

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
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THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 20, 2005

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 Jason Kane and Willie Huerta
Claim File No. 03-S-107; EC No. 1846

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Jason Kane and Willie Huerta. The claim is in the amount of \$1,921.66, including \$29.66 in disbursements for 17.20 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 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.

89400/1032-2003-782

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 24, 2003

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

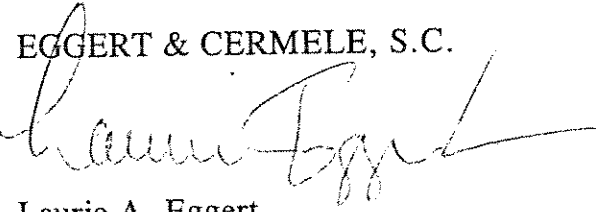
**RE: Citizen Complaint of Ms. Katherine Malicki
Against POs Jason Kane and Willie Huerta
Complaint No.: 01-56
Date of Incident: June 30, 2001
EC No.: 1846**

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. 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
attachment
KANEHUERTA

9/24/04
O.K.
JAS
Letter 2295

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 MAR 11 PM 1:50

RECEIVED

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 18, 2003

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

RE: Citizen Complaint of Ms. Katherine Malicki
Against POs Jason Kane and Willie Huerta
FPC No: 01-56
Date of Incident: June 30, 2001
Location of Incident: Summerfest

Professional services

	<u>Hours</u>
9/27/01 - Conference with client; open file; review records; correspondence to FPC, MPD Open Records; research open court cases; memo to file.	2.60
10/1/01 Telephone call from Huerta; memo to file; telephone call to client; telephone call from Kane.	0.60
10/2/01 Telephone call to and from Huerta; correspondence to FPC; correspondence to client; memo to file.	0.80
10/8/01 Review of correspondence from FPC.	0.10
10/16/01 Telephone call from FPC; review of file.	0.20
12/6/01 Review circuit court records; memo to file.	0.60
12/10/01 Telephone call from and to Heard; review of file; memo to file.	0.30

	<u>Hours</u>
3/1/02 Review documents from client; memo to file; correspondence to MPD Personnel; review of file.	0.80
3/15/02 Review records from circuit court; correspondence to FPC.	0.40
3/20/02 Conference with FPC.	0.10
4/12/02 Telephone call from and to MPD Open Records; review of file.	0.50
5/6/02 Review documents from MPD Open Records.	0.40
6/7/02 Review of file; review documents from MPD.	0.60
7/15/02 Telephone call from FPC; telephone call to clients; memo to file; review case status; telephone call to FPC.	0.90
7/16/02 Telephone call from Heard; memo to file.	0.20
7/19/02 Telephone call from client; memo to file; review of file.	0.40
8/19/02 Review of correspondence from FPC; correspondence to clients; review of file.	0.40
8/27/02 Review of file; computer search fo circuit court record.	0.60
9/19/02 Telephone call from FPC; review of file; record search regarding Malicki criminal trial; telephone call to clients; memo to file; review tape of arrest.	1.90
10/22/02 Telephone call from and to FPC; review of file; memo to file.	0.40
10/29/02 Review of file.	0.10

	<u>Hours</u>	
11/11/02	Review of correspondence from FPC; correspondence to clients.	0.20
11/16/02	Review of file.	0.20
11/22/02	Telephone call from client; memo to file.	0.30
11/25/02	Preparation for and appearance at conciliation; conference with clients; memo to file; travel.	2.20
12/30/02	Review of correspondence from FPC; memo to file.	0.30
1/9/03	Review of correspondence from Eisenberg; telephone call to clients; correspondence to clients.	0.60
1/28/03	Review of correspondence from FPC; correspondence to clients; close file.	0.50
		<u>Amount</u>
	For professional services rendered	17.20 \$1,892.00
	Additional charges:	
5/6/02	MPD Open Records request	24.16
11/25/02	Parking	5.50
	Total costs	<u>\$29.66</u>
	Total amount of this bill	<u>\$1,921.66</u>
	Balance due	<u><u>\$1,921.66</u></u>

Mr. Ronald Leonhardt

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(Rate: \$110.00 per hour)

JAN 27 2003

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

In Re:
THE CHARGES OF KATHERINE A. MALICKI
AGAINST POLICE OFFICERS JASON KANE
AND WILLIE HUERTA

ORDER OF DISMISSAL

To Officer Jason Kane:

It is hereby ordered that the Complaint of Katherine Malicki, Complaint No. 2001-56, filed with the Board on July 17, 2001, is dismissed because the Complainant has requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 24, 2003.

c: Attorney Laurie Eggert ✓

JAN 27 2003

EDUCENT: GENERAL

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

In Re:
THE CHARGES OF KATHERINE A. MALICKI
AGAINST POLICE OFFICERS JASON KANE
AND WILLIE HUERTA

ORDER OF DISMISSAL


To Officer Willie Huerta:

It is hereby ordered that the Complaint of Katherine Malicki, Complaint No. 2001-56, filed with the Board on July 17, 2001, is dismissed because the Complainant has requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JANUARY 24, 2003.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. JASON KANE
TEU

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 JUNE 30, 2001
- 2) A citizen's complaint made by KATHERINE MALICKI
- 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.O. Jason Kane

Print your name: JASON KANE

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

Steve Settingsgaard KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

RECEIVED
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
03 MAR 28 PM 2:01

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. WILLIE HUERTA
VCD

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 26 AM 11:26
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 JUNE 30, 2001
- 2) A citizen's complaint made by KATHERINE MALICKI
- 3) A police shooting incident occurring on N/A

Is this information correct? YES P NO _____

Did you receive legal representation in this matter? YES P NO _____

Your signature: Willie Huerta

Print your name: WILLIE M. HUERTA

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

Steven M. Settingsgaard KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs