

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
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
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

March 29, 2001

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

Re: **Communication from Attorney Laurie Eggert, Eggert Law Offices, S.C., for
legal fees for Police Officers Matthew Bongard and John Amberg
C.I. File No. 00-S-109c**

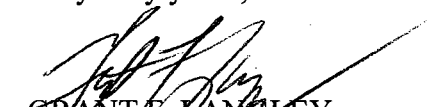
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Matthew Bongard and John Amberg. The claim is in the amount of \$924.00 for 8.40 hours of service billed at the rate of \$110 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. Sec. 895.35, Stats., *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. 2277

AD
E. HAYES
CK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
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April 10, 2000

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
JENNIFER K. HENZL-MCVEY
Assistant City Attorney

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 09

Re: C.I. File No. 00-S-109
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Austin & Black, Berken & Lewis, Bongard & Amberg, Bryce, Erkins, Gilbert, Odom & Anderson, Lutz & Koss, Metzen, Murphy & Cappelli, Patti & Braeger, Rehbein, Sarff, Huerta & Lopez, Saxton & Dinkelman, Skoczek & Hankowski, Wesolowski & Lindsey.

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,
J. Smokowicz

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

00 MAY 30 PM 2:38
MILWAUKEE

RECEIVED
POLICE
INTERNAL AFFAIRS
DIVISION
00 APR 17 AM 11:00

EGGERT LAW OFFICE, 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

CITY OF MILWAUKEE
RECEIVED
'00 MAR 30 PM 2:14
OFFICE OF
CITY ATTORNEY

March 23, 2000

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

**RE: MPD Criminal Investigation of POs Matthew Bongard and
John Amberg
Allegations Regarding Mr. Gary L. Gordon
Date of Incident: October 1, 1999
Location of Incident: 6000 Block of N. 40th St.
ELO No. 1389**

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 occurred during a domestic violence investigation. Attached are two letters from the DA concluding that the officer's actions were privileged as self defense. Charges will not be issued against the officers; attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

LAE/ldl
BONGARD

3/29/2001

O.K.
JAS

Letter # 2277

EGGERT LAW OFFICE, 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

March 23, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Matthew Bongard and John Amberg
Date of Incident: October 1, 1999
Location of Incident: 6000 Block of North 40th Street

Professional services

	<u>Hours</u>
10/1/99 Conference with client; statements to criminal investigator, DA, IAD; open file; memo to file; travel.	5.10
10/4/99 Conference with MPD.	0.40
10/5/99 Review of file.	0.20
10/15/99 Review of file; telephone call to client; telephone call to DA; memo to file.	0.40
10/18/99 Telephone call from client; telephone call to DA; memo to file.	0.30
10/22/99 Telephone call to DA; telephone call to client; memo to file. correspondence to client; review FAX from DA; telephone call from DA.	0.80
11/1/99 Review FAX from DA; correspondence to client.	0.20

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
11/14/99 Telephone call to client; memo to file.	0.20	
11/17/99 Telephone call from client; memo to file.	0.20	
11/18/99 Telephone call to DA.	0.10	
11/19/99 Telephone call to DA; close file.	0.50	
		<u>Amount</u>
For professional services rendered	8.40	\$924.00
Balance due		<u>\$924.00</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

October 6, 1999

Police Chief Arthur Jones
Milwaukee Police Department
749 West State Street
Milwaukee, WI 53233

Re: The Shooting of Gary L. Gordon by City of Milwaukee
Police Officer Matthew D. Bongard

Dear Chief Jones:

On Friday, October 1, 1999, City of Milwaukee Police
Officer Matthew D. Bongard shot Gary L. Gordon in the City
of Milwaukee.

The purpose of this letter is to advise you and other
interested parties of the results of the investigation of
that event by the Milwaukee County District Attorney's
Office. That investigation included, but was not limited
to, an independent investigation of the facts and
circumstances surrounding the incident, personal
interviews of persons who had information concerning the
above 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 provisional (see the paragraph below) decision
of the Milwaukee County District Attorney's Office, based
upon the review of the above facts and circumstances, that
Officer Matthew D. Bongard will not be charged with
violating any provision of the Wisconsin criminal law.
That decision is based upon my finding that the acts of
Matthew D. Bongard were privileged as a lawful use of
force in the exercise of the defense of himself (self-
defense) pursuant to sec. 939.40(1), Stats.

The above decision is provisional only because no
interview of Gary L. Gordon has taken place at this time

Robert D. Donohoo
Jon N. Redden
Carol Lynn White
James J. Martin

Thomas A. Schulz
Alexander G. Stanzel
Freddie E. Masella
William J. Heister
Gerald R. Felt
Patrick J. Kowey
Donald S. Jackson
Case O. Shelton
Terry Magness
Gary D. Matheson
David Reiser
Deborah Galey
Peg Tarras
Douglas J. Brennan
Cynthia G. Brown
Norman A. Gern
George N. Pries, III
Alice E. Reed
Stephanie Gloria Rothman
Carl E. Stauder
Steven M. Glavin
Mary Anne Smith
Marc S. Williams
Linda Johnson
John M. Decker
Thomas L. Pitzer
David Pines
Raymond Chandler Szyrakowski
Eileen Casselman
Curtis Manchester
Kamran R. Bary
Brendon P. Chappman, Jr.
Lovel Johnson, Jr.
Warren D. Zar
Timothy J. Coner
Carol Barry Crowley
Steven V. Licks
Brad Verplanck
Jane Carroll
Paul Tiffin
Mikael S. Felt
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Kraus
Philip A. Anst
Thomas J. McAdams
Bruce J. Langford
Mary K. McCann
David J. Shiff
David M. Lerman
JAMES C. HADDEN
Duane L. Hadden
Debra M. Scarn, SENIOR
Patricia A. McGowan
Irene Perleuth
Karen A. Lussel
Nancy Ellerman
Marlene DePeters
Ronald S. Dague
JoAnn M. Homa
Catherine A. Gaudreau
Lara G. Arducco
Lori S. Korbman
Karna O'Byrne
Marie Olson
James W. Frison
Kurt B. Berkeley
James C. Griffin
William G. Papp
Andrew Gromowski
Joseph L. Haysie
John T. Chismore
Megan P. Connolly
Laura A. Chvala
Derek G. Mackey
Shawn Perrygo
Brian J. Reiser
Karen A. Lynch
Allison M. Piller
Kevin R. Sherrin
Katy L. Hedge
Jennifer Rypka
Ben C. Zingales
Sherman Carter, SENIOR
Rebecca F. Ouellet
Susan Keon Suh
Kari A. Sanders
Paul C. Dedebate
David T. Malone
Catherine G. Gaherer
Jonas Kim
Jeffrey J. Alenbourg
Richard Gossens
Dorothy L. Sims
Paul Walbrun
Karl L. Larson
Paul R. Sander
Roy L. Williams
Nelson W. Phillips, III
Aaron J. Weiss
Bradford J. Logsdon
Patrick J. Farley
Jay Bertrand
Margaret M. Zinner
Gustav Blackwood
Bruce W. Sacker
Michael T. Mahoney
Mark D. Barkan
Mary M. Bennett
Kathryn K. Heiser
Cynthia J. Seuer

Police Chief Arthur Jones
October 6, 1999
Page 2

due to his physical condition. Once Mr. Gordon either gives a statement or is given the opportunity to give a statement and declines, I will make a final decision in this matter.

Sincerely,



ROBERT D. DONOHOO
Deputy District Attorney

RDD/kl

cc: Attorney Laurie Eggert, City of Milwaukee Fire and
Police Commission
City Attorney Grant Langley



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Jon N. Redden
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Thomas L. Power
David Felen
Rayann Chandler Gyzanski
Ella Castellon
Carole Manchester
Kenneth R. Berg
Benjamin P. Chasman, Jr.
Lorell Johnson, Jr.
William D. Zier
Timothy J. Coster
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James Carroll
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Christopher Fort
Christine M. Kraus
Philip A. Anest
Thomas J. McDermott
Bruce J. Landgraf
Mary K. McCann
Dana J. Stangl
David M. Leman
John C. Madden
DeAnn L. Hagg
Debra M. Schatz, SSMS
Patricia A. McGowan
Terrie Parham
Karen A. Loober
Kathy Eisenstein
Marianne DeFerra
Rebecca S. Dague
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Lori S. Kambhyan
Karna O'Byrne
Marta Olson
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Negan P. Carmody
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Shawn Pompe
Orlan J. Ressler
Karen A. Lynch
Alison M. Miller
Kevin R. Shemie
Kathy L. Heagy
Jennifer Rypdal
Don D. Ziegler
Sharon Carrick Schmitt
Rebecca F. Doherty
Susan Kymen Guh
Mark A. Sanderson
Paul C. Doolittle
David T. Malone
Catherine G. Scherer
Julie Kim
Jeffrey J. Altenburg
Richard Gessner
Deborah L. Mills
Paul Webbsch
Kent L. Lovern
Paul R. Sander
Ray L. Williams
Nelson W. Phillips, III
Aaron J. Weiss
Bradford J. Leggett
Patrick J. Farley
Jay Detrono
Margaret M. Zimmer
Elizabeth Blackwood
Bruce W. Becker
Michael T. Mahoney
Mark G. Damsen
Mary M. Soulefeld
Kathryn K. Heller

October 29, 1999

Police Chief Arthur Jones
Milwaukee Police Department

Re: The Shooting of Gary L. Gordon by City of Milwaukee
Police Officer Matthew D. Bongard

Dear Chief Jones:

See my prior letter to you dated October 6, 1999. In that letter I made a provisional ruling that Officer Matthew D. Bongard will not be charged with violating any provision of the Wisconsin criminal law in relation to the shooting of Gary L. Gordon by Officer Bongard.

The purpose of this letter is to inform you that I have now finished my review of the above matter and my prior provisional decision is now final: Officer Matthew D. Bongard will not be charged with violating any provision of the Wisconsin criminal law in relation to the above incident, based upon my finding that the acts of Officer Bongard were privileged as a lawful use of force in the exercise of the defense of himself (self-defense), pursuant to sec. 339.40(1), Stats.

Sincerely,

ROBERT D. DONOHOO
Deputy District Attorney

RDD/kl

cc: City of Milwaukee Fire & Police Commission
City Attorney Grant Langley
fax: Attorney Laurie Eggert

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

April 25, 2000

TO: PO MATTHEW BONGARD
DISTRICT FOUR

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 OCTOBER 1, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: *PO Matthew Bongard*

Print your name: Matthew BONGARD

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

Dale T. Schunk

DALE T. SCHUNK *st*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

April 25, 2000

TO: PO JOHN AMBERG
DISTRICT ONE

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 OCTOBER 1, 1999
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: John Amberg

Print your name: John Amberg

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

Dale T. Schunk

DALE T. SCHUNK JH
Commander of Police
Internal Affairs Division

DTS:dnp