

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
TDD (414) 286-2025
FAX (414) 286-8550

January 27, 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 David Kowalczyk, Jeffrey Lintonen, Michael Murphy,
Chad Poeppey, Jon Osowski and Carrie Finley; C.I. File No. 02-S-83; EC No. 1745

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers David Kowalczyk, Jeffrey Lintonen, Michael Murphy, Chad Poeppey, Jon Osowski and Carrie Finley. The claim is in the amount of \$2,363.72 including \$31.72 in disbursements for 21.20 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 David Kowalczyk, Jeffrey Lintonen, Michael Murphy, Chad Poeppay, Jon Osowski and Carrie Finley
Allegations Regarding Ms. Leah Scott
Date of Incident: September 22, 2001
Location of Incident: 3159 North 39th Street
EC No.: 1745

*0 JAS - rit
+ WU*

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 the investigation of criminal damage to property and arrest for resisting/obstructing.

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 Eggert
Laurie A. Eggert
Attorney at Law

*1/27/04
o.k.
JAS
letter 2276*

02 FEB - 4 10 40 01

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
800 City Hall
200 East Wells Street
Milwaukee WI 53202

RE: MPD Criminal Investigation re: Ms. Leah Scott
Regarding: POs David Kowalczyk, Jeffrey Lintonen, Michael
Murphy, Chad Poeppey, Jon Osowski and Carrie Finley
Date of Incident: September 22, 2000
Location of Incident: 3159 North 39th Street

Professional services

	<u>Hours</u>
01/08/01 Telephone call from PO Kowalczak; open file; telephone call from PO Poeppey; telephone call from PO Lintonen; telephone call from PO Osowski; telephone call to PO Finley; memos to file.	1.30
01/09/01 Telephone call from PO Poeppey; telephone call to and from PO Finley; memos to file.	0.60
01/10/01 Review of file; meeting with POs Poeppey and Kowalczak at IAD; attend PO Poeppey's PI-21; attend PO Kowalczak's PI-21; memos to file; travel.	2.50
01/11/01 Review of file; meeting with POs Finley and Osowski at IAD; attend PO Finley's PI-21 statement; attend PO Osowski's PI-21 statement; travel; memo to file.	2.20

	<u>Hours</u>
01/12/01 Telephone call from client; telephone call to IAD; memo to file.	0.40
01/18/01 Review of file; meeting with PO Murphy at IAD; attend PO Murphy's statement to IAD; travel; memo to file.	1.90
01/19/01 Review of file; meeting with PO Lintonen at IAD; attend PO Lintonen's PI-21 statement; travel; memo to file.	2.10
02/27/01 Telephone call to IAD.	0.20
02/28/01 Discussion with DA.	0.20
05/07/01 Telephone call to and from IAD.	0.20
05/14/01 Correspondence to IAD.	0.20
07/10/01 Telephone call from DDA Reddin; memo to file.	0.20
07/24/01 Telephone call to DA; telephone calls to POs Kowalczyk, Poeppey, Finley, Osowski, Lintonen and Murphy.	0.50
08/01/01 Review of file; meeting with DA; travel.	1.10
08/02/01 Review of file; meeting with PO Lintonen at DA's office; attend PO Lintonen's statement to DA; travel; memo to file; telephone call to PO Murphy; meeting with PO Osowski at DA's office; attend PO Osowski's statement to DA; travel; memo to file.	2.90
08/03/01 Review of file; meeting with PO Kowalczyk at DA's office; attend PO Kowalczyk's statement to DA; meeting	1.90

Hours

with PO Poeppay at DA's office; attend
 PO Poeppay's statement to DA; travel;
 memos to file; telephone call to and
 from PO Murphy; telephone call to Da.

08/16/01 Telephone call to DA. 0.20

08/17/01 Telephone call to and from PO Murphy;
 review of file; meeting with PO Murphy
 at DA's office; attend PO Murphy's
 statement to DA; discussion with DA;
 travel; memo to file; correspondence to
 clients; telephone call to MPD Open
 Records; correspondence to MPD Open
 Records. 2.10

12/21/01 Review of correspondence from MPD Open
 Records; correspondence to clients;
 close file. 0.50

Amount

For professional services rendered 21.20 \$2,332.00

Additional charges:

08/01/01 Parking 4.00

08/02/01 Parking 8.00

08/03/01 Parking 2.00

08/17/01 Parking 5.00

12/21/01 MPD Open Records request 12.72

Total costs \$31.72

Total amount of this bill \$2,363.72

Mr. Ronald D. Leonhardt

Page 4

Amount

Balance due

\$2,363.72

(Rate: \$110.00 per hour)

INCIDENT INFORMATION

INCIDENT BATTERY 940319(1)

DATE OF INCIDENT 09-22-00

DATE OF REPORT 08-19-01

REP CON#

VICTIM SCOTT, LEAH S.

LOCATION OF INCIDENT (ADDRESS) 3159 N. 39TH STREET

DIST. 7

VICTIM'S ADDRESS 3144A N. 39TH STREET MILWAUKEE, WI 53216

REPORTED BY SAME

COPY

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE # " 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	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-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 PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1 2	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"/> SIMULATED WEAPON
<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"/> SINGLE BBL	<input type="checkbox"/> THROWN OBJECT
<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"/> SEMI AUTO	<input type="checkbox"/> UNKNOWN
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SHORT/SNUB BBL		
<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION			

ARRESTED #1 LAST NAME FIRST NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN

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

CHARGES POSSESSED SUSPECTED Y N OF ARREST

ARRESTED #2 LAST NAME FIRST NAME MID RACE SEX DATE OF BIRTH AGE ETHNIC ORIGIN

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

CHARGES POSSESSED SUSPECTED Y N OF ARREST

V E H VEHICLE USED MAKE MODEL TYPE COLOR STATE EXP TYPE V.I.N. #

REPORTING OFFICER PAYROLL # LOC # ASSISTING OFFICER SUPERVISOR TOTAL ARRESTS

DET. RONALD HARDEN 49288 04 Sr. Mary Hoey

INVESTIGATIVE NARRATIVE:

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

On Friday, August 17, 2001, Deputy District Attorney Jon REDDIN informed me by telephone that he had completed his interviews and review of this complaint and will not be issuing any charges against the officers identified at the scene. This complaint is therefore cleared as warrant refused.

RH:vll 08-20 01
00-286\00-286.CLR

REVIEWING D.A. DEPUTY DA JON REDDIN	P.O./DET. ASSIGNED DET. RONALD HARDEN	COURT CASE NUMBER
FINAL CHARGE NO PROCESS	DISPOSITION/DATE 08-17-01	VICTIM NOTIFIED BY
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"/> VICTIM REFUSES TO COOPERATE (SUSPECT INFORMATION NEEDED)	<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 <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. DAVID KOWALCZYK
SOB CYCLES

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 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 3) A police shooting incident occurring on N\A

Is this information correct?

YES X NO _____

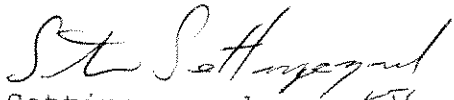
Did you receive legal representation
in this matter?

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 DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. DAVID KOWALCZYK
SOB CYCLES

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Attorney

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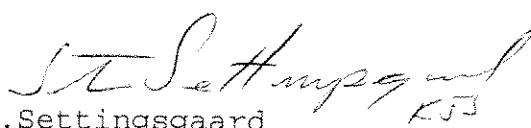
Is this information correct? YES X NO _____

Did you receive legal representation in this matter? YES X NO _____

Your signature: 

Print your name: David Kowalczyk

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 DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. JEFFREY LINTONEN
DISTRICT SEVEN

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 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 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: *Po Jeffrey Lintonen*

Print your name: JEFFREY LINTONEN

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

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

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
RECEIVED
02 DEC -9 AM 10:34

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. MICHAEL MURPHY
DISTRICT SEVEN

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 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO _____

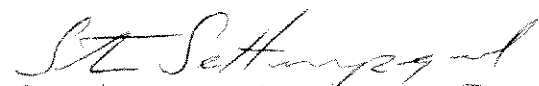
Did you receive legal representation in this matter? YES X NO _____

Your signature: 

Print your name: MICHAEL S. MURPHY

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

RECEIVED
02 DEC -9 AM 10:34
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION


Steven M. Settingsgaard *KTS*
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. CHAD POEPPEY
DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 11 AM 10:18
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 SEPTEMBER 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 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: *Chad Poeppey*
Print your name: PO. CHAD POEPEY

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

5th DISTRICT
RECEIVED

DEC 10 2002

JR
CAPTAIN

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

SMS:kjs IAD

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. JON OSOWSKI
DISTRICT SIX

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
02 DEC 11 AM 10:17
MILWAUKEE POLICE
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 SEPTEMBER 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 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: *J. D. Osowski*

Print your name: Jen D. OSOWSKI

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 KPS
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 5, 2002

TO: P.O. CARRIE FINLEY
DISTRICT SEVEN

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 22, 2001
- 2) A citizen's complaint made by LEAH SCOTT
- 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. Carrie Finley

Print your name: P.O. CARRIE FINLEY

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