

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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MARYNELL REGAN
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Assistant City Attorneys

September 7, 2001

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.
for legal fees for Police Officers Shane Pecoraro, Mickal Chemlick, Tom
Waukau, Melissa Cwiklinski, Bob Henry and Erwin Estacio
C.I. File No. 01-S-09; ELO No. 1583**

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Shane Pecoraro, Mickal Chemlick, Tom Waukau, Melissa Cwiklinski, Bob Henry and Erwin Estacio. The claim is in the amount of \$1,325.12 including \$16.12 in disbursements for 11.90 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,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

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

December 27, 2000

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

**RE: MPD Criminal Investigation of POs Shane Pecoraro,
Mickal Chemlick, Tom Waukau, Melissa Cwiklinski, Bob
Henry and Erwin Estacio
Allegations Regarding Mr. Anthony Mlnarik
Date of Incident: August 5, 2000
Location of Incident: 1618 North Jackson Street
ELO No.: 1583**

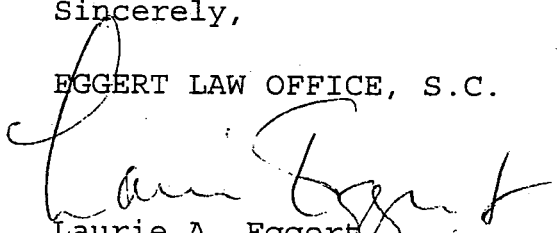
Dear Mr. Leonhardt:

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 responding to a domestic incident. 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
Attorney at Law

5/24/2001

O.K.

JAS

Letter #
2276

JC/ldl
PECORARO

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

December 27, 2000

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

RE: MPD Criminal Investigation re: Mr. Anthony Mlnarik
Regarding: POs Shane Pecoraro, Mickal Chemlick, Tom Waukau,
Melissa Cwiklinski, Bob Henry and Erwin Estacio
Date of Incident: August 5, 2000
Location of Incident: 1618 N. Jackson

Professional services

	<u>Hours</u>
8/10/00 Telephone call from PO Pecoraro; open file; memo to file; telephone call to PO Chemlick; memo to file.	1.30
8/17/00 Telephone call to and from PO Henry; office conference with PO Henry; memo to file; telephone call to IAD; telephone call to and from PO Estacia; memo to file.	1.50
8/18/00 Telephone call to and from PO Waukau; memo to file; telephone call to PO Estacio; memo to file; telephone call to Sgt. Berger; memo to file; office conference with PO Henry.	1.50
8/21/00 Telephone call from IAD; telephone call to POs Pecoraro and Henry.	0.40
8/23/00 Review of file; meeting with PO Henry	2.40

	<u>Hours</u>	
at IAD; attend PO Henry's statement to IAD; meeting with PO Pecoraro at IAD; attend PO Pecoraro's statement to IAD; travel; memo to file.		
8/28/00 Review of file; meeting with PO Waukau at IAD; attend PO Waukau's statement to IAD; travel; memo to file.	1.70	
8/30/00 Review of file; meeting with PO Chemlick at IAD; attend PO Chemlick's statement to IAD; meeting with PO Estacio at IAD; attend PO Estacio's statement to IAD; discussison with POs Chemlick and Estacio; travel; memo to file.	2.00	
10/3/00 Telephone call to and from IAD; correspondence to client; correspondence to MPD Open Records.	0.40	
10/4/00 Review of correspondence from DA.	0.20	
12/8/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	11.90	\$1,309.00
Additional charges:		
12/8/00 MPD Open Records request		16.12
Total costs		<u>\$16.12</u>
Total amount of this bill		<u>\$1,325.12</u>

Mr. Ronald D. Leonhardt

Page 3

Balance due

Amount

\$1,325.12

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

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

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Brent Nisler
T. Christopher Dea
Katharine Kucharski
Lisa P. Fricker

October 2, 2000

Chief Arthur Jones
City of Milwaukee Police Department
749 W. State Street
Milwaukee, WI 53233

Dear Chief Jones:

I have completed my review of allegations that one or more City of Milwaukee Police Officers struck Anthony Mlnarik in the face with fists and/or a flashlight as he was being conveyed, on a gurney, from his home after an incident in which he caused considerable property damage and inflicted severe injury on himself. This incident occurred on August 5, 2000, at 1618B N. Jackson Street.

Officers were dispatched to Mr. Mlarik's home to discover that he had essentially gone berserk, had broken a bathroom mirror, battered his roommates and put his fist through a large fish tank, causing severe cuts to his arm and, presumably, a flood and an unknown number of dead fish.

Officers managed to subdue Mr. Mlarik after a struggle, since he continued to be extremely combative. He was strapped to a paramedic gurney with the help of police, but continued to fight, at one point nearly tipping over the gurney and at another managing to get his feet free to kick a female paramedic in the neck.

Both Mr. Mlarik and his roommate contend that an officer struck him several times in the face with a fist. Mr. Mlarik additionally alleges that he was struck in the face with a flashlight.

Two sergeants (one of whom is now a Milwaukee firefighter), at least three officers and two paramedics say that no one struck Mr. Mlarik as he described.

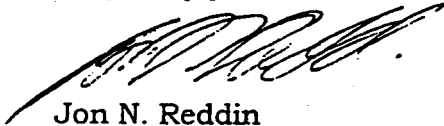
I have concluded that this case is unprovable for several reasons. First, proving that the Mr. Mlarik was struck in the face by officers would be difficult at best, since at least 7 witnesses say that this did not occur. Second, although Mr. Mlarik did sustain facial injuries which are documented in the hospital records, it is as likely that they were sustained either during his initial rampage or during his violent resistance to the police. Third, if Mr.

Chief Jones
March 29, 2000
Page 2

Mlarik was struck in the face by an officer; it cannot be determined which officer struck him. Fourth, if it could be shown that he was struck in the face by a particular officer, the case would still not be provable, since at the time he was fighting violently, had kicked a female paramedic in the throat, continued to be a danger to himself and others, and had to be brought under control. A police officer may use reasonable force, including focussed strikes, to accomplish this.

For these reasons, I am declining prosecution of this case.

Very truly yours,



Jon N. Reddin
Deputy District Attorney

JNR:jr

cc/ Jon Cermele

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO SHANE PECORARO
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 AUGUST 5, 2000
- 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: P.O. Shane A. Pecoraro

Print your name: Shane A. Pecoraro

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO ERIN ESTACIO
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 AUGUST 5, 2000
- 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: PO ERIN ESTACIO

Print your name: ERWIN ESTACIO

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 *JS*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO ROBERT HENRY
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 AUGUST 5, 2000
- 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: Robert Henry

Print your name: Robert Henry

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
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO MELISSA CWIKLINSKI
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 AUGUST 5, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on*

Is this information correct?

YES _____ NO X

Did you receive legal representation in this matter?

YES _____ NO X

Your signature: Melissa Cwiklinski

Print your name: Melissa Cwiklinski

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

I was never contacted regarding this matter

Dale T Schunk
DALE T. SCHUNK *ds*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO TOM WAUKAU
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 AUGUST 5, 2000
- 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 Thomas Waukau

Print your name: PO THOMAS WAUKAU

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 *WTT*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRUARY 12, 2001

TO: PO MICKAL CHEMLICK
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 AUGUST 5, 2000
- 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: _____

Print your name: Mickal Chemlick

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 *SH*
Commander of Police
Internal Affairs Division

DTS:dnp