

**GRANT F. LANGLEY**  
City Attorney

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

**CITY OF**  
**MILWAUKEE**  
**Office of the City Attorney**

**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

October 17, 2007

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office,  
S.C. for legal fees for Police Officers Phil Simmert and David Publitz  
C.I. File No. 05-S-143 EC 2180

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Phil Simmert and David Publitz. The claim is in the amount of \$828.85 including \$3.85 in disbursements for 7.50 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. Sec. 895.35, Stats., 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.

1032-2004-3292:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 31, 2005

TO: P.O. PHIL SIMMERT  
DISTRICT: FOUR

RE: Receipt of Legal Services from Law Firm of  
Attorney Laurie Eggert

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 June 27, 2004
- 2) A citizen's complaint filed by Gregory Cooper, Sr.
- 3) A police shooting incident occurring on N/A

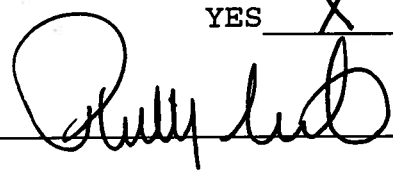
Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation in this matter?

YES X NO \_\_\_\_\_

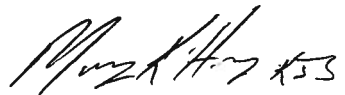
Your signature: \_\_\_\_\_



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

Phil Simmert

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



MARY K. HOERIG  
Captain of Police  
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
RECEIVED  
05 JUN -3 AM 10:55

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 31, 2005

TO: P.O. DAVID BUBLITZ  
DISTRICT: VICE CONTROL DIVISION

RE: Receipt of Legal Services from Law Firm of  
Attorney Laurie Eggert

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 June 27, 2004
- 2) A citizen's complaint filed by Gregory Cooper, Sr.
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES  NO

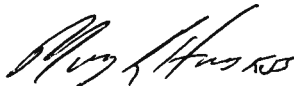
Did you receive legal representation in this matter?

YES  NO

Your signature: \_\_\_\_\_

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

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

  
MARY K. HOERIG  
Captain of Police  
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
05 JUN -3 AM 10:54  
RECEIVED

**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

May 3, 2005

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

MILWAUKEE  
2005 MAY -6 AM 11:56  
RONALD D. LEONHARDT  
MILWAUKEE CITY CLERK

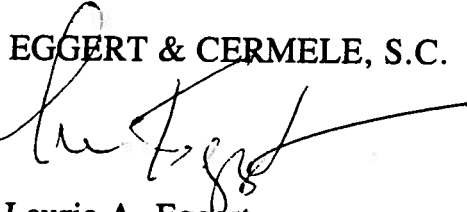
**RE: Citizen Complaint of Mr. Gregory Cooper, Sr.  
Against POs Phil Simmert and David Bublitz  
Complaint No.: 04-48  
Date of Incident: June 27, 2004  
EC No.: 2180**

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 interview.

PO Bublitz was dismissed from this complaint after Mr. Cooper realized he was misidentified and was not involved in the incident. The Fire and Police Commission dismissed the complaint against PO Simmert due to a successful conciliation. 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

RLP/ldl  
attachment  
SIMMERT BUBLITZ

**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

May 03, 2005

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

RE: Citizen Complaint of Mr. Gregory Cooper, Sr.  
Against POs Phil Simmert and David Bublitz  
FPC No: 04-48  
Date of Incident: June 27, 2004  
Professional services

	<u>Hours</u>
9/28/2004 Review documents from client; open file.	0.50
9/29/2004 Correspondence to FPC.	0.10
10/1/2004 Telephone call from Bublitz; memo to file.	0.30
10/5/2004 Conference with Bublitz; memo to file.	0.40
10/6/2004 Memo to file; research municipal court website for citation information; telephone call to Simmert.	0.90
10/7/2004 Memo to file; continue review of municipal court website; MPD Open Records request.	0.70
10/29/2004 Telephone call from FPC; memo to file.	0.20
11/29/2004 Review of correspondence from FPC.	0.10
12/15/2004 Telephone call from FPC.	0.20
12/20/2004 Review of correspondence from FPC; correspondence to clients; telephone call from Simmert; memo to file.	0.40

	<u>Hours</u>		<u>Amount</u>
12/21/2004 Receive and review Fax from Simmert; check Municipal Court website for status of court case; memo to file.	0.30		
1/12/2005 Review of file; telephone call to FPC.	0.20		
1/21/2005 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	2.00		
2/15/2005 Telephone call from MPD Open Records; memo to file.	0.10		
2/18/2005 Receive and review MPD Open Records request.	0.10		
2/25/2005 Telephone call to and from FPC.	0.20		
3/15/2005 Review Complaint and Appeal Report regarding status.	0.10		
3/21/2005 Receive and review correspondence from FPC; telephone call to Heard.	0.20		
3/22/2005 Receive and review correspondence from Heard regarding amended orders of dismissal; correspondence to clients; close file.	0.50		
		<u>7.50</u>	<u>\$825.00</u>
For professional services rendered			
Additional charges:			
1/21/2005 Parking			1.00
2/18/2005 MPD Open Records request			2.85
			<u>\$3.85</u>
Total costs			<u>\$3.85</u>
Total amount of this bill			<u>\$828.85</u>

Mr. Ronald Leonhardt

Page 3

Amount

Balance due

\$828.85

RECEIVED

MAR 22 2005

EGERT & GERNERLE, S.C.

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

---

In Re:  
THE CHARGES OF GREGORY COOPER, SR.  
AGAINST POLICE OFFICERS DAVID BUBLITZ  
AND PHILLIP SIMMERT

AMENDED ORDER OF DISMISSAL

---

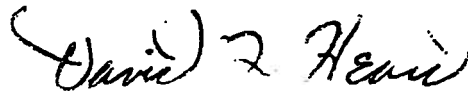
To Officer Phillip Simmert:

It is hereby ordered that the Complaint of Gregory Cooper, Sr., Complaint No. 04-48, filed with the Board on June 28, 2004, is dismissed against Officer David Bublitz because the accused officer was not a party to the actions complained of, and is further dismissed against Officer Phillip Simmert because the Complaint against him has been successfully conciliated, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,  
CHAIRMAN

BY:



DAVID L. HEARD  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MARCH 21, 2005.

c: Attorney Rachel Pings ✓



MAR 18 2005

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

---

In Re:  
THE CHARGES OF GREGORY COOPER, SR.  
AGAINST POLICE OFFICERS DAVID BUBLITZ  
AND PHILLIP SIMMERT

ORDER OF DISMISSAL

---

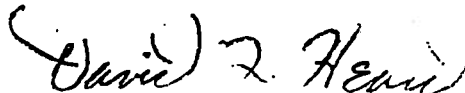
To Officer Phillip Simmert:

It is hereby ordered that the Complaint of Gregory Cooper, Sr., Complaint No. 04-48, filed with the Board on June 28, 2004, is dismissed because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,  
CHAIRMAN

BY:



DAVID L. HEARD  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 25, 2005.

c: Attorney Rachel Pings ✓

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

---

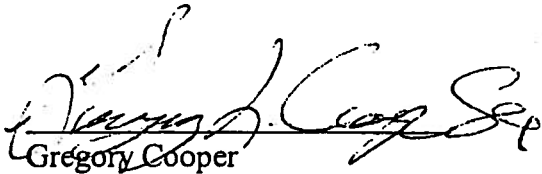
In Re:  
THE CHARGES OF Gregory Cooper  
AGAINST Police Officer Phillip Simmert

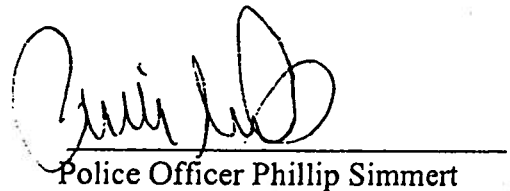
File No. 2004-48

---

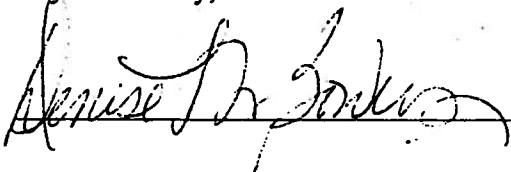
RESOLUTION OF DISPUTE

I, Gregory Cooper, have had the opportunity to discuss the circumstances of my complaint with Police Officer Phillip Simmert. I am satisfied with the result of such discussion and do not wish to pursue this complaint further. I would hereby request that the matter be dismissed, and I understand that I may not reissue this complaint in the future.

  
Gregory Cooper

  
Police Officer Phillip Simmert

Dated this 21st day of January, 2005.

Witnessed by:   
\_\_\_\_\_

RECEIVED

MAR 22 2005

GEORGE & GEMBLE, S.C.

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

---

In Re:  
THE CHARGES OF GREGORY COOPER, SR.  
AGAINST POLICE OFFICERS DAVID BUBLITZ  
AND PHILLIP SIMMERT

AMENDED ORDER OF DISMISSAL

---

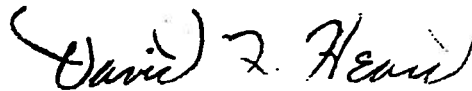
To Officer David Bublitz:

It is hereby ordered that the Complaint of Gregory Cooper, Sr., Complaint No. 04-48, filed with the Board on June 28, 2004, is dismissed against Officer David Bublitz because the accused officer was not a party to the actions complained of, and is further dismissed against Officer Phillip Simmert because the Complaint against him has been successfully conciliated, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,  
CHAIRMAN

BY:



DAVID L. HEARD  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MARCH 21, 2005.

c: Attorney Rachel Pings ✓

MAR 18 2005

MAR 18 2005

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

---

In Re:  
THE CHARGES OF GREGORY COOPER, SR.  
AGAINST POLICE OFFICERS DAVID BUBLITZ  
AND PHILLIP SIMMERT

ORDER OF DISMISSAL

---

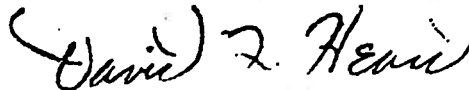
To Officer David Bublitz:

It is hereby ordered that the Complaint of Gregory Cooper, Sr., Complaint No. 04-48, filed with the Board on June 28, 2004, is dismissed because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,  
CHAIRMAN

BY:



DAVID L. HEARD  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 25, 2005.

c: Attorney Rachel Pings ✓

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

---

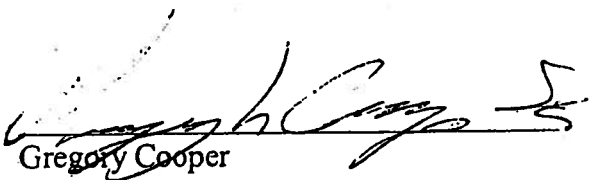
In Re:  
THE CHARGES OF Gregory Cooper  
AGAINST Police Officer David Bublitz

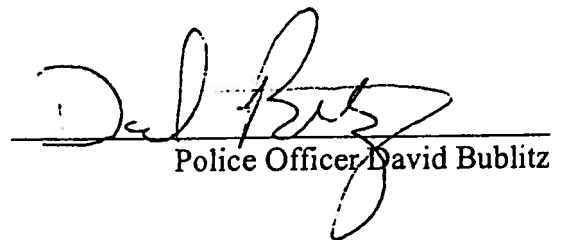
File No. 2004-48

---

RESOLUTION OF DISPUTE  
MISIDENTIFICATION OF ACCUSED

I, Gregory Cooper, have had the opportunity to meet and discuss the circumstances of my complaint with Officer David Bublitz. I am satisfied that Officer David Bublitz was not a party to the misconduct alleged in my complaint, and I do not wish to pursue this complaint further. I would hereby request that the matter be dismissed, and I understand that I may not reissue this complaint in the future.

  
Gregory Cooper

  
Police Officer David Bublitz

Dated this 21st day of January, 2005.

Witnessed by:

