

GRANT F. LANGLEY
City Attorney

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BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

January 23, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officer Michael Lutz
C.I. File No. 05-S-343; EC 2257

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Michael Lutz. The claim is in the amount of \$616.00 for 5.60 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. No criminal charges were brought against the Officer 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:amp
Enc.

1032-2004-3292:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2005

TO: P.O. MICHAEL LUTZ
DISTRICT: INTEL

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 2004
- 2) A citizen's complaint made by MARK ORTEGON
- 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: *P. Michael Lutz*

Print your name: MICHAEL LUTZ

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

Mary K. Hoerig

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

06 JAN 10 AM 10:36

RECEIVED

St Michael Dubois
1-9-06

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

November 10, 2005

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

**RE: MPD Criminal Investigation of PO Michael Lutz
Allegations Regarding Mr. Mark Ortegon
Date of Incident: June, 2004
Location of Incident: 1300 West Arthur
EC No.: 2257**

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 a traffic stop.

According to correspondence from Captain Hoerig, the allegation is unfounded. As such, no charges were issued against the officers. Attached is a copy of the letter along with status of the CIS Investigatory file and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/dl
attachment
LUTZ KNIGHT

EGGERT & CERMELE, S.C.

Attorneys at Law

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November 10, 2005

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

RE: MPD Criminal Investigation re: Mr. Mark Ortegon
Regarding: PO Michael Lutz
Date of Incident: June 14, 2005
Location of Incident: 1300 West Arthur
Professional services

	<u>Hours</u>
7/21/2005 Telephone call from PO Lutz regarding new criminal investigation; open; memo to file.	0.50
Follow-up telephone call to client; memo to file; telephone call to IAD.	0.80
7/22/2005 Telephone call to client's sergeant; memo to file; telephone call to witness.	0.70
7/26/2005 Telephone call to IAD; telephone call to witness.	0.40
7/27/2005 Telephone calls to witness (3).	0.30
7/28/2005 Telephone call to witness.	0.10
8/4/2005 Telephone call to and from witness; memo to file.	0.40
8/9/2005 Telephone call to and from witness; memo to file; telephone call to IAD.	0.80
8/10/2005 Telephone call to client.	0.10
8/16/2005 Telephone call to and from client.	0.30

Mr. Ronald D. Leonhardt

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	<u>Hours</u>
9/30/2005 Telephone call to IAD.	0.10
10/17/2005 Telephone call to IAD confirming that IAD will close its file as "unfounded"; telephone call to client regarding same.	0.30
10/18/2005 Draft letter and Fax to Capt. Hoerig.	0.30
10/31/2005 Receive and review Fax from Capt. Hoerig confirming that the complaint was "unfounded"; correspondence to client; close file.	0.50

	<u>Amount</u>
For professional services rendered	5.60
Balance due	<u>\$616.00</u>

(Rate: \$110.00 per hour)



Police Department

Nannette H. Hegerty
Chief of Police

Wednesday, October 26, 2005

Eggert & Cermele, S.C.
Timothy Walther
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

RECEIVED

OCT 28 2005

EGGERT & CERMELE, S.C.

Dear Mr. WALTHER:

This letter is in response to your inquiries of October 18th and 25th, 2005, regarding the status of CIS 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,

MARY K. HOERIG
CAPTAIN OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 05-114	05-0535	ORTEGON, MARC	CDTP / CIVIL RIGHTS VIOLATIONS	UNFOUNDED