

**GRANT F. LANGLEY**  
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Deputy City Attorneys



**Milwaukee's Future: IT'S IN OUR HANDS**

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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 Officer David Gabbard

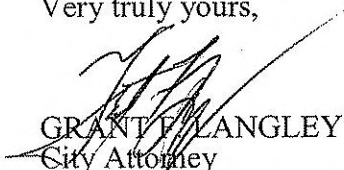
Dear Council Members:

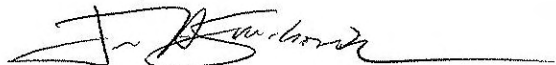
Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer David Gabbard. The claim is in the amount of \$385.00 for 3.50 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee 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 complaint against the officer 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.

1032-2010-268/157189

OFFICE OF THE CITY ATTORNEY

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# CERMELE & ASSOCIATES, S.C.

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SUITE 200  
MILWAUKEE, WISCONSIN 53213

(414) 276-8750  
FAX (414) 276-8906

January 14, 2010

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

**RE: Citizen Complaint of Mr. Corey Golden  
Against PO David Gabbard  
Complaint No.: 09-20  
Date of Incident: July 28, 2009**

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 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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

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.

1/20/10  
O.K.  
JAS  
Letter # 2291

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January 14, 2010

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

RE: Citizen Complaint of Mr. Corey Golden  
Against PO David Gabbard  
FPC No: 09-230  
Date of Incident: July 28, 2009  
Professional services

		<u>Hours</u>	<u>Amount</u>
8/19/2009	SJJ Office conference with PO Gabbard regarding new citizen complaint; review complaint and correspondence from FPC; open file.	1.20	132.00
8/24/2009	SJJ Office conference with client; discuss mediation process and facts of the case.	0.50	55.00
9/25/2009	JC Intra-office conference with Jess regarding status, strategy; direction to same.	0.20	22.00
9/29/2009	JC Receive and review file; direction to Matthews.	0.40	44.00
	BPM Review file; meeting with Mediator.	0.40	44.00
10/16/2009	BPM Receive and review correspondence from Mediation Center.	0.10	11.00
10/20/2009	BPM Review of correspondence from FPC dismissing Complaint; correspondence to clients; close file.	0.50	55.00





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OCT 17 2009

CERMELE & ASSOCIATES, S.C.

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Vice-Chair

Ernesto A. Baca  
Kathryn A. Hein

Paol X. Lor  
Sarah W. Morgan  
Commissioners

Fire and Police Commission

Michael G. Tobin  
Executive Director

October 15, 2009

Mr. Corey Golden  
4902 North 68<sup>th</sup> Street  
Milwaukee, WI 53218

RE: FPC Complaint No. 09-230  
Corey Golden v. Police Officer David M. Gabbard

Dear Mr. Golden:

Your complaint has been received by the Fire and Police Commission. Upon receipt of a complaint, we conduct an intake investigation. During the intake investigation, complaints are screened according to established internal guidelines.

On August 7, 2009 you spoke with our investigator, Cheryl Patané, and agreed to mediation with Police Officer David Gabbard. The Milwaukee Mediation Center attempted to contact you via telephone and letter to schedule mediation. Due to no response from you, we are closing your complaint at this time.

If you have any questions regarding the actions we have taken, please contact Cindy Janusz of the Fire and Police Commission at (414) 286-5055.

Sincerely,

Michael G. Tobin  
Executive Director

MGT:cj

cc: Chief Edward A. Flynn  
Police Officer David M. Gabbard  
Jonathan Cermele, Esq.