

# 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

February 3, 2005

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 Andrew Gebhardt, Kevin Clark, Tom Dineen, Tom  
Bognar and George Valovic; C.I. File No. 03-S-216; EC No. 1882


Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Andrew Gebhardt, Kevin Clark, Tom Dineen, Tom Bognar and George Valovic. The claim is in the amount of \$855.27 including \$8.27 in disbursements for 7.70 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. 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.

89851/ 1032-2003-1618

THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
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  
VINCENT J. BOBOT  
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

May 12, 2003

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

**RE: MPD Criminal Investigation of POs Andrew Gebhardt, Kevin Clark,  
Tom Dineen, Tom Bognar and George Valovic  
Allegations Regarding Mr. Leon Jackson  
Date of Incident: June 29, 2002  
Location of Incident: 2333 North 44<sup>th</sup> Street  
EC No.: 1882**

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 squad and foot chase.

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 cleared the matter as unfounded. 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

*1/29/05*  
*O.K.*  
*JAS*  
*Letter 2276*

CITY ATTORNEY  
RECEIVED  
'03 MAY 14 PM 3:41

JC/ldl  
attachment  
GEBHARDT, ET AL.

**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

May 8, 2003

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

RE: MPD Criminal Investigation re: Mr. Leon Jackson  
Regarding: POs Andrew Gebhardt, Kevin Clark, Tom Dineen, Tom Bognar  
and George Valovic  
Date of Incident: June 29, 2002  
Location of Incident: 2333 North 44th Street  
Professional services

	<u>Hours</u>
8/19/02 Telephone call from PO Gebhardt regarding new criminal investigation; open file; office conference with PO Gebhardt; telephone call to PO Clark; memo to file.	1.10
8/20/02 Meeting with PO Gebhardt at IAD; attend PO Gebhardt's PI-21 statement; travel; memo to file.	1.90
9/3/02 Telephone call to and from PO Bognar; memo to file.	0.50
9/9/02 Review of file; meeting with PO Bognar; at IAD; attend PO Bognar's PI-21 statement; travel; memo to file.	2.20
9/25/02 Review of file; meeting with PO Valovic at IAD; attend PO Valovic's PI-21 statement; travel; memo to file.	1.30
1/9/03 Fax to DDA Reddin; correspondence to MPD Open Records.	0.20
4/18/03 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	7.70	\$847.00
Additional charges:		
4/18/03 MPD Open Records request		8.27
Total costs		<u>\$8.27</u>
Total amount of this bill		<u>\$855.27</u>
Balance due		<u><u>\$855.27</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT BATTERY SS #940.19(1)	DATE OF INCIDENT 06-29-02	DATE OF REPORT 11-04-02	REP CON#
	VICTIM JACKSON, LEON	LOCATION OF INCIDENT (ADDRESS) 2333 NORTH 44 <sup>TH</sup> STREET, MILWAUKEE, WI 53206		DIST. 3
	VICTIM'S ADDRESS 2749 NORTH 44 <sup>TH</sup> STREET, MILWAUKEE, WI 53206	REPORTED BY SAME		

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 <input type="checkbox"/> 2 <input type="checkbox"/> ALTERED STOCK	1 <input type="checkbox"/> 2 <input type="checkbox"/> CHROME/NICKEL	1 <input type="checkbox"/> 2 <input type="checkbox"/> HANDGUN	1 <input type="checkbox"/> 2 <input type="checkbox"/> OTHER	1 <input type="checkbox"/> 2 <input type="checkbox"/> REVOLVER	1 <input type="checkbox"/> 2 <input type="checkbox"/> SHOTGUN
<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<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"/> SAWN 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/SNUB 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
-----------------------	------------	-----	------	-----	---------------	-----	---

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
---------	------	-------	--------	--------	-------	------	------

ALIASES	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 <input type="checkbox"/> N <input type="checkbox"/>	GANG RELATED Y <input type="checkbox"/> N <input type="checkbox"/>	DRUG RELATED Y <input type="checkbox"/> N <input type="checkbox"/>	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 SUSPECTED DRUGS AT TIME OF ARREST Y <input type="checkbox"/> N <input type="checkbox"/>
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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
-----------------------	------------	-----	------	-----	---------------	-----	---

ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
---------	------	-------	--------	--------	-------	------	------

ALIASES	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 <input type="checkbox"/> N <input type="checkbox"/>	GANG RELATED Y <input type="checkbox"/> N <input type="checkbox"/>	DRUG RELATED Y <input type="checkbox"/> N <input type="checkbox"/>	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 SUSPECTED DRUGS AT TIME OF ARREST Y <input type="checkbox"/> N <input type="checkbox"/>
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V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #
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REPORTING OFFICER <i>Michele Harrison</i> DET. MICHELE HARRISON	PAYROLL # 60822	LOC # 04	ASSISTING OFFICER	SUPERVISOR <i>Richard</i> Richard	TOTAL ARRESTS 52.44
---	--------------------	-------------	-------------------	---	------------------------

was Officers Thomas DINEEN, Andrew GEBHARDT, and Kevin CLARK. Sergeant RHONE indicated Officer CLARK advised him that he did use a baton on Mr. JACKSON because of his resisting to place him in custody. Sergeant RHONE indicated to his knowledge, there were no other officers that struck Mr. JACKSON.

This investigation revealed that Assistant District Attorney Thomas MCADAMS did charge Mr. JACKSON with Resisting/Obstructing an Officer and further stated through investigation and speaking with all the officers on the scene, the officers all denied any confrontation with Mr. JACKSON.

Mr. JACKSON can not identify any officers who struck him, which indicate that I can not determine which or if any officer had contact with Mr. JACKSON. This investigation is cleared unfounded.

JG:tls 11-06-02

Cr/02-165

REVIEWING D.A.	P.O./DET. ASSIGNED Detective Michele HARRISON	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	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"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input 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 ATTCKD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTCKD 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 DETERMINZ/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. ANDREW GBHARDT  
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 JUNE 29, 2002
- 2) A citizen's complaint made by LEON JACKSON
- 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: \_\_\_\_\_

Print your name: \_\_\_\_\_

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
03 JUN 12 PM 3:44

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 *KJS*  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. KEVIN CLARK  
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 JUNE 29, 2002
- 2) A citizen's complaint made by LEON JACKSON
- 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: *Kevin Clark*

Print your name: Kevin Clark

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

03 JUN 10 PM 2:49  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

RECEIVED

*Steven M. Settingsgaard*

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

SMS:kjs



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. TOM DINEEN  
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 JUNE 29, 2002
- 2) A citizen's complaint made by LEON JACKSON
- 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 Thomas Dineen

Print your name: PO Thomas Dineen

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

RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION  
03 JUN 11 PM 12:50

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. TOM BOGNAR  
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
03 JUN -9 AM 11:30  
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 JUNE 29, 2002
- 2) A citizen's complaint made by LEON JACKSON
- 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: Tom Bognar

Print your name: TOM BOGNAR

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

Steven M. Settingsgaard  
K55  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

June 5, 2003

MEMORANDUM

TO: P.O. GEORGE VALOVIC  
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
03 JUN 10 PM 2:49  
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 29, 2002
- 2) A citizen's complaint made by LEON JACKSON
- 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. G. Valovic

Print your name: P.O. G. Valovic

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

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

SMS:kjs