

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



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DANIELLE M. BERGNER
Assistant City Attorneys

April 21, 2010

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

Re: Communication from Attorney Jon Cermele
for legal fees for Police Officers Jose Viera, Jeffrey Sullivan,
Derrick Harris and Rachel Szedziewski

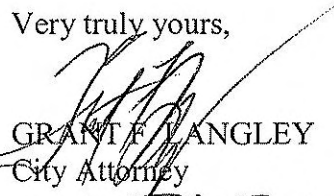
Dear Council Members:


Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Jose Viera, Jeffrey Sullivan, Derrick Harris and Rachel Szedziewski. The claim is in the amount of \$6,300.92, including \$41.92 in disbursements for 57.20 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 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.

1032-2009-1414.001/157198

OFFICE OF THE CITY ATTORNEY

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CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
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JONATHAN CERMELE
SCOTT J. JESS

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

April 27, 2009

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

RE: Citizen Complaints

Linda Riley-Glenn vs. PO Jose Viera and Det. Jeffrey Sullivan (03-52)

**Avan Riley vs. Det. Jeffrey Sullivan and Derrick Harris and
PO Rachel Szedziewski (03-53)**

**Alexis Riley vs. PO's Jose Viera and Rachel Szedziewski and
Det. Jeffrey Sullivan (03-54)**

Date of Incident: August 26, 2003

Location of Incident: 28th and Michigan

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named detective and 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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest.

The Fire and Police Commission dismissed the complaints. Attached is a copy of the letter and an itemization of the time and services rendered.

4/20/09
O. F.
JRS
Letter # 2295

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

SULLIVAN, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
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April 27, 2009

Mr. Ronald Leonhardt
Milwaukee City Clerk
City Hall, Room 205
200 East Wells Street
Milwaukee WI 53202

RE: Citizen Complaints of:
Linda Riley-Glenn vs. PO Jose Viera and Det. Jeffrey Sullivan (03-52)
Avan Riley vs. Det. Jeffrey Sullivan and Derrick Harris and PO Rachel
Szedziewski (03-53)
Alexis Riley vs. PO's Jose Viera and Rachel Szedziewski and Det. Jeffrey
Sullivan (03-54)
Date of Incident: August 26, 2003
Location of Incident: 28th and Michigan
Professional services

		<u>Hours</u>	<u>Amount</u>
8/21/2006	LAE Review amended charge filed by Alexis Riley adding Det. Sullivan and PO's Viera and Szedziewski.	0.30	33.00
	LAE Review of correspondence from FPC regarding Linda Riley's complaint against Det. Sullivan and PO Viera; memo to file; correspondence to FPC; telephone call to FPC.	0.30	33.00
	LAE Review of correspondence from FPC regarding Alexis Riley's complaint against PO's Viera and Szedziewski and Det. Sullivan; memo to file; telephone call to FPC; correspondence to FPC.	0.40	44.00

		<u>Hours</u>	<u>Amount</u>
8/21/2006	LAE Review of correspondence from FPC regarding Linda Riley's complaint against PO Viera.	0.10	11.00
8/23/2006	LAE Open file for Det. Sullivan regarding Linda and Alexis Riley complaints; review documents.	0.50	55.00
8/25/2006	LAE Open file for PO Viera regarding Linda Riley complaint.	0.40	44.00
8/28/2006	LAE Office conference with PO Viera regarding Linda Riley complaint; review amended Linda Riley complaint; correspondence to FPC.	0.60	66.00
8/30/2006	MG Prepare for meeting with PO Szedziewski regarding Alexis Riley complaint; office conference with same.	0.90	99.00
8/31/2006	LAE Correspondence to FPC regarding Alexis Riley complaint against PO Szedziewski.	0.10	11.00
9/18/2006	LAE Correspondence to FPC regarding Linda Riley complaint against Sullivan and Viera.	0.10	11.00
	LAE Telephone call to PO Szedziewski regarding Linda and Alexis Riley complaints.	0.40	44.00
9/25/2006	LAE Correspondence to FPC regarding Alexis Riley complaint against PO Szedziewski.	0.10	11.00
10/16/2006	LAE Review FPC notices regarding Linda Riley complaint against PO Viera and Det. Sullivan; review notices regarding Alexis Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; memo to file.	0.40	44.00

		<u>Hours</u>	<u>Amount</u>	
10/19/2006	LAE	Review documents from MPD regarding PO's Viera and Szedziewski (Linda Riley complaint).	0.60	66.00
	LAE	Preparation for and appearance at Linda Riley's conciliation involving Det. Sullivan and PO Viera; memo to file; conference with Sullivan and Viera.	0.90	99.00
	LAE	Preparation for and appearance at Alexis Riley's conciliation involving Det. Sullivan and PO's Viera and Szedziewski.	0.80	88.00
10/23/2006	LAE	Review of correspondence from FPC regarding conciliation of Alexis Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; memo to file; telephone call from PO Viera; correspondence to PO's Viera and Szedziewski; telephone call to and from PO Szedziewski.	1.20	132.00
11/6/2006	LAE	Telephone call to and from FPC; memo to file regarding remaining complaints.	0.30	33.00
	LAE	Telephone call to and from FPC regarding status of Linda Riley complaint; memo to file.	0.30	33.00
11/14/2006	LAE	Telephone call from Det. Sullivan; review FPC Notice; open file; correspondence to Det. Sullivan; correspondence to FPC; telephone call to Det. Harris; review complaint; Motion to FPC; memo to file regarding scheduling order.	1.70	187.00

		<u>Hours</u>	<u>Amount</u>
11/14/2006	LAE Review FPC's reinstatement and amendment to Avan Riley complaint against Det. Sullivan and PO's Viera and Szedziewski; open files regarding same.	1.00	110.00
1/9/2007	LAE Review scheduling order regarding Alexis Riley complaint; review file; memo to file.	0.40	44.00
1/17/2007	LAE Regarding Alexis Riley complaint: draft Witness and Exhibit List; review file; telephone call to PO Viera; telephone call to and from Det. Harris; memo to file; CCAP update; correspondence to FPC.	3.80	418.00
1/23/2007	LAE Preparation for office conference; review file; telephone call to VCD; telephone call to client; memo to file.	0.80	88.00
1/26/2007	LAE Telephone call to Det. Harris; Notice of Retainer and open file regarding Det. Harris.	0.30	33.00
1/29/2007	LAE Review file; telephone call to PO Viera; memo to file.	0.20	22.00
2/1/2007	LAE Conference with Det. Harris; memo to file; telephone call to Atty. Rettko; draft Witness and Exhibit Lists for Avan Riley complaint and Linda Riley complaints; telephone call to FPC; correspondence to FPC regarding dismissal of charges for lack of prosecution and request for clarification of charges.	4.20	462.00
2/21/2007	LAE Correspondence to MPD Open Records; correspondence to Milwaukee Circuit Court; CCAP update showing conviction for resisting in same incident.	0.70	77.00

		<u>Hours</u>	<u>Amount</u>
3/2/2007	LAE Review Fax from and telephone call to and from Milwaukee County Crim. Court Clerk.	0.30	33.00
3/7/2007	LAE Review correspondence from FPC regarding Linda and Alexis Riley's failure to file Witness and Exhibit List.	0.10	11.00
3/8/2007	LAE Review complaint and judgment of conviction regarding Marcus Glenn; review Court record events regarding conviction.	0.60	66.00
3/21/2007	LAE Review documents from MPD Open Records on Marcus' arrest and conviction; CCAP search regarding new arrest for Marcus and arrest warrant and charges against Avan Riley.	0.80	88.00
3/23/2007	LAE Review Witness and Exhibit List from Linda and Alexis Riley; revise same; update CCAP regarding arrest warrant for Avan Riley.	0.70	77.00
5/15/2007	LAE Review file; telephone call to Fronk; telephone call to Det. Harris; telephone call to Det. Sullivan; telephone call to PO Viera; telephone call to and from PO Szedziewski; memo to file; CCAP update regarding Avan Riley arrest warrant.	0.90	99.00
5/16/2007	LAE Telephone call from Det. Sullivan; memo to file; conference with MPD regarding existence of warrant for complainant's arrest; telephone call to Atty. Rettko regarding hearing dates.	0.60	66.00

		<u>Hours</u>	<u>Amount</u>
5/18/2007	LAE Review of correspondence from Atty. Rettko; review file regarding prior correspondence to FPC; correspondence to FPC.	0.70	77.00
5/21/2007	LAE Review file.	0.10	11.00
6/4/2007	LAE Review correspondence from FPC; review witness lists; receive and review correspondence to Avan Riley from FPC.	0.70	77.00
6/11/2007	LAE CCAP update regarding criminal charge against Avan Riley and his recent arrest on warrant; memo to file.	0.10	11.00
6/21/2007	RLP Receive and review file from Eggert; intra-office conference with Eggert; memo to file.	0.30	NO CHARGE
	LAE Review file; intra-office conference with Pings.	0.60	66.00
7/19/2007	RLP Telephone call from and to PO Viera regarding status.	0.20	22.00
12/3/2007	RLP Receive and review Notice of Hearing and calendar same; review file and begin to organize same; correspondence to clients.	2.00	220.00
12/20/2007	RLP Receive and review e-mail from Atty. Rettko regarding FPC cases scheduled for 01/23/08.	0.10	11.00
12/21/2007	RLP E-mail to Hearing Examiner; telephone call from FPC confirming cancellation of scheduled hearing; e-mail confirming same; review file for underlying Circuit Court case information; intra-office conference	0.90	99.00

		<u>Hours</u>	<u>Amount</u>
	with KS regarding obtaining transcript from same; correspondence to clients.		
1/4/2008 RLP	Review and organize file.	0.30	33.00
1/8/2008 RLP	Receive and review Transcript of criminal proceeding.	0.20	22.00
2/14/2008 RLP	Receive and review Notice of Hearing; calendar hearing date; correspondence to clients.	0.30	33.00
6/2/2008 MG	Telephone call from FPC; receive and review correspondence from FPC regarding hearing adjournment; correspondence to clients regarding same.	0.30	33.00
6/3/2008 MG	Receive and review correspondence from FPC.	0.10	11.00
7/1/2008 MG	Receive and review correspondence from FPC regarding hearing; correspondence to clients regarding same; calendar same.	0.30	33.00
7/2/2008 MG	Receive and review correspondence from FPC.	0.10	11.00
7/14/2008 MG	Review e-mail from FPC.	0.10	11.00
9/10/2008 MG	Review file.	0.50	55.00
9/13/2008 MG	Review file.	0.60	66.00
9/15/2008 MG	Amend Witness and Exhibit List; calendar office conference with clients.	0.30	33.00

		<u>Hours</u>	<u>Amount</u>
9/16/2008	MG Receive and review correspondence from FPC regarding hearing; telephone call to witness regarding hearing testimony.	0.30	33.00
9/17/2008	MG Lengthy office conference with Det. Sullivan; Lengthy office conference with PO Szedziewski; lengthy office conference with Det. Harris.	3.70	407.00
9/19/2008	MG Receive and review correspondence from FPC; office conference with PO Viera; office conference with witness; draft Motion to Dismiss citizen complaint of Avan Riley; organize file.	2.10	231.00
9/22/2008	MG Receive and review correspondence from FPC; telephone call to FPC.	0.20	22.00
9/23/2008	MG Hearing preparation.	3.90	429.00
9/24/2008	MG Complete hearing preparation; telephone call from and to FPC; telephone calls to clients and witnesses.	3.50	385.00
10/8/2008	MG Review file.	0.20	22.00
10/10/2008	MG Telephone call from FPC; memo to file.	0.30	33.00
10/21/2008	MG Receive and review e-mails from Mediator; e-mails in response.	0.30	33.00
10/24/2008	MG Correspondence to clients.	0.20	22.00
10/30/2008	MG E-mail to Mediator.	0.10	11.00
10/31/2008	MG Receive and review e-mail from Mediator; calendar possible mediation date.	0.10	11.00

		<u>Hours</u>	<u>Amount</u>
11/4/2008	MG E-mail from Mediator; e-mail in response.	0.20	22.00
11/6/2008	MG E-mail from Mediator.	0.10	11.00
11/14/2008	MG Several e-mails from Mediator; e-mails in response; telephone calls to clients; memo to file.	0.50	55.00
11/21/2008	MG Telephone call from Det. Sullivan regarding mediation; telephone call to PO Viera; e-mail to Mediator; e-mail from Mediator; correspondence to clients regarding mediation; calendar same.	0.70	77.00
12/1/2008	MG Receive and review correspondence from Mediation Center.	0.10	11.00
12/8/2008	MG Review file.	0.20	22.00
12/9/2008	MG Mediation preparation; telephone call regarding mediation cancellation; telephone calls to clients advising of same.	0.50	55.00
12/10/2008	MG Telephone call to FPC.	0.10	11.00
12/15/2008	MG E-mail to Mediator.	0.10	11.00
12/17/2008	MG E-mail from Mediator; e-mail in response.	0.10	11.00
1/7/2009	MG Several e-mails regarding possible mediation dates.	0.20	22.00
1/12/2009	MG E-mail to and from Mediation Center; review office note pertaining to Det. Harris' availability; e-mail from Mediation Center.	0.20	22.00

		<u>Hours</u>	<u>Amount</u>
1/13/2009	MG Telephone call from Mediation Center; correspondence to clients regarding mediation.	0.20	22.00
1/14/2009	MG Receive and review correspondence from Mediation Center.	0.20	22.00
1/21/2009	MG Telephone call from Mediation Center.	0.10	11.00
1/22/2009	MG Review file, prep for mediation, travel to mediation, meeting with clients, appearance at mediation, return travel.	3.10	341.00
1/26/2009	MG Telephone call to FPC seeking case status, memo to file.	0.20	22.00
1/27/2009	MG Telephone call from FPC, memo to file.	0.30	33.00
2/3/2009	MG Receive and review correspondence from mediation center.	0.10	11.00
4/1/2009	JC Receive and review FPC's confirmation of dismissal of citizen complaints; correspondence to clients regarding same; close file.	0.50	55.00
	For professional services rendered	<u>57.20</u>	<u>\$6,259.00</u>
	Additional charges:		
3/9/2007	LAE Circuit Court request for Marcus Glenn		8.75
3/30/2007	LAE MPD Open Records request		5.12
1/11/2008	RLP Transcript of State v. Glenn; 02/02/07 plea and sentencing		19.25

Mr. Ronald Leonhardt

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	<u>Amount</u>
9/18/2008 MG Photocopies - color copies of exhibit	3.62
9/23/2008 MG Photocopies - Exhibits	5.18
	<hr/>
Total costs	\$41.92
	<hr/>
Total amount of this bill	\$6,300.92
	<hr/>
Balance due	\$6,300.92
	<hr/> <hr/>

(Rate: \$110.00 per hour)



RECEIVED

APR 01 2009

CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Ernesto A. Baca
Kathryn A. Hein
Paoli X. Lor
Commissioners

March 30, 2009

Ms. Linda F. Riley-Glenn
2818 West Michigan Street
Milwaukee, WI 53208

Mr. Alexis E. Riley
2818 West Michigan Street
Milwaukee, WI 53208

Mr. Avan K. Riley
2818 West Michigan Street
Milwaukee, WI 53208

RE: Complaint of Linda F. Riley-Glenn, Avan K. Riley and Alexis E. Riley
v. Sergeant M'Johno R. Foster, Detective Derrick L. Harris,
Detective Jeffrey S. Sullivan, Police Officer Jose A. Viera and
Police Officer Rachel J. Szedziewski
FPC Complaint Nos. 03-52, 03-53 and 03-54

Dear Ms. Riley-Glenn and Messrs. Riley:

Mediation was held on January 22, 2009 regarding the complaints listed above. We have been informed by the Milwaukee Mediation Center that mediation was unsuccessful because Alexis Riley did not attend, and Linda Riley-Glenn and Avan Riley left before mediation was completed.

Due to your unwillingness to complete mediation, or discuss why you did not attend, your complaints have been dismissed.

If you have any questions, please contact Cindy Janusz at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Milwaukee Mediation Center
Chief Edward A. Flynn
Scott J. Jess, Esq.
Alan R. Johnson, Esq.
Police Officers Involved