

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 5, 2004

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 Officers Erwin Estacio and Robert Henry
C.I. File No. 02-S-83; EC No. 1755

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Erwin Estacio and Robert Henry. The claim is in the amount of \$739.50, including \$2.50 in disbursements for 6.70 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. 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.

77656/1032-2002-719

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

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: Citizen Complaint of Mr. DeAndre L. Evans
Against POs Erwin Estacio and Robert Henry
Complaint No.: 01-65
Date of Incident: November 6, 2001
EC No.: 1756**

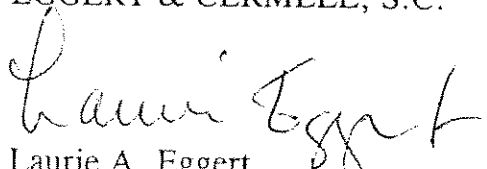
Dear Mr. Leonhardt:

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 D/C arrest. 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

LAE/ldl
ESTACIO

2/5/04
O.K.
JRS
Letter 2295

02 FEB - 4 11 44:01

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
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February 27, 2002

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

RE: Citizen Complaint of Mr. DeAndre L. Evans
Against POs Erwin Estacio and Robert Henry
FPC No: 01-65
Date of Incident: September 19, 2001
Location of Incident: District #5

Professional services

	<u>Hours</u>
11/06/01 Conference with Henry; open file; review documents; correspondence to FPC; correspondence to MPD Open Records; correspondence to Municipal Court; memo to file; conference with Estacio; research regarding open cases and citations.	1.60
11/19/01 Review municipal court records; review of correspondence from FPC.	0.60
11/29/01 Search for municipal court records; review of file.	0.40
12/10/01 Telephone call from Heard; review of file; memo to file.	0.30
12/20/01 Telephone call from FPC; memo to file; review of file.	0.30

	<u>Hours</u>	
01/02/02 Review of correspondence from FPC; memo to file; correspondence to clients.	0.30	
01/07/02 Telephone call from and to FPC; telephone call to and from clients; memo to file.	0.80	
01/09/02 Review of correspondence from FPC.	0.10	
01/11/02 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	1.80	
02/14/02 Review of correspondence from FPC; memo to file; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.70	\$737.00
Additional charges:		
01/11/02 Parking		2.50
Total costs		<u>\$2.50</u>
Total amount of this bill		<u>\$739.50</u>
Balance due		<u><u>\$739.50</u></u>

(Rate: \$110.00 per hour)

RECEIVED

FEB 14 2002

EGGERT & CERM...

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

In Re:
THE CHARGES OF DEANDRE L. EVANS
AGAINST POLICE OFFICERS ERWIN
ESTACIO AND ROBERT HENRY

ORDER OF DISMISSAL

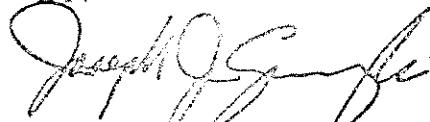
To Officer Erwin Estacio:

It is hereby ordered that the Complaint of DeAndre L. Evans, Complaint No. 2001-65, filed with the Board on September 26, 2001, is dismissed because the Complainant failed to appear at a scheduled meeting, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 13, 2002.

c: Attorney Laurie Eggert ✓

RECEIVED

FEB 14 2002

EGGERT & CERMELE, S.C.

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

In Re:
THE CHARGES OF DEANDRE L. EVANS
AGAINST POLICE OFFICERS ERWIN
ESTACIO AND ROBERT HENRY

ORDER OF DISMISSAL

To Officer Robert Henry:

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MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 13, 2002.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. ERWIN ESTACIO
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 11 AM 10:18
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 NOVEMBER 6, 2001
- 2) A citizen's complaint made by DEANDRE EVANS
- 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: *po erwin Estacio*
Print your name: ERWIN ESTACIO

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

5th DISTRICT
RECEIVED

DEC 10 2002

DR 7
CAPTAIN

SMS:kjs

IAD

St Settingsgaard
KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

February 6, 2003

ACA Jan Smokowicz
City Hall, Room 800
Milwaukee, Wisconsin

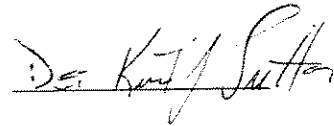
Sir,

Per your request, I am sending you the responses to the Eggert & Cermele claims for C.I. File No. 02-S-83.

Please be advised that P.O. Robert Henry has not yet returned to work from being terminated, and P.O. Juan Lopez is on extended military leave. If you have any other questions feel free to give me a call.

Sincerely,

Arthur L. Jones
Chief of Police

A handwritten signature in cursive script that reads "Det. Kurt J. Sutter". The signature is written in dark ink and is positioned above the typed name of the signatory.

Kurt J. Sutter
Detective
Internal Affairs Division