Bobby McNeil**  
**Date of Incident: August 14, 2003**  
**Location of Incident: 2741 North 23rd Street**  
**EC No.: 2042**

Dear Mr. Smokowicz:

The above named police officers 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 field investigation.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled all of the above-referenced Officers to give statements concerning the incident after issuing PI-21's. Later, the MPD concluded that no criminal charges would be issued. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jonathan Cermele

JC/kjs  
Attachment  
DINEEN, ET AL.

4/5/07  
JRS  
Letter 2277

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings  
Timothy J. Walther

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

February 16, 2006

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

RE: MPD Criminal Investigation re: Mr. Bobby McNeil  
Regarding: POs Tom Dineen, Jason Mucha, Paul Lough, Joe Warren, and  
Ray Harris  
Date of Incident: August 14, 2003  
Location of Incident: 2741 North 23rd Street  
Professional services

	<u>Hours</u>
9/11/2003 Telephone call from PO Dineen regarding new criminal investigation; open file; memo to file; telephone calls to PO's Mucha and Lough; review of file; travel; meeting with POs Dineen, Mucha, and Lough at IAD; attend PO Dineen's PI-21; attend PO Mucha's PI-21; attend PO Lough's PI-21; return travel; memos to file.	2.70
9/12/2003 Telephone call from PO Warren.	0.40
9/17/2003 Review of file; conference with PO Warren at IAD; attend PI-21; travel.	1.70
9/22/2003 Telephone call from PO Harris; memo to file; telephone call from PO Cotton; memo to file.	0.80
9/25/2003 Telephone call from PO Campbell; memo to file.	0.40
9/26/2003 Conference with PO Campbell.	0.50
9/29/2003 Telephone call from PO Campbell.	0.20

	<u>Hours</u>
9/30/2003 Review of file; meeting with POs Harris, Cotton and Campbell at IAD; attend PO Harris's PI-21 statement; attend PO Cotton's PI-21 statement; attend PO Campbell's PI-21 statement; travel; memos to file.	2.40
10/1/2003 Review of file; meeting with PO Campbell at IAD; attend PO Campbell's PI-21 statement; travel; memo to file.	1.60
10/21/2003 Review file; Fax to Commander Settingsgaard.	0.20
12/19/2003 Review of file; Fax to IAD.	0.20
12/23/2003 Receive and review Fax from IAD.	0.10
3/26/2004 Fax to Commander Settingsgaard.	0.20
4/15/2004 Receive and review confirmation from Commander Settingsgaard that investigation had been cleared; correspondence to clients; close file.	0.40

	<u>Amount</u>
For professional services rendered	11.80     \$1,298.00
Balance due	<u>\$1,298.00</u>



Police Department  
Tuesday, April 13, 2004

Nannette H. Hegerty  
Chief of Police

Jonathan Cermele  
Attorney At Law  
1840 North Farwell Avenue  
Suit 303  
Milwaukee, WI 53202

**RECEIVED**  
APR 15 2004  
EGGERT & CERMELE, S.C.

Dear Mr. CERMELE:

This letter is in response to your inquiry of March 26, 2004, regarding the status of CIU Investigatory Files.

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

Sincerely,



STEVEN M. SETTINGSGAARD  
INSPECTOR

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 04-006		ZIOLKOWSKI, IRIS	MISCONDUCT	WARRANT REFUSED
2. 03-286	03-1073	BROWN, DIONNE	BATTERY	PENDING
3. 03-270	03-1032	PEAKE, SAVANNAH	THEFT	UNFOUNDED
4. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY / CDTP	UNFOUNDED
5. 03-216	03-0833	McNEIL, BOBBY	THEFT / CDTP	CLOSED

**EGGERT & CERMELE, S.C.**

---

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings

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

August 5, 2004

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

**RE: MPD Criminal Investigation of POs Tom Dineen, Jason Mucha, Paul Lough, Joe Warren, Ray Harris and Ala Awadallah  
Allegations Regarding Mr. Bobby McNeil  
Date of Incident: August 14, 2003  
Location of Incident: 2741 North 23<sup>rd</sup> Street  
EC No.: 2042**

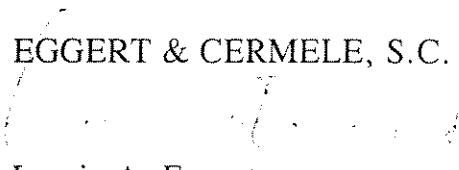
Dear Mr. Leonhardt:

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 field investigation.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Tom Dineen, Jason Mucha, Paul Lough, Joe Warren, Ray Harris and Ala Awadallah to give statements concerning the incident after issuing PI-21s. Later, the MPD concluded that no criminal charges would issue. Attached is a copy of a status report from Commander Settingsgard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

  
Laurie A. Eggert  
Attorney at Law

JC/ldl  
attachment  
DINEENETAL

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings

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

August 04, 2004

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

RE: MPD Criminal Investigation re: Mr. Bobby McNeil

Regarding: POs Tom Dineen, Jason Mucha, Paul Lough, Joe Warren, Ray  
Harris and Ala Awadallah

Date of Incident: August 14, 2003

Location of Incident: 2741 North 23rd Street  
Professional services

Hours

9/11/2003 Telephone call from PO Dineen regarding new criminal investigation; open file; memo to file; telephone calls to POs Mucha, Awadallah and Lough; review of file; meeting with POs Dineen, Mucha, Awadallah and Lough at IAD; attend PO Dineen's PI-21; attend PO Mucha's PI-21; attend PO Awadallah's PI-21; attend PO Lough's PI-21; travel; memos to file.	4.00
9/12/2003 Telephone call from PO Warren.	0.40
9/17/2003 Review of file; conference with PO Warren at IAD; attend PI-21; travel.	1.70
9/22/2003 Telephone call from PO Harris; memo to file; telephone call from PO Cotton; memo to file.	0.80
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9/29/2003 Telephone call from PO Campbell.	0.20



	<u>Hours</u>	
9/30/2003 Review of file; meeting with POs Harris, Cotton and Campbell at IAD; attend PO Harris's PI-21 statement; attend PO Cotton's PI-21 statement; attend PO Campbell's PI-21 statement; travel; memos to file.	2.40	
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3/26/2004 Fax to Commander Settingsgaard.	0.20	
4/15/2004 Receive and review confirmation from Commander Settingsgaard that investigation had been cleared; correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	13.10	\$1,441.00
Balance due		<u>\$1,441.00</u>



Police Department  
Tuesday, April 13, 2004

Nannette H. Hegerty  
Chief of Police

Jonathan Cermele  
Attorney At Law  
1840 North Farwell Avenue  
Suit 303  
Milwaukee, WI 53202

RECEIVED  
APR 15 2004  
EGGERT & CERMELE, S.C.

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

Sincerely,



STEVEN M. SETTINGSGAARD  
INSPECTOR

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
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4. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY / CDTP	UNFOUNDED
5. 03-216	03-0833	McNEIL, BOBBY	THEFT / CDTP	CLOSED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. TOM DINEEN  
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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: PO Thomas Dineen

Print your name: PO THOMAS DINEEN

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

RECEIVED  
 04 SEP -9 AM 9:33  
 MILWAUKEE POLICE  
 INTERNAL AFFAIRS

  
 Steven M. Settingsgaard  
 Inspector of Police  
 Professional Performance Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. JASON MUCHA  
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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: \_\_\_\_\_

Print your name: Jason Mucha

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

RECEIVED  
 04 SEP -9 AM 9:33  
 MILWAUKEE POLICE  
 INTERNAL AFFAIRS  
 DIVISION

SMS: [initials]

*SM Settingsgaard*  
 Steven M. Settingsgaard  
 Inspector of Police  
 Professional Performance Division

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. PAUL LOUGH  
DISTRICT: INTEL DIVISION

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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: Paul Lough

Print your name: LOUGH, PAUL D.

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

*St. Settingsgaard*  
Steven M. Settingsgaard  
Inspector of Police  
Professional Performance Division

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS

04 AUG 25 PM 12:09

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. JOE WARREN  
DISTRICT: INTEL DIVISION

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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: \_\_\_\_\_

*Joseph Warren*

Print your name: \_\_\_\_\_

JOSEPH WARREN

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

*St. Settingsgaard*

Steven M. Settingsgaard  
Inspector of Police  
Professional Performance Division

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS

04 AUG 25 PM 12:08

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. RAY HARRIS  
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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: PO Ray Harris

Print your name: PO RAY HARRIS

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

RECEIVED  
04 SEP -9 AM 9:33  
MILWAUKEE POLICE  
INTERNAL AFFAIRS

SMS:kjs

Steven M. Settingsgaard  
Steven M. Settingsgaard  
Inspector of Police  
Professional Performance Division



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. ALA AWADALLAH  
DISTRICT: INTEL DIVISION

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 AUGUST 14, 2003
- 2) A citizen's complaint made by BOBBY MCNEIL
- 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: *Ala Awadallah*  
Print your name: Ala Awadallah

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

*St. Settingsgaard*  
Steven M. Settingsgaard  
Inspector of Police  
Professional Performance Division

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

04 AUG 25 PM 12:09

RECEIVED