

June 21, 2005

To the Honorable Common Council  
Of the City of Milwaukee  
Room 205 – City Hall

Re: Payment of Attorneys' Fees in Milwaukee Police Ass'n, et al. v. Hegerty, et al.  
Milwaukee County Circuit Court Case No. 02-CV009910  
Wisconsin Court of Appeals Case No. 03-3081

Dear Council Members:

Enclosed please find a proposed resolution. We ask that it be introduced and referred to the Committee on Judiciary & Legislation, with the following recommendation.

Plaintiffs, Milwaukee Police Association, Milwaukee Police Supervisor's Organization, and Matthew Grauberger filed a complaint on October 2, 2002, alleging that overtime payments to police officers and certain police supervisory personnel were being paid outside a contractual two-week window. Plaintiffs prevailed at the trial court, which decision was subsequently overturned by the Court of Appeals. Plaintiffs appealed to the Wisconsin Supreme Court, which affirmed the trial court result on March 22, 2005, although on different grounds. No damages were awarded to the plaintiffs, but pursuant to Ch. 109, Stats., under which the action was brought, attorneys' fees were awarded to the plaintiffs' counsel as follows: Eggert & Cermele, S.C., \$67,202.80; Fuchs, DeStefanis & Boyle, S.C., \$10,034.25.

Because payment of attorneys' fees in the above-noted case is mandated under Ch. 109, Stats., and by the decision of the Supreme Court, we recommend approval of these payments.

Very truly yours,

GRANT F. LANGLEY  
City Attorney

DONALD L. SCHRIEFER  
Assistant City Attorney

DLS:ml/94287  
Enclosure  
1032-2002-3194.001