

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
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  
KATHRYN M. ZALEWSKI  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
Assistant City Attorneys

September 11, 2007

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

Re: Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.  
legal fees for Police Officers Scott Lemke, John Szweda, Tom Boaz,  
Jennifer Feather, Jeffrey Cullen, Steven Jaeck and Thomas Lindsay;  
C.I. File No. 04-S-457 EC 2120

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Scott Lemke, John Szweda, Tom Boaz, Jennifer Feather, Jeffrey Cullen, Steven Jaeck and Thomas Lindsay. The claim is in the amount of \$3,299.00 including \$21.00 in disbursements for 29.80 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 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.

1032-2004-3292:122855v1

OFFICE OF THE CITY ATTORNEY

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 25, 2005

TO: P.O. SCOTT LEMKE  
DISTRICT: WEED & SEED

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 3) A police ~~shooting~~ incident occurring on N/A  
*death in custody*

Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation in this matter?

YES X NO \_\_\_\_\_

Your signature: *Scott P. Lemke*

Print your name: Scott P. LEMKE

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

RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
05 MAR -7 AM 10:28

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. JOHN SZWEDA  
DISTRICT: PPS -Days

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 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: *John Szweda* <sup>on 7-24-03</sup>

Print your name: P.O. JOHN SZWEDA

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

05 JAN 27 AM 10:46  
 RECEIVED  
 PROFESSIONAL PERFORMANCE DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. TOM BOAZ  
DISTRICT: PPS-Late

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 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: P.O. Thomas Boaz

Print your name: P.O. THOMAS BOAZ

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

*Mary K. Hoerig* *KHS*  
 MARY K. HOERIG  
 Captain of Police  
 Professional Performance Division

MKH:kjs

RECEIVED  
 05 JAN 27 AM 10:46  
 PROFESSIONAL PERFORMANCE DIVISION  
 1100 W. WASHINGTON ST.  
 MILWAUKEE, WI 53233

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. JENNIFER FEATHER  
DISTRICT: SEVEN

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO       

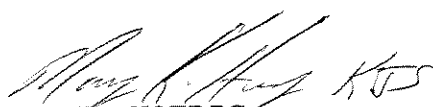
Did you receive legal representation  
in this matter?

YES X NO       

Your signature: Jennifer Feather

Print your name: Jennifer Feather

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

  
MARY K. HOERIG  
Captain of Police  
Professional Performance Division

MKH:kjs

PROCESSED  
05 JAN 27 AM 11:53  
MILWAUKEE POLICE  
PROFESSIONAL PERFORMANCE  
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. JEFFREY CULLEN  
DISTRICT: SEVEN

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 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: Jeffrey Cullen  
Print your name: Jeffrey Cullen

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  
05 JAN 28 AM 10:16  
RECEIVED

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. STEVEN JAECK  
DISTRICT: SEVEN

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 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: *P.O. Steven Jaeck*

Print your name: PO STEVEN JAECK

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

RECEIVED  
 05 JAN 27 AM 11:53  
 MILWAUKEE POLICE  
 PROFESSIONAL PERFORMANCE DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. THOMAS LINDSAY  
DISTRICT: PPS-*LaTe*

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 24, 2003
- 2) A citizen's complaint made by FELIX HOPGOOD
- 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: \_\_\_\_\_

Print your name: \_\_\_\_\_

*Thomas Lindsay*

THOMAS LINDSAY

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

RECEIVED  
05 JAN 27 AM 10:46  
MILWAUKEE POLICE DEPARTMENT



**EGGERT & CERMELE, S.C.**

---

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

December 23, 2004

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

**RE: MPD Criminal Investigation of POs Scott Lemke, John Szweda, Tom Boaz, Jennifer Feather, Jeffrey Cullen, Steven Jaeck and Thomas Lindsay  
Death in Custody Regarding Mr. Felix Hopgood  
Date of Incident: July 24, 2003  
Location of Incident: PPS and District #7  
EC No.: 2120**

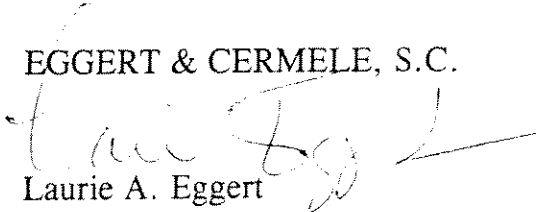
Dear Mr. Leonhardt:

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 was a traumatic incident regarding a death in custody.

The MPD conducted a criminal investigation and investigated the matter as a critical incident. IAD compelled POs Lemke, Szweda, Boaz, Feather, Cullen Jaeck and Lindsay to give statements after issuing PI-21s. Later, Chief Deputy District Attorney Robert Donohoo concluded that the Officers would not be charged. Attached is a copy of Chief DDA Donohoo's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

  
Laurie A. Eggert  
Attorney at Law

LAE/ldl  
attachment  
LEMKE ET AL

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Pings

1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

December 24, 2004

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

RE: MPD Criminal Investigation re: Death in Custody (Mr. Felix Hopgood)  
Regarding: POs Scott Lemke, John Szweda, Tom Boaz, Jennifer Feather,  
Jeffrey Cullen, Steven Jaeck and Thomas Lindsay  
Date of Incident: July 24, 2003  
Location of Incident: PPS and District #7  
Professional services

	<u>Hours</u>
7/24/2003 Telephone call from MPA regarding death in custody; open file; meeting with CIB; meetings with Lemke and Szweda; PI-21 statement to IAD by Lemke and Szweda; meeting with IAD; travel; memos to file; meeting with witnesses; telephone call from Lemke; telephone calls to Capt. O'Keefe (2); memo to file; telephone calls to clients; statements to detectives and PI-21 statement to IAD by Feather and Jaeck; travel; telephone call from Capt. Hoerig.	13.10
7/25/2003 Cullen and Lindsay statements to detectives and PI-21 statements; travel; conference with clients; memos to file; review notes of interviews; research rules/SOPs.	5.80
8/18/2003 Review of file.	0.40
8/19/2003 Preparation for and appearance at Boaz PI-21 statement; conference with client; memo to file; travel.	2.70
9/5/2003 Review of file; memo to file.	0.40
9/8/2003 Review of file; telephone call to Medical Examiner.	0.40
9/24/2003 Telephone call to Medical Examiner; memo to file.	0.10

	<u>Hours</u>
9/25/2003 Telephone call to Medical Examiner.	0.10
9/26/2003 Telephone call to Medical Examiner.	0.10
9/30/2003 Telephone call to Medical Examiner; memo to file.	0.20
10/7/2003 Review of file; obtain and review autopsy protocol, demographic report and toxicology reports; telephone call to DA; memo to file.	1.60
10/14/2003 Telephone call from Deputy DA Donohue; correspondence to clients; memo to file; review autopsy reports.	1.40
10/28/2003 Review of file.	0.40
11/18/2003 Telephone call to DA; memo to file; telephone call to Medical Examiner.	0.40
12/4/2003 Telephone call to DA; review of file.	0.20
12/23/2003 Review of file; telephone call to DA; memo to file.	0.40
2/26/2004 Review of file; telephone call to Donohue; memo to file.	0.50
4/6/2004 Review of file; telephone call to Donohue; memo to file.	0.40
10/19/2004 Review of file; telephone call to Donohue.	0.40
11/3/2004 Review of file; telephone call to DA.	0.20
11/12/2004 Review of correspondence from Donohue; correspondence to clients; close file.	0.60

	<u>Amount</u>
For professional services rendered	29.80 \$3,278.00

Mr. Ronald D. Leonhardt

Page 3

Additional charges:

	<u>Amount</u>
7/24/2003 Parking	8.00
10/7/2003 Medical Examiner Report	13.00
	<hr/>
Total costs	\$21.00
	<hr/>
Total amount of this bill	\$3,299.00
	<hr/>
Balance due	<u>\$3,299.00</u>

OFFICE OF DISTRICT ATTORNEY



# Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo  
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 James J. Martin  
 Thomas A. Schulz  
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 William J. Mottor  
 Donald S. Jackson  
 Gale G. Shelton  
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 Genise M. LaSpisa  
 T. Christopher Dee  
 Katharine Kucharski  
 Lisa P. Fricker  
 Robin J. Rosche  
 Tiffany J. Harris  
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 Heidi E. Galvan  
 Nancy A. Noet  
 Elisabeth Mueller  
 Megan J. Thomas  
 Grant I. Huebner  
 Callie Kidder-Lacy  
 Stephan Eduard Nolten  
 John Rusch  
 Eric D. Defort  
 Christine M. Quinn  
 Mary C. Theissen  
 Michelle A. Ackerman  
 Adam J. Levin  
 Scott A. Mielke  
 Jennifer K. Rhodes  
 Claire L. Staring  
 Zach S. Whitney  
 Rebecca A. Kiefer

November 9, 2004

RECEIVED

NOV 12 2004

EGGERT & CERMELE, S.C.

Police Chief Nan Hegerty

Dear Police Chief Hegerty:

Re: **The Death of Felix L. Hopgood**

On July 24, 2003, Felix L. Hopgood, while in the custody of the City of Milwaukee Police Department, collapsed. Subsequently he was taken to a hospital where he was pronounced dead. Prior to his collapse he had been arrested by one or more City of Milwaukee police officers.

The purpose of this letter is to advise you of the results of that investigation by the Milwaukee County District Attorney's Office.

My investigation included, but was not limited to, an independent investigation of the facts and circumstances surrounding the incident, interviews of persons who had information concerning this incident, a review of the official City of Milwaukee Police Department reports relating to this incident, an examination of the area where the incident occurred, and an examination of the physical evidence.

It is the decision of the Milwaukee County District Attorney's Office that no City of Milwaukee police officer or other person will be charged with violating any provision of the Wisconsin Criminal Law in connection with the death of Felix L. Hopgood. The cause of death in this case was sudden death due to cocaine toxicity associated with hypertensive heart disease and cardiomegaly. My decision is based upon my conclusion that the actions of the City of Milwaukee Police Department were not the legal proximate cause of the death of Felix L. Hopgood.

Sincerely,

*Robert D. Donohoo*  
 ROBERT D. DONOHOO  
 Chief Deputy District Attorney

RDD/kl

cc: Attorney Laurie Eggert, Doctor Jeffrey Jentzen, Milwaukee City Attorney Grant Langley