



ATTORNEYS

Michael J. Steinle

February 13, 2009

Mr. Ronald Leonardt
City Clerk
200 E. Wells Street
Rm. 205
Milwaukee, WI 53202

Re: State of Wisconsin v. Michael Pendergast
Case No.: 07-CF-1919

Dear Mr. Leonardt.

This claim is being submitted under §895.35(2), STATS., which provides that

Notwithstanding sub (1), the County...shall reimburse a protective services officers for reasonable attorney fees incurred by the officer in connection with a criminal proceeding arising from the officer's conduct in the performance of official duties, unless, in relation to that conduct any of the following applies:

- a. The officer is convicted of a crime;
- b. The officer's employment is terminated for cause;
- c. The officer resigned for reasons other than retirement before the attorney's fees are incurred;
- d. the officer is demoted or reduced in rank
- e. The officer is suspended without pay for 10 or more working days.

Officer Pendergast is considered a "protective services officer" under the statute. He has incurred the fees compiled in this claim as a direct result of his being prosecuted for actions taken within his official capacity, and in the performance of his duties, in connection with the use of force as a police officer. Moreover, none of the "exceptions" apply.

The incident resulted in the District Attorney initiating a criminal charge of substantial battery against Officer Pendergast for an incident on June 27, 2008. The State criminal

CITY OF MILWAUKEE
2010 JUN - 1 AM 11:43
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CITY CLERK

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OFFICE OF
THE DISTRICT ATTORNEY

Mr. Ronald Leonardt
February 13, 2009
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proceeding qualifies as a "proceeding" which mandates payment under §895.35(2), STATS.

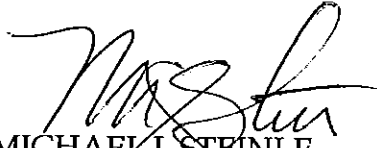
Criminal charges were filed against Mr. Pendergast on April 17, 2007 and were later dismissed without prejudice by the State on February 5, 2008.

Officer Pendergast was not convicted of a crime, terminated for cause, resigned prior to incurring the fees associated with this claim, or demoted or suspended without pay for more than ten days.

Please submit this claim to the appropriate committee of the City and for review in its entirety.

If you need any further documentation for this claim, please let me know.

Sincerely,



MICHAEL J. STEINLE
Attorney at Law

MJS:plm



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Michael J. Steinle

February 13, 2009

Statement for Services Rendered
Re: State of Wisconsin v. Michael Pendergast
Case No.: 07-CF-1919

<u>Date</u>	<u>Services Rendered</u>	<u>Time</u>
3/20/07	Meet with Client	1.75
4/17/07	Initial Appearance	1.0
4/30/07	Preliminary Hearing	1.5
5/02/07	Meet with Client and Investigators	1.5
5/02/07	Correspondence with Douglas Simpson	0.25
5/02/07	Correspondence with Court Reporters/Request for Transcripts	0.5
5/02/07	Prepare and File Discovery Motions	1.0
5/10/07	Review and Index Discovery	3.75
5/16/07	Scheduling Conference	0.75
7/11/07	Pretrial	1.0
7/11/07	Client Correspondence	0.25
8/9/07	Pretrial	0.25
9/01/07	Review Phone Recordings from Milwaukee County Jail	4.0
10/22/07	Meet with Investigators	1.5

10/24/07	Review Witness Materials	1.75
10/24/07	Research and Prepare Jury Instructions	2.75
10/26/07	Prepare and File Witness List, Jury Instructions and Proposed Jury Instructions	2.25
12/6/07	Final Pretrial	1.25
1/08/08	Prepare for Trial	4.25
1/10/08	Meet with Client and Investigators to Prepare for Trial	2.0
2/5/08	Court Appearance-Dismissal	1.0
10/7/08	Meeting with P. Kanter, M. Johnson & Steve Biskupic	1.25
11/11/08	Prepare for meeting with US Attorney	1.75
11/12/08	Meeting with US Attorney/Milwaukee Police	3.0

TOTAL TIME	40.25
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HOURLY RATE	\$ 300.00
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TOTAL DUE	\$12,075.00
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BEYOND THE SHIELD

Detective Agency

Private Investigators / Security Consultants

PO Box 13444, Milwaukee WI 53213-0444

www.beyondtheshield.com

Phone (414) 258-4647

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E-Mail- jb@beyondtheshield.com

James Becker

Dennis Murphy

Jim Gauger

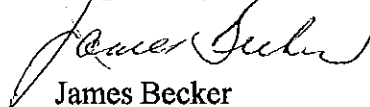
Attorney Michael Steinle,

These are the Invoices for the Michael Pendergast Investigation. It is my understanding that the State and Federal Case has been completed and these Invoices are to be submitted to the City of Milwaukee.

I am sending them to you so that they can be submitted with your Invoice. If your Invoice has already been submitted, would you please send them to the proper authority?

Thank You. It was a pleasure to have worked with you.

Respectfully,



James Becker
Dennis Murphy

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James Becker

Dennis Murphy

Jim Gauger

INVOICE

ATTORNEY MICHAEL STEINLE
309 N. WATER STREET SUITE 215
MILWAUKEE, WIS. 53202

CLAIMANT: Michael Pendergast
CLAIM NUMBER:

Investigation Time for James Becker Investigation Time

5/2/2007	Meeting with Atty. Steinle, Michael Pendergast	1.5 hrs
5/2/2007	Reviewed Reports, Noted Errors in Reports and Complaint	2.0 hrs
5/8/2007	Attempt Interview of PO Nathaniel Niebauer (In Court/ Unable to Interview) Contacted after ½ hr at Meeting Place for Interview)	0.75 hrs
5/8/2007	Interview of PO Brian Flannery	1.25 hrs
	Prepare and Type Reports	1.25 hrs
5/11/2007	Meet with Murphy for Co-ordination and Progress of Investigation	2.0 hrs
5/10/2007	Interview of PO Eric Rom	1.0 hrs
	Prepare and Type Reports	0.75 hrs
5/14/2007	Interview of PO. Nathaniel Niebauer	1.0 hrs
	Prepare and Type Reports	0.75 hrs
5/8/2007 to Dec 2007	Six attempts to Interview PO James McNichols	4.0 hrs
8/14/2007	Arrangements with Milw. Co. Sheriff's Office for CD Rom of Telephone Calls from the Facility after arrest of Maurice D. Hughes Two attempts to pick up Disks	3.0 hrs
	Prepare and Type Reports	0.75 hrs
8/15/2007	Made copies of CD ROMs for Atty Steinle, Murphy, Pendergast and reviewed Phone conversations on CD Rom	3.0 hrs
June 2007	Interview with Probation Officer of Maurice D. Hughes (No useful information)	0.5 hrs

TOTAL TIME

Total Investigation Time	(20 hours @ \$100.00 per/hour)	\$2000.00
Total Report Time	(3.5 hours @ \$65.00 per/hour)	\$ 227.50

TOTAL \$2227.50

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Dennis Murphy

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ATTORNEY MICHAEL STEINLE
309 N. WATER STREET SUITE 215
MILWAUKEE, WIS.53202

CLAIMANT: Michael Pendergast
CLAIM NUMBER:

INVESTIGATION TIME FOR DENNIS MURPHY

Investigation Time

5-02-07 Meeting with Atty. Steinle, Becker and Pendergast regarding the charges Of Sub. Battery against him.	1.5 hrs.
5-02-07 Reviewed reports and charges on Pendergast.	2 hrs.
5-07-07 Contacted and interviewed Sgt. Fahrenkrug regarding the Pendergast Inv.	3/4hr.
	reports. 1/4hr.
5-11-07 Met with Becker regarding the investigation.	2 hrs.
5-12-07 Set up time line of the Pendergast investigation.	1 hr.
	reports 1/4hr.
5-16-07 Interview of Sgt. Barnes regarding the Pendergast Inv.	3/4 hrs.
	reports 1/4hr.
6-11-07 Interview of Sgt. Reggie regarding the Pendergast Inv.	1 hr.
	reports 1/2hr.
8-14-07 Contacted the Milw. Co. Sheriffs Dept. regarding phone records.	1 hr.
	reports 1/4hr.
8-15-07 Review of the Pendergast file.	1 hr.
10-18-07 Met with Becker and reviewed Pendergast file.	2 hrs.
10-22-07 Met with Atty. Steinle and reviewed witness list for trial.	1.5 hrs.
10-24-07 Picked upsubpoenas from Atty. Steinles office.	1 hr.
10-24-07 Interview of witness, P.O. Rentas, Pendergast Inv.	1 hr.
	reports 1/4hr
10-26-07 Interview of witness, P.O. Amberg	3/4hr.

	Reports	1/4hr.
1-08-08	Review the Pendergast file for court.	2 hrs.
1-10-08	Meeting with Atty. Steinle and client, Pendergast regarding his trial.	2 hrs.
1-15-08	Served subpoenas at # 6,3,and1 Districr also at the Vice Squad, M.P.D. Jail and the Sheriff's Dept. Proceeded to City Hall and City Atty's office.	4 hrs.
1-17-08	Delivered subpoena and reports for trial.	1 hr.
2-05-08	Case dismissed by Asst. D.A. Douglas Simpson.	

Preparation of Reports

Preparing and Typing Reports

TOTAL TIME

Total Investigation Time	(30 hours @ \$100.00 per/hour)	\$3,000.00
Total Report Time	(2 hours @ \$65.00 per/hour)	\$ 130.00

TOTAL \$ 3,130.00

THANK YOU FOR THE OPPORTUNITY TO SERVE YOU !!!

Tax Number 39-1965320