

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
MILWAUKEE, WISCONSIN 53202-3551
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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

August 20, 2004

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Shannon Cannestra and Michael Anderson
C.I. File No. 03-S-107/23; EC No. 1839

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Shannon Cannestra and Michael Anderson. The claim is in the amount of \$726.00 for 6.60 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 the filing of a citizen complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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.
2291

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

February 24, 2003

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

**RE: Citizen Complaint of Mr. Joseph A. Hopkins
Against POs Shannon Cannestra and Michael Anderson
Complaint No.: 02-63
Date of Incident: June 13, 2002
EC No.: 1839**

RECEIVED
03 MAR 11 PM 1:49
MILWAUKEE
INTERNAL AFFAIRS
DIVISION
MAR 27 2003 9 28

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.

Mr. Hopkins was arrested on or about June 13, 2002, and gave a false name to officers. Hopkins filed a citizen complaint with the Fire and Police Commission (FPC) on July 26, 2002. When the FPC attempted to schedule a conciliation, the complainant informed the FPC that he would be incarcerated for the next 13 months, and was therefore unavailable for the conciliation. The FPC dismissed the complaint due to the complainant's unavailability.

Hopkins also apparently still has criminal charges pending as a result of the incident in which he was arrested on June 13, 2002, as well as other charges in Waukesha county for operating a vehicle without the owner's consent, and theft of movable property without the owner's consent.

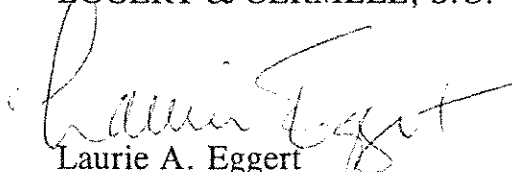
6/19/04
D.T.
JMS
Letter 2291

You have indicated on other matters that you have some concerns where a complaint has been dismissed without prejudice. However, as we have noted in our prior discussions, the City should not penalize the officers for Mr. Hopkins' incarceration.

Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
attachment
CANNAND

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

February 18, 2003

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

RE: Citizen Complaint of Mr. Joseph A. Hopkins
Against POs Shannon Cannestra and Michael Anderson
FPC No: 02-63
Date of Incident: June 13, 2002
Location of Incident: 2018 West Lincoln Avenue

Professional services

	<u>Hours</u>
11/19/02 Review documents from Cannestra; correspondence to FPC; open file.	0.50
11/21/02 Conference with Cannestra; memo to file; correspondence to MPD Open Records; computer search regarding municipal court records.	1.70
11/24/02 Review of correspondence from FPC.	0.10
11/27/02 Review documents from Anderson; correspondence to FPC; telephone call to client; memo to file; computer search regarding complainant and current criminal charge.	2.30
1/6/03 Review of correspondence from FPC; memo to file; correspondence to client; review computer records regarding complainant; telephone call to FPC.	0.60
1/9/03 Telephone call from client; review of file; computer search update; telephone call from FPC.	0.90

Mr. Ronald Leonhardt

Page 2

	<u>Hours</u>	
1/16/03 Review of correspondence from FPC; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.60	\$726.00
Balance due		<u>\$726.00</u>

(Rate: \$110.00 per hour)

RECEIVED

JAN 6 2003

EGGERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF JOSEPH A. HOPKINS
AGAINST POLICE OFFICERS MICHAEL ANDERSON
AND SHANNON CANNESTRA

ORDER OF DISMISSAL

To Officer Shannon Cannestra:

It is hereby ordered that the Complaint of Joseph A. Hopkins, Complaint No. 2002-63, filed with the Board on September 9, 2002, is dismissed without prejudice due to the unavailability of the Complainant, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:

JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, DECEMBER 27, 2002.

c: Attorney Laurie Eggert ✓

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF JOSEPH A. HOPKINS
AGAINST POLICE OFFICERS MICHAEL ANDERSON
AND SHANNON CANNISTRA

ORDER OF DISMISSAL

To Officer Michael Anderson:

It is hereby ordered that the Complaint of Joseph A. Hopkins, Complaint No. 2002-63, filed with the Board on September 9, 2002, is dismissed without prejudice due to the unavailability of the Complainant, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:

JOSEPH J. CZARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, DECEMBER 27, 2002.

MILWAUKEE POLICE DEPARTMENT

2

MEMORANDUM

March 21, 2003

TO: P.O. SHANNON CANNESTRA
District SIX

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 JUNE 13, 2002
- 2) A citizen's complaint made by JOSEPH HOPKINS
- 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. Shannon Canestra

Print your name: SHANNON CANNESTRA

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

Steven M. Settingsgaard

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
03 MAR 28 PM 1:51
RECEIVED

MILWAUKEE POLICE DEPARTMENT

March 21, 2003

MEMORANDUM

TO: P.O. MICHAEL ANDERSON
District SIX

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 31 PM 2:38
MILWAUKEE POLICE DEPARTMENT
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 JUNE 13, 2002
- 2) A citizen's complaint made by JOSEPH HOPKINS
- 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: P.O. Michael W. Anderson

Print your name: P.O. Michael W. ANDERSON

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

Steven M. Settingsgaard
KJS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



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

Assistant City Attorneys

March 5, 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-107/23
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 officer. (See attached)

Please determine whether these officers were in fact involved in the matters 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,

A handwritten signature in black ink, appearing to read 'Jan A. Smokowicz'.

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

RECEIVED
03 MAR 11 PM 1:49
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION