

# 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  
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MAURITA F. HOUREN  
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MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

March 9, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Justin Lemke, Terese Patrick and Sarah Polka  
C.I. File No. 03-S-347; ELO 1915


Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Justin Lemke, Terese Patrick and Sarah Polka. The claim is in the amount of \$545.67 including \$17.67 in disbursements for 4.80 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 officers 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:enm  
Enc.

90984/ 1032-2003-2890.006

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

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

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

September 3, 2003

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

**RE: MPD Criminal Investigation of POs Justin Lemke, Terese Patrick  
and Sarah Polka  
Allegations Regarding Mr. John Fiumefreddo  
Date of Incident: January 19, 2003  
Location of Incident: 2940 North 4<sup>th</sup> Street  
EC No.: 1915**

DIR. OF MILWAUKEE  
2003 SEP -5 PM 3:06  
RONALD D. LEONHARDT  
CITY CLERK

Dear Mr. Leonhardt:

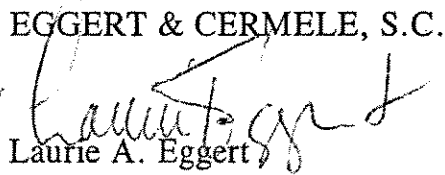
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 domestic violence arrest.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Lemke, Patrick and Polka to give statements concerning the incident after issuing PI-21s. Later, the MPD cleared the complaint as baseless. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

  
Laurie A. Eggert  
Attorney at Law

2/15/05  
O.K.  
JMS

Letter 2276  
          

LAE/ldl  
attachment  
LEMKE FIUM

CITY ATTORNEY  
2003 SEP -5 PM 5:42  
DIR. OF MILWAUKEE  
POL. DIV.

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

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

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

September 03, 2003

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

RE: MPD Criminal Investigation re: Mr. John Fiumefreddo  
Regarding: POs Justin Lemke, Terese Patrick and Sarah Polka  
Date of Incident: January 19, 2003  
Location of Incident: 2940 N. 4th St.  
Professional services

	<u>Hours</u>		<u>Amount</u>
4/5/2003 Open file; telephone call to and from client; memo to file.	0.80		
4/8/2003 Conference with client; preparation for and appearance at PI-21 interview; travel; memo to file.	0.90		
4/16/2003 Review of file.	0.10		
5/5/2003 Review telephone message from client.; review of file.	0.30		
5/6/2003 Telephone call to and conference with Teresa Patrick; preparation for and appearance at Patrick's PI-21; memo to file; travel;	1.60		
6/23/2003 Telephone call to IAD; telephone call from Lt. Richards; telephone call to client; memo to file; correspondence to client; correspondence to MPD Open Records.	0.60		
7/25/2003 Review of correspondence from MPD Open Records; close file.	0.50		
		For professional services rendered	
		Additional charges:	4.80
7/10/2003 MPD Open Records request			17.67
Total costs			<u>\$17.67</u>

Mr. Ronald D. Leonhardt

Page 2

Total amount of this bill

Amount  
\$545.67

Balance due

\$545.67

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT Substantial Battery	DATE OF INCIDENT 01-19-03	DATE OF REPORT 05-07-03	REP CON#
	VICTIM FIUMEFREDDO, John	LOCATION OF INCIDENT (ADDRESS) 2940 N. 4 <sup>th</sup> St.		DIST. 5
	VICTIM'S ADDRESS 2115 N. Booth, Milwaukee, WI	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE # " COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/MARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06--CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S 03-019-3090, 03-019-3093	EVIDENCE INVENTORY #'S 0103341	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
--	--------------------------------------	----------------------------------	--------------------------------------

USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	1 2	1 2	1 2	1 2	1 2
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWN OFF	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SMOKE BBL	<input type="checkbox"/> UNKNOWN

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
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ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
------------	-------------	-------------------------------

RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--------------------	-----	--------------	-----	--------------	-----	--------------------	---------------------	----------------	--

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y N	<input type="checkbox"/> <input type="checkbox"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN <input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
-----------------------	------------	-----	------	-----	---------------	-----	---

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
---------	------	-------	--------	--------	-------	------	------

ALIAS SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1
------------	-------------	-------------------------------

RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS
--------------------	-----	--------------	-----	--------------	-----	--------------------	---------------------	----------------	--

CHARGES	POSSESSED SUSPECTED DRUGS AT TIME OF ARREST	Y N	<input type="checkbox"/> <input type="checkbox"/>
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V	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER <i>Ivan WJCK</i> Detective Ivan WJCK	PAYROLL # 63628	LOC 04	ASSISTING OFFICER	SUPERVISOR <i>Richard C. Richardson</i> 50144	TOTAL ARRESTS 0
--	--------------------	-----------	-------------------	---	--------------------

INVESTIGATIVE NARRATIVE:

This report is written by Detective Ivan WICK, Internal Affairs Division, Criminal Investigation Unit, Early Shift.

There are inconsistencies in John FIUMEFREDDO's account of the incident, and these inconsistencies documented both in Det. WICK's interview of John FIUMEFREDDO and attached documentation filed by other police personnel.

#14, 20

# 14, 20

Furthermore, John FIUMEFREDDO was not cooperative in providing corroborative evidence of the injuries he claimed to have sustained, which evidence would be necessary given his lack of visible physical injury.

At this time, it is neither possible to substantiate that John FIUMEFREDDO was the victim of a crime nor to positively identify the officer alleged to have battered him. Therefore, this investigation is being closed as "unfounded." If additional evidence later becomes available which would either further substantiate John FIUMEFREDDO's allegations or allow for the identification of the officer who allegedly battered him, the investigation can be resumed at that time.

This investigation is closed as "unfounded."

REVIEWING D.A. None	P.O./DET. ASSIGNED Detective Ivan WICK	COURT CASE NUMBER
FINAL CHARGE Not Applicable	DISPOSITION/DATE Unfounded 03-03-02	VICTIM NOTIFIED BY
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTACKED PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTACKED PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTACKED CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 16, 2003

TO: P.O. JUSTIN LEMKE  
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
03 SEP 24 AM 10:03  
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 JANUARY 19, 2003
- 2) A citizen's complaint made by JOHN FIUMEFREDDO
- 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: *Justin Lemke*

Print your name: Justin Lemke

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

*St. Settingsgaard*  
Steven M. Settingsgaard <sup>KJS</sup>  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 16, 2003

TO: P.O. TERESA PATRICK  
DISTRICT FIVE

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 JANUARY 19, 2003
- 2) A citizen's complaint made by JOHN FIUMEFREDDO
- 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: \_\_\_\_\_

*PO Teresa Patrick*  
PO TERESA PATRICK

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

*St. Settingsgaard*  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT  
INTERNAL AFFAIRS  
DIVISION

03 SEP 22 PM 2:29

RECEIVED



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 16, 2003

TO: P.O.SARAH POLKA  
DISTRICT TWO

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 JANUARY 19, 2003
- 2) A citizen's complaint made by JOHN FIUMEFREDDO
- 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: Sarah Polka

Print your name: Sarah a Polka

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

*St. Settingsgaard*  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

03 SEP 22 PM 2:29

RECEIVED

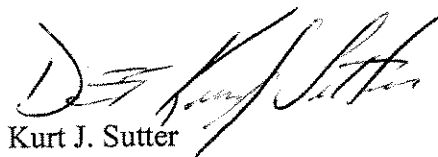
SMS:kjs

October 13, 2003

ACA Jan Smokowicz  
800 City Hall  
200 E. Wells Street  
Milwaukee, WI 53202

Sir,

Per your request dated September 8, 2003, I am sending you the officers responses to Attorney Eggeget's bill. The C.I. # is 03-S-347. Please be advised regarding Austin (1909) his separation date from the department was 3-24-03. Regarding Medina (1916) his separation date from the department was 11-17-01.

A handwritten signature in black ink, appearing to read "Kurt J. Sutter". The signature is stylized and cursive.

Kurt J. Sutter  
Detective  
Internal Affairs Division

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

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

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

September 3, 2003

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

2003 SEP -5 PM 3:06  
RONALD D. LEONHARDT  
MILWAUKEE CITY CLERK

**RE: Various claims**

Dear Mr. Leonhardt:

Enclosed are the following claims:

OFFICER(S)

OUR NO.

*Missing  
for  
materials*

- Austin 1909
- Bunker, et al. 1910
- Cashaw 1911
- Colon, R. 1912
- Fidler, et al. 1913
- Fjeld 1914
- Lemke/Patrick/Polka 1915
- Matthews 1917
- Medina/Blaszak/Lopez/Lopez 1916
- Tyschynsky 1918

Respectfully,

EGGERT & CERMELE, S.C.

Laurie A. Eggert  
Attorney at Law

2003 SEP -5 PM 3:42  
MILWAUKEE CITY CLERK

LAE/ldl  
enclosures  
CLAIMS 03-3

**CITY OF MILWAUKEE**

**OFFICE OF CITY ATTORNEY**  
 800 CITY HALL  
 200 EAST WELLS STREET  
 MILWAUKEE, WISCONSIN 53202-3551  
 TELEPHONE (414) 286-2601  
 TDD 286-2025  
 FAX (414) 286-8550

**GRANT F. LANGLEY**  
 City Attorney

**RUDOLPH M. KONRAD**  
 Deputy City Attorney

**PATRICK B. McDONNELL**  
**LINDA ULISS BURKE**  
 Special Deputy City Attorneys

**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**  
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**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**DAWN M. BOLAND**

Assistant City Attorneys

September 8, 2003

Commander Steven Settingsgaard  
 Milwaukee Police Dept., Internal Affairs Div.  
 6680 North Teutonia Avenue, Rm 325  
 Milwaukee, WI 53209

Re: C.I. File No. 03-S-347  
 Communication from EGGERT LAW OFFICE

Dear Commander Settingsgaard:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers. (see attachments)

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

**JAN A. SMOKOWICZ**  
 Assistant City Attorney

JAS:beg  
 Enclosure  
 5091

**RECEIVED**  
 03 SEP 12 AM 11:19  
 MILWAUKEE POLICE DEPT.  
 INTERNAL AFFAIRS  
 DIVISION