

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

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



## 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

March 20, 2003

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 Brian Scott and Karen Asplund  
C.I. File No. 00-S-356; ELO No. 1700

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Brian Scott and Karen Asplund. The claim is in the amount of \$651.53 including \$13.53 in disbursements for 5.80 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. 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.

2276

**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**  
**DAVID R. HALBROOKS**  
**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**

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

October 8, 2001

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

RE: MPD Criminal Investigation of POs Brian Stott and  
Karen Asplund  
Allegations Regarding Mr. Tommy Holt  
Date of Incident: September 13, 2000  
Location of Incident: 5800 Block of North Villard Avenue  
ELO No.: 1700

Dear Mr. Leonhardt:

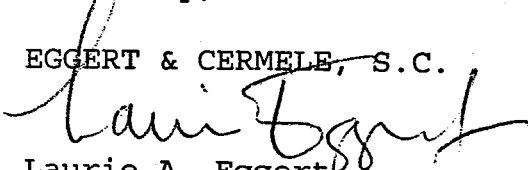
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 for possession with intent to distribute.

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

JC/LAE/ldl  
STOTT ASPLUND

3/5/03

O.K.

JMS

letter 2276

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

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

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Suite 303  
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(414) 276-8750  
FAX (414) 276-8906

October 8, 2001

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

RE: MPD Criminal Investigation re: Mr. Tommy Holt  
Regarding: POs Brian Stott and Karen Asplund  
Date of Incident: September 13, 2000  
Location of Incident: 5800 Block of North Villard Avenue

Professional services

	<u>Hours</u>
05/10/01 Telephone call from Stott regarding new criminal investigation; open file.	0.30
05/15/01 Telephone call to IAD.	0.20
05/16/01 Telephone call to and from PO Stott; memo to file; telephone call to and from PO Asplund; memo to file.	0.50
05/17/01 Telephone call to DA's office; telephone call to clients.	0.30
05/20/01 Receive and review PI-21 statements of POs Stott and Asplund.	0.80
05/21/01 Review of file; meeting with PO Asplund at CJF; attend PO Asplund's statement to DA; travel; telephone call to and from PO Stott.	1.40
05/30/01 Review of file; telephone call to PO	1.80

	<u>Hours</u>	
Stott; meeting with PO Stott at DA's office; attend PO Stott's statement to DA; travel; correspondence to clients; correspondence to MPD Open Records.		
08/24/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.80	\$638.00
Additional charges:		
05/21/01 Parking		3.00
05/30/01 Parking		4.00
08/23/01 MPD Open Records request		6.53
Total costs		<u>\$13.53</u>
Total amount of this bill		<u>\$651.53</u>
Balance due		<u><u>\$651.53</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	09-13-00	06-07-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		DIST.
	TOMMY LEE HOLT	5800 W. VILLARD AVENUE		4
	VICTIM'S ADDRESS	REPORTED BY		
	5912 N. 56 <sup>TH</sup> STREET	CARLISSA CAMPBELL		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #"  
 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/NARC 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-INDUET 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	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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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"/> SAWED 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/SNUB 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
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"/>

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
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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"/>

V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
	49289	04			
RONALD HARDEN					

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Ronald HARDEN, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Friday, June 1, 2001 at about 10:10am, Deputy District Attorney Jon REDDIN informed me that he has completed his review of this complaint of battery filed against Police Officers Karen ASPLUND and Brian STOTT by the victim, Tommy Lee BOLT. Mr. REDDIN declined to issue charges against the officers and for that reason this complaint is cleared as warrant refused.

H:af 06-12-01  
3-165

REVIEWING D.A. JON REDDIN	P.O./DET. ASSIGNED DET. HARDEN	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE	VICTIM NOTIFIED BY DET. HARDEN
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input checked="" 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 ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD 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

*ml*

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. KAREN ASPLUND  
SOB VCD

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 SEPTEMBER 13, 2000
- 2) A citizen's complaint made by TOMMY HOLT
- 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: Karen Asplund

Print your name: KAREN ASPLUND

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

STEVEN SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

01 NOV 27 AM 10:51

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. BRIAN STOTT  
SOB VCD

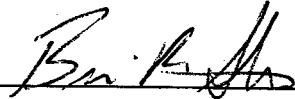
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Attorney

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- 2) A citizen's complaint made by TOMMY HOLT
- 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: 

Print your name: BRIAN F. STOTT

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

STEVEN SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

RECEIVED  
01 NOV 21 AM 10:35  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION