

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

March 9, 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 Officer Walter Tyshynsky
Claim File No. 03-S-347; EC No. 1918

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Walter Tyshynsky. The claim is in the amount of \$640.00, including \$2.00 in disbursements for 5.80 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. 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.

90985/1032-2003-2890.009

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 3, 2003

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

CITY OF MILWAUKEE
MILWAUKEE
SEP -5 PM 3:07
CITY CLERK

**RE: Citizen Complaint of Ms. Carlita L. Wonders
Against PO Walter Tyshynsky
Complaint No.: 03-13
Date of Incident: February 26, 2003
EC No.: 1918**

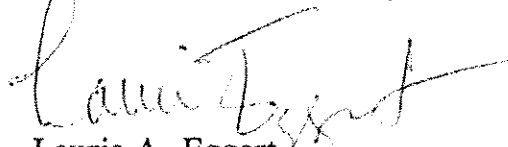
Dear Mr. Leonhardt:

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 an on-duty conversation and field interview. 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

2/5/05
O.K.
JAS
Letter 2295

LAE/ldl
attachment
TYSHYNSKY

CITY ATTORNEY
MILWAUKEE
SEP -5 PM 3:45

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
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September 03, 2003

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

RE: Citizen Complaint of Ms. Carlita L. Wonders
Against PO Walter Tyshynsky
FPC No: 03-13
Date of Incident: February 26, 2003
Location of Incident: Broadway and Kilbourn
Professional services

	<u>Hours</u>	
4/15/2003	1.20	Open file; review complaint; correspondence to FPC; computer search regarding complainant; telephone call to client.
4/17/2003	0.10	Telephone call from client.
4/28/2003	1.20	Telephone calls from complainant; telephone call to FPC; review of correspondence from FPC; telephone call to client; memo to file; telephone call from client.
4/29/2003	0.30	Telephone call from FPC; memo to file; review of file; telephone call to FPC.
5/5/2003	0.30	Review of correspondence from FPC; memo to file; correspondence to client.
6/2/2003	2.20	Preparation for and appearance at conciliation; conference with client; memo to file; travel.
6/12/2003	0.50	Review of correspondence from FPC; correspondence to client; close file.
	<u>5.80</u>	
For professional services rendered		<u>Amount</u> \$638.00

Mr. Ronald Leonhardt

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Additional charges:

	<u>Amount</u>
6/2/2003 Parking	2.00
Total costs	<u>\$2.00</u>
Total amount of this bill	<u>\$640.00</u>
Balance due	<u><u>\$640.00</u></u>

(Rate: \$110.00 per hour)

JUN 12 2003

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF CARLITA LYNN WONDERS
AGAINST POLICE OFFICER WALTER TYSHYNSKY

ORDER OF DISMISSAL

To Officer Walter Tyshynsky:

It is hereby ordered that the Complaint of Carlita Lynn Wonders, Complaint No. 03-13, filed with the Board on February 28, 2003, is dismissed because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JUNE 11, 2003.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

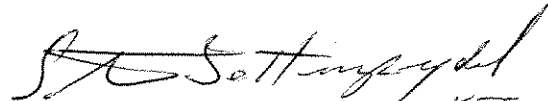
SEPTEMBER 16, 2003

TO: Captain GREGORY MOORE
District ONE

RE: ATTACHED MEMORANDUM(S)

Please see that the police officer(s) named in the attached memorandum(s) respond by filling in the requested information.

Then return the memorandum(s) to the Internal Affairs Division.



Steven M. Settingsgaard
Police Commander
Internal Affairs Division

KJJ

Attachment (s)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 16, 2003

TO: P.O. WALTER TYSHYNSKY
DISTRICT ONE

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 FEBRUARY 26, 2003
- 2) A citizen's complaint made by CARLITA WONDERS
- 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: Walter N. Tyshynsky

Print your name: WALTER TYSHYNSKY

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


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

SMS:kjs