

# 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

February 3, 2004

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Jon Osowski and Dean Newport  
C.I. File No. 02-S-83; EC No. 1747

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jon Osowski and Dean Newport. The claim is in the amount of \$687.28 including \$5.28 in disbursements for 6.20 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,

  
**GRANT F. LANGLEY**  
City Attorney

  
**JAN A. SMOKOWICZ**  
Assistant City Attorney  
JAS:enm  
Enc.

77500// 1032-2002-707

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**HAZEL MOSLEY**  
**HARRY A. STEIN**  
**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**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**DAWN M. BOLAND**  
**KATHRYN M. ZALEWSKI**  
Assistant City Attorneys

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
Deputy City Attorney

THOMAS E. HAYES  
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MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 19, 2002

Commander Steven Settingsgaard  
Milwaukee Police Department  
Internal Affairs Division  
6680 North Teutonia Avenue, Rm. 325  
Milwaukee, WI 53209

Re: C.I. File No. 02-S-83  
Communication from Eggert Law Office

Dear Commander Settingsgaard:

Enclosed please find a claim filed by Attorney Laurie A. Eggert for attorney's fees incurred during her representation of officers Amberg/Morries, Bowen, Chaim/Suarez, Dzievit/Tabaska, Gonzalez, Hannah, Johnson, Kowalczyk, et al., Lopez, et al., Osowski/Newport, Riestra, et al., Sanchez, Siller, Smolen/Bryce, Wells, et al., Cwiklinski/Pecoraro, Pecoraro, Matecki and Estacio/Henry.

Please determine whether these officers were in fact involved in the matters described in Ms. Eggert's claims, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Jan A. Smokowicz'.

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS  
Encls.

RECEIVED  
02 DEC -2 AM 11:59  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

**EGGERT & CERMELE, 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 27, 2002

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

**RE: MPD Criminal Investigation of POs Jon Osowski and Dean Newport  
Allegations Regarding Mr. Eddie Hansen III  
Date of Incident: July 18, 2001  
Location of Incident: 3923 North 27<sup>th</sup> Street  
EC No.: 1747**

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 for theft.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled the officers to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

2/3/04.

O.K.

JAS

Letter 2276

JC/ldl  
OSONEW 4

02 FEB - 11 11:46 AM  
SEARCHED  
SERIALIZED

**EGGERT & CERMELE, 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 27, 2002

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

RE: MPD Criminal Investigation re: Mr. Eddie Hansen III  
Regarding: POs Jon Osowski and Dean Newport  
Date of Incident: July 18, 2001  
Location of Incident: 3923 North 27th Street

Professional services

	<u>Hours</u>
07/26/01 Telephone calls from POs Osowski and Newport regarding new criminal investigation; meeting with POs Osowski and Newport at IAD; re-schedule PI-21 statements; travel; telephone call from PO Osowski; memo to file.	1.40
08/01/01 Review of file; meeting with PO Osowski at IAD; attend PO Osowski's PI-21; meeting with PO Newport; attend PO Newport's PI-21; travel; memo to file.	2.60
08/03/01 Discussion with DA; telephone call to clients; correspondence to clients; correspondence to MPD Open Records.	0.50
08/16/01 Telephone call to DA.	0.30
08/17/01 Telephone call to IAD.	0.20
08/21/01 Telephone call to IAD.	0.20

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
08/23/01 Discussion with DA; correspondence to clients; correspondence to MPD Open Records.	0.50	
01/14/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.20	\$682.00
Additional charges:		
01/14/02 MPD Open Records request		5.28
Total costs		<u>\$5.28</u>
Total amount of this bill		<u>\$687.28</u>
Balance due		<u>\$687.28</u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT BATTERY 940.19(1)  
 DATE OF INCIDENT 07-19-01  
 DATE OF REPORT 08-22-01  
 REP CON#  
 VICTIM HANSON, EDDIE III  
 LOCATION OF INCIDENT (ADDRESS) 3933 N. 27<sup>TH</sup> STREET  
 DIST. 7  
 VICTIM'S ADDRESS 4314 N. 63<sup>RD</sup> STREET  
 MILWAUKEE, WI 53216  
 REPORTED BY SAME

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-FURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMELING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S  
 EVIDENCE INVENTORY #'S  
 ADDED PROPERTY ATTACHED PO-14  
 TOTAL VALUE RECOVERED PROPERTY \$

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SINGLE BBL	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SHORT/SNUB BBL		
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION			

ARRESTED #1 LAST NAME FIRST NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN  
 ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES  
 ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV # SOC. SEC. # ADDED WEAPON INFO ARRESTED #1  
 RESIDENT OF COUNTY Y N GANG RELATED DRUG RELATED Y N LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST  
 CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

ARRESTED #2 LAST NAME FIRST NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN  
 ADDRESS CITY STATE HEIGHT WEIGHT BUILD HAIR EYES  
 ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV # SOC. SEC. # ADDED WEAPON INFO ARRESTED #1  
 RESIDENT OF COUNTY Y N GANG RELATED DRUG RELATED Y N LOCATION OF ARREST DATE/TIME OF ARREST TYPE OF ARREST  
 CHARGES POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y N

VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER PAYROLL # LOC # ASSISTING OFFICER SUPERVISOR TOTAL ARRESTS  
 ET. GLENN ZIRGIBEL 38232 04 0

INVESTIGATIVE NARRATIVE:

This report was dictated by Det. Glenn ZIRGIBEL, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, August 22, 2001, at 2:15 p.m., I appeared in the office of Deputy District Attorney Jon REDDIN regarding this case. At this time Deputy District Attorney REDDIN reviewed all of the reports in regards to this incident and upon reviewing them, he declined to issue any criminal charges against any City of Milwaukee police officer regarding this battery complaint. The case was not processed and Deputy District Attorney REDDIN indicated that the criminal case lacked prosecutive merit.

2:vl1 08-28-01  
1-234\01-234.CLR

REVIEWING D.A. DDA JON REDDIN	P.O./DET. ASSIGNED DET. GLENN ZIRGIBEL	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 08-22-01	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="radio"/> PROPERTY RECOVERED <input checked="" type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
<input type="radio"/> CLEARED <input checked="" type="radio"/> EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined <input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate	<input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE	<input type="radio"/> A. SUSP ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH INFORMATION <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. JON OSOWSKI  
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
02 DEC 11 AM 10:17  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

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 JULY 18, 2001
- 2) A citizen's complaint made by EDDIE HANSEN III
- 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: *J. D. Osowski*

Print your name: JON D. OSOWSKI

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  
Police Commander  
Internal Affairs Division

SMS:kjs



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. DEAN NEWPORT  
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 JULY 18, 2001
- 2) A citizen's complaint made by EDDIE HANSEN III
- 3) A police shooting incident occurring on N\A

Is this information correct?

YES  NO

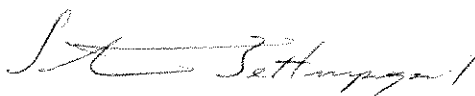
Did you receive legal representation  
in this matter?

YES  NO

Your signature: Dean Newport

Print your name: Dean Newport

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

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

SMS:kjs