

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
TELEPHONE (414) 286-2601
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January 23, 2004

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 Edward Chaim and Jorge Suarez
C.I. File No. 02-S-83; EC No. 1740

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Edward Chaim and Jorge Suarez. The claim is in the amount of \$1,150.30 including \$6.30 in disbursements for 10.40 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
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
KATHRYN M. ZALEWSKI

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

February 27, 2002

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

**RE: MPD Criminal Investigation of POs Edward Chaim and Jorge Suarez
Allegations Regarding Ms. Shannan Piojda
Date of Incident: May 5, 2001
Location of Incident: 16th and Burnham Streets
EC No.: 1740**

Dear Mr. Leonhardt:

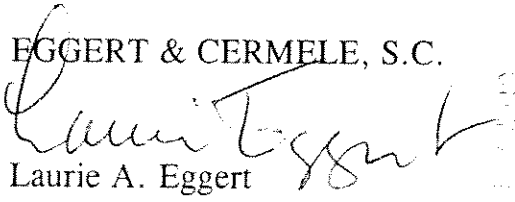
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 traffic stop.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled the officers to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. 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

LAE/ldl
CHASUAR

1/13/04
O.K.
JAS
Letter 2276

102 2002-01 11 11 01

EGGERT & CERMELE, S.C.

Attorneys at Law

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Jonathan Cermele

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February 27, 2002

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

RE: MPD Criminal Investigation re: Ms. Shannan Piojda
Regarding: POs Edward Chaim and Jorge Suarez
Date of Incident: May 5, 2001
Location of Incident: 16th and Burnham

Professional services

	<u>Hours</u>
05/31/01 Telephone call from Chaim; open file; memo to file.	0.90
06/01/01 Telephone call to and from detective; review of file.	0.30
06/04/01 Telephone call from Chaim; memo to file; telephone call to Det.; telephone call from and to Suarez.	1.20
06/06/01 Review of file; preparation for and appearance at IAD for PI-21s; travel.	2.80
07/02/01 Telephone call from Det.; memo to file; telephone calls to clients.	0.60
07/10/01 Telephone call from Reddin; memo to file.	0.20
07/11/01 Memo to file.	0.10

	<u>Hours</u>	
07/12/01 Telephone call to clients; telephone call to DA; memo to file.	0.50	
07/13/01 Telephone call to client; telephone call to and from Reddin; memo to file.	0.70	
07/16/01 Telephone call from and to Reddin; telephone call to client; memo to file.	0.40	
07/23/01 Telephone call from Chaim.	0.10	
07/24/01 Review of file; conference with Chaim; statements to DA; travel; memo to file.	1.10	
07/25/01 Preparation for and appearance at DA for Suarez; conference with clients; memo to file; travel.	0.80	
08/13/01 Correspondence to MPD Open Records; correspondence to clients.	0.20	
12/04/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.40	\$1,144.00
Additional charges:		
07/24/01 Parking		1.00
07/25/01 Parking		1.00
12/04/01 MPD Open Records request		4.30
Total costs		<u>\$6.30</u>

Mr. Ronald D. Leonhardt

Page 3

	<u>Amount</u>
Total amount of this bill	\$1,150.30
Balance due	<u>\$1,150.30</u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT BATTERY	DATE OF INCIDENT 05-05-01	DATE OF REPORT 08-06-01	REP CON#
	VICTIM PLOJDA, SHANNON	LOCATION OF INCIDENT (ADDRESS) 1800 S. 16 th STREET		DIST. 2
	VICTIM'S ADDRESS 3234 W. MADISON	REPORTED BY SAME		

COPY

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #1" 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	28-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-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	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONERS 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 BEL	<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/SNUS 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.
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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
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CHARGES	POSSESSED DRUGS AT TIME OF ARREST	SUSPECTED	Y N
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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
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ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
---------	------	-------	--------	--------	-------	------	------

ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.
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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 DRUGS AT TIME OF ARREST	SUSPECTED	Y N
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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
<i>Det. Jeffery Hoover</i>	50062	04			

INVESTIGATIVE NARRATIVE:

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

On Tuesday, August 07, 2001 at 8:30am, I Detective Jeffery Hoover spoke with Deputy District Attorney Jon Reddin VIA telephone. During the course of our phone call conversation Deputy District Attorney Reddin stated that on 7/26/01 he decided not to issue any type of criminal charges. He based his decision on the fact that both officers denied committing an assault on Shannon Piojda and the officers stated that their wooden batons were secured in the trunk of the vehicle during the transport of MR.Piojda.

REVIEWING D.A. Jon Reddin	P.O./DET. ASSIGNED Det. Jeffery Hoover	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE No Process/ 07-26-01	VICTIM NOTIFIED BY Det. Hoover
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 ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD 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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. EDWARD CHAIM
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 MAY 5, 2001
- 2) A citizen's complaint made by SHANNAN PIOJDA
- 3) A police shooting incident occurring on N\A

Is this information correct?

YES X NO _____

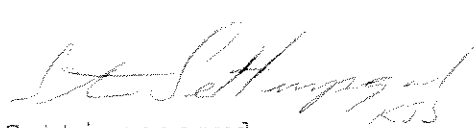
Did you receive legal representation
in this matter?

YES X NO _____

Your signature: _____

Print your name: _____

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


Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
02 DEC 10 PM 2:23

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. JORGE SUAREZ
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 JAN 23 PM 2:34
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 MAY 5, 2001
- 2) A citizen's complaint made by SHANNAN PLOJDA
- 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: *Jorge Suarez*

Print your name: Jorge Suarez

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