

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



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CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 9, 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 Officer David Novak
C.I. File No. 00-S-419/ELO 1535**

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer David Novak. The claim is in the amount of \$360.46 including \$8.46 in disbursements for 3.20 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 Officer 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

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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

November 16, 2000

Assistant City Attorneys
00 DEC 26 AM 6:58
INTERNAL AFFAIRS
DIVISION

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 00-S-419
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Amberg, Anderer/Rodriguez, Anderson, Bartlett/Jack, Blaszak/Carrasco, Boswell/Heaney/Pruitt, Chu/Scanlan, Curtis, et al., Farina, Goldberg, Heim/Pierce, Kronschnabel, Lutz, Miscichoski, Novak, Rozga and Tabaska.

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

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

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

November 7, 2000

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

**RE: MPD Criminal Investigation of PO David Novak
Allegations Regarding Mr. Terrell Viverette
Date of Incident: July 10, 2000
Location of Incident: 4811 W. Lisbon Ave.
ELO No.: 1535**

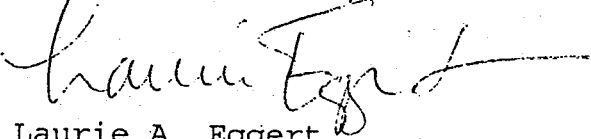
Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved taking a wanted suspect into custody. Charges will not be issued against the officer. 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

JC/ldl
NOVAK

5/8/2001
O.K.
JAS
Letter #2276

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

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November 7, 2000

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

RE: MPD Criminal Investigation
Regarding: PO David Novak
Date of Incident: July 10, 2000
Location of Incident: 4811 W. Lisbon Ave.

Professional services

	<u>Hours</u>	
7/11/00 Telephone calls from client; open file; telephone call to IAD; memo to file.	1.10	
7/12/00 Telephone call to IAD.	0.10	
7/13/00 Telephone call from IAD; memo to file.	0.40	
7/21/00 Review of correspondence from client; telephone call to client.	0.20	
8/8/00 Review of file; telephone call to client; discussion with IAD.	0.40	
8/22/00 Telephone call to IAD; correspondence to MPD Open Records; correspondence to client.	0.50	
10/25/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.20	\$352.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
10/23/00 MPD Open Records request	8.46
Total costs	<u>\$8.46</u>
Total amount of this bill	<u>\$360.46</u>
Balance due	<u><u>\$360.46</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

SUMMARY

Thursday, August 17, 2000

IN THE MATTER OF: CIU#00-198 - BATTERY
P.O. DAVID NOVAK, PR#62663
DISTRICT THREE, EARLY SHIFT

PRIMARY INVESTIGATOR(S): DET. CHARLES SHEPARD JR.

TO: DALE T. SCHUNK
POLICE COMMANDER

SIR:

This report was dictated by Detective Charles SHEPARD Jr., of the Internal Affairs Division/Criminal Investigation Unit (IAD/CIU), early shift.

ALLEGATION:

The complainant in this matter Mr. Terrell VIVERETTE alleges that the officer pushed him causing him to strike his face on a stack of bottled sodas during his arrest at the Amoco Gas Station at 4811 W. Lisbon Avenue. Once he was brought out of the building he states that the officer caused him to bump his head which caused a bruise to the left side of his face as he was being placed in a Milwaukee police squad car.

INVESTIGATION:

On July 11, 2000, I, Det. Charles SHEPARD Jr., was instructed to investigate a complaint of battery and that the complainant is at District #3. Upon arrival at that location I did make contact with the sergeant who took the complaint, that being Sgt. Frank RIOJAS. Sgt. RIOJAS related that the complainant above had been arrested at the above location and during his arrest he claimed that the officer pushed him causing him to strike his face on an object as well as causing him to strike his head on a portion of the police car just prior to being put inside. Sgt. RIOJAS further stated that during his first interview with the complainant regarding this matter he had no injuries to his face, however he claimed battery. Sgt. RIOJAS stated that when he asked where his injuries were the complainant appeared to be caught off guard, hesitated and said, "Can't you see?" Sgt. RIOJAS stated that he

FILED

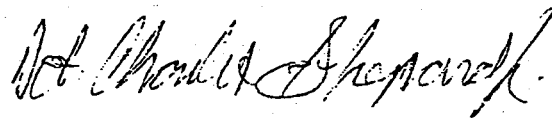
BASELESS

Comdr. Dale T. Schunk

Sgt. RIOJAS of the victim who did not have any injuries during that first encounter. The complainant continues to make his complaint while in police custody and is unexpectedly seen by the same sergeant who now observes a large amount of swelling to the left side of the victim's face. The victim also denied attempting to hide from the officer when the officer came into the parking lot and into the store, however the videotape clearly shows him attempting to hide from the officer and who was apparently seen by the officer running to the back of the store into the storeroom. Upon talking to the complainant's grandmother, she stated that her grandson was not upset and did not complain of being pushed or struck or forced to strike his head on any objects in the storeroom at that time. The only problem the grandmother (Dian VIVERETTE) had with the officer was his treatment of her grandson once outside of the store. It should be noted that the problem that she had with the officer did not appear to be a criminal violation. Furthermore, based on the interviews of the ROGERS and the fact that Mr. ROGERS observed that the complainant appeared to be uncooperative with the officer who wanted the complainant to get into the police car also adds to the fact that Mr. Terrell VIVERETTE may have contributed to his injury by apparently resisting the officers efforts to get him in the police car causing him to strike a portion of his head.

Police Commander Dale T. SCHUNK then reviewed the reports on this investigation who at this time advised that this matter did not need to be reviewed in the Milwaukee County District Attorney's office. This complaint will be filed as baseless or unfounded.

Respectfully submitted:



Charles SHEPARD Jr.
Police Detective
CIU/IAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JANUARY 3, 2001

TO: PO DAVID NOVAK
DISTRICT THREE

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 JULY 10, 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: _____

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