

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
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MICHAEL G. TOBIN
DAVID J. STANOSZ
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PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
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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

February 9, 2005

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Trinidad Rodriguez, Robert Garcia
and Rodney Gonzalez; CI Claim File No. 03-S-216; EC 1894

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Trinidad Rodriguez, Robert Garcia and Rodney Gonzalez. The claim is in the amount of \$1,869.02, including \$21.02 in disbursements for 16.80 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 the filing of a citizen's complaint against the officers with the Fire and Police Commission. The complaint was dismissed by the Commission.

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.

1032-2003-1632/90042

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 9, 2003

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

**RE: Citizen Complaint of Jose Arroyo and Maria Arroyo
Against POs Trinidad Rodriguez, Robert Garcia and Rodney
Gonzalez
Complaint Nos.: 01-55 and 01-54
Date of Incident: May 25, 2001
EC No.: 1894**

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 trouble with juveniles investigation.

Both Arroyos initially filed complaints against Officers Garcia and Rodriguez. On September 30, 2002, both Arroyos dismissed their complaints against Officer Garcia due to misidentification. Additionally, Ms. Arroyo dismissed against Officer Rodriguez because the complaint had been successfully conciliated.

Mr. Arroyo's complaint was amended to add Officer Rodriguez. That complaint was dismissed on February 28, 2002.

1/29/05
o.k.
JAS
Letter 2295

RECEIVED
MAY 14 PM 3:42
CITY ATTORNEY

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

A handwritten signature in cursive script, appearing to read "Laurie Eggert".

Laurie A. Eggert
Attorney at Law

LAE/ldl
attachment
RODGON

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 Leonhardt
Milwaukee City Clerk
City Hall
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaint of Jose Arroyo and Maria Arroyo
Against POs Trinidad Rodriguez, Robert Garcia and Rodney Gonzalez
FPC No: 01-55 and 01-54
Date of Incident: May 25, 2001
Location of Incident: 1557 South 8th Street
Professional services

	<u>Hours</u>
9/25/01 Conference with client; telephone call from client; memo to file; review complaint; correspondence to FPC; correspondence to MPD Open Records; conference with witness.	2.80
9/28/01 Conference with Garcia; correspondence to FPC; memo to file.	0.60
10/3/01 Telephone call to client.	0.10
10/5/01 Review of file.	0.20
10/8/01 Review of correspondence from FPC; review second complaint.	0.20
10/12/01 Telephone call from and to Rodriguez.	0.20
10/16/01 Telephone call to and from Rodriguez; telephone call from FPC; memo to file.	0.70
11/6/01 Telephone call from Garcia; review of file.	0.20

	<u>Hours</u>
12/10/01 Telephone call from Heard; review of file; memo to file.	0.30
12/20/01 Telephone call from FPC; memo to file; review of file.	0.30
4/11/02 Review of correspondence from MPD Open Records.	0.20
4/12/02 Review documents from MPD Open Records.	0.60
4/17/02 Memo to file.	0.10
8/26/02 Telephone call from FPC; review of file; memo to file; telephone call to FPC.	0.40
8/30/02 Review of file.	0.30
9/3/02 Review of file; telephone call to FPC; search of court records regarding father and son; memo to file.	1.20
9/4/02 Telephone call from Gonzalez; memo to file.	0.40
9/5/02 Telephone call from FPC; review of file; memo to file.	0.50
9/12/02 Review of file; telephone call to FPC.	0.40
9/13/02 Preparation for and appearance at conciliation; conference with clients; memo to file; conference with FPC; travel.	2.80
10/2/02 Review notices from FPC regarding dismissal of Garcia, dismissal of Maria's complaint against Rodney and notice of amended complaint against Gonzalez; memo to file; correspondence to client; correspondence to FPC; review of file.	0.90
10/14/02 Telephone call from client; review of file.	0.30
10/15/02 Telephone call from and to FPC; review of file; computer search.	0.60

	<u>Hours</u>	
10/22/02 Telephone calls from FPC; review of file; memo to file.	0.30	
10/28/02 Telephone call to FPC; review of correspondence from FPC.	0.30	
11/5/02 Telephone call from FPC; memo to file; review of file.	0.40	
11/11/02 Review of correspondence from FPC; correspondence to client; telephone call from client.	0.30	
11/12/02 Telephone call to clients; memo to file.	0.20	
1/16/03 Review of file.	0.10	
1/17/03 Telephone call from FPC; memo to file; correspondence to clients.	0.40	
3/5/03 Review of correspondence from FPC; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	16.80	\$1,848.00
Additional charges:		
4/11/02 MPD Open Records request		9.01
4/19/02 MPD Open Records request		9.01
9/13/02 Parking		3.00
Total costs		<u>\$21.02</u>
Total amount of this bill		<u>\$1,869.02</u>

Mr. Ronald Leonhardt

Page 4

Amount

Balance due

\$1,869.02

(Rate: \$110.00 per hour)

MAR 5 2003

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF JOSE ARROYO
AGAINST POLICE OFFICERS TRINIDAD RODRIGUEZ
AND RODNEY GONZALES

ORDER OF DISMISSAL


To Officer Rodney Gonzales:

It is hereby ordered that the Complaint of Jose Arroyo, Complaint No. 01-55, filed with the Board on August 6, 2001, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH S. GLARNEZKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 28, 2003.

c: Attorney Laurie Eggert ✓

MAR 5 2003

MILWAUKEE, WIS.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF JOSE ARROYO
AGAINST POLICE OFFICERS TRINIDAD RODRIGUEZ
AND RODNEY GONZALES

ORDER OF DISMISSAL


To Officer Trinidad Rodriguez:

It is hereby ordered that the Complaint of Jose Arroyo, Complaint No. 01-55, filed with the Board on August 6, 2001, is dismissed due to the Complainant's passivity, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, FEBRUARY 28, 2003.

c: Attorney Laurie Eggert ✓

RECEIVED

OCT 1 2002

EGBERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF MARIA ARROYO
AGAINST POLICE OFFICERS ROBERT
GARCIA AND TRINIDAD RODRIGUEZ

ORDER OF DISMISSAL

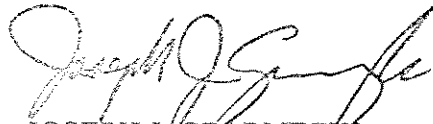
To Officer Trinidad Rodriguez:

It is hereby ordered that the Complaint of Maria Arroyo, Complaint No. 2001-54, filed with the Board on June 19, 2001, is dismissed against Officer Garcia due to misidentification and is dismissed against Officer Rodriguez because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 30, 2002.

c: Attorney Laurie Eggert ✓

BOARD OF FIRE AND POLICE COMMISSIONERS
CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF MARIA ARROYO
AGAINST POLICE OFFICER TRINIDAD RODRIGUEZ

File No. 2001-54

RESOLUTION OF DISPUTE

I, Maria Arroyo, have had the opportunity to discuss the circumstances of my complaint with Officer Trinidad Rodriguez. I am satisfied with the result of such discussion and do not wish to pursue this complaint further. I would hereby request that the matter be dismissed, and I understand that I may not reissue this complaint in the future.

Maria Arroyo
MARIA ARROYO

Trinidad Rodriguez
TRINIDAD RODRIGUEZ

Dated this 13th day of September, 2002.

Witnessed by: Dawn J. Heuer

RECEIVED

OCT 1 2002

EGGERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF JOSE ARROYO
AGAINST POLICE OFFICERS TRINIDAD
RODRIGUEZ AND ROBERT GARCIA

ORDER OF DISMISSAL

To Officer Robert Garcia:

The Complaint of Jose Arroyo, being Complaint No. 2001-55, having been filed with the Board on August 6, 2001, and the Complainant having stated at time of conciliation conference that Officer Garcia was not a party to the action complained of, now, therefore, upon all records, files and reports,

It is ordered that the Complaint of Jose Arroyo is dismissed against Police Officer Robert Garcia only, with the remainder of the Complaint remaining in full force and effect, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:


JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 30, 2002.

c: Attorney Laurie Eggert ✓

007 1 2002

EGBERT & CERMELE, S.C.

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

In Re:
THE CHARGES OF MARIA ARROYO
AGAINST POLICE OFFICERS ROBERT
GARCIA AND TRINIDAD RODRIGUEZ

ORDER OF DISMISSAL

To Officer Robert Garcia:

It is hereby ordered that the Complaint of Maria Arroyo, Complaint No. 2001-54, filed with the Board on June 19, 2001, is dismissed against Officer Garcia due to misidentification and is dismissed against Officer Rodriguez because the Complaint has been successfully conciliated, by the

MILWAUKEE BOARD OF
FIRE AND POLICE
COMMISSIONERS

WOODY WELCH,
CHAIRMAN

BY:



JOSEPH J. CZARNECKI
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, SEPTEMBER 30, 2002.

c: Attorney Laurie Eggert ✓

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. TRINIDAD RODRIGUEZ
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 JUN 13 PM 4:04

RECEIVED

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 25, 2001
- 2) A citizen's complaint made by JOSE & MARIA ARROYO
- 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: Trinidad Rodriguez

Print your name: Trinidad RODRIGUEZ

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

Steven M. Settingsgaard KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. ROBERT GARCIA
DISTRICT SOB VCD

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 25, 2001
- 2) A citizen's complaint made by JOSE & MARIA ARROYO
- 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. Robert Garcia

Print your name: ROBERT GARCIA #60314

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

June 5, 2003

TO: P.O. RODNEY GONZALEZ
DISTRICT TWO

RE: Receipt of Legal Services from Law Firm of
Attorney

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 JUN 18 PM 1:30

RECEIVED

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 25, 2001
- 2) A citizen's complaint made by JOSE & MARIA ARROYO
- 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. Rodney Gonzalez*

Print your name: P.O. Rodney Gonzalez

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

St. Settingsgaard
KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs