

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARÝ
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

April 3, 2009

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.
for legal fees for Police Officers David Novak, Michael Pendergast,
Steven Johnson and Justin Tollefson
C.I. File No. 06-S-28; EC 2274

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers David Novak, Michael Pendergast, Steven Johnson and Justin Tollefson. The claim is in the amount of \$6,327.35 including \$101.35 in disbursements for 56.60 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 citizens' complaints against the officers with the Fire and Police Commission. The complaints were 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. Sec. 895.35, Stats., Bablitch and Bablitch v. Lincoln County, 82 Wis. 2d 574 (1978).

Very truly yours,

A handwritten signature in black ink, appearing to read "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

A handwritten signature in black ink, appearing to read "Jan A. Smokowicz".

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
1032-2006-2362:144498

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

2006 JAN 20 10:19:10

CITY ATTORNEY

January 16, 2006

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

CITY OF MILWAUKEE
2006 JAN 19 AM 8:36
RONALD D. LEONHARDT
CITY CLERK

**RE: Citizen Complaint of Roy L. Lawson and Deangelo Lawson
Against POs David Novak, Michael Pendergast, Steven Johnson
and Justin Tollefson
Complaint No.: 02-39 and 02-41, respectively
Date of Incident: July 1, 2002**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Please note that there are three separate claims being submitted regarding this incident, each under separate cover. Each is accompanied by a letter similar to this one. One claim is for representation of officers on the complaint of Shirley Lawson 02-40. A second claim is for representation of officers on the complaint of Dora Wilkins 02-38. Finally, a third claim is for representation of officers on the complaints of Roy Lawson 02-39 and DeAngelo Lawson 02-41. I have consolidated the work performed regarding the complaints of Roy Lawson and DeAngelo Lawson into a single claim since the work on those cases was identical.

Each claim includes time spent on only that claim. Where work was performed that applied to each complaint, I have divided the time spent among the various claims. Please be assured that there is no duplication of work on the various claims.

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 the arrest of the complainants during an investigation regarding officers use of force against another persons dog. 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.

Thank you.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/kjs
Attachment
NOVAK ROY DEANGELO

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

January 16, 2006

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

RE: Citizen Complaint of Roy L. Lawson and Deangelo Lawson
Against POs David Novak, Michael Pendergast, Steven Johnson and
Justin Tollefson
FPC No's.: 02-39 and 02-41, respectively
Date of Incident: July 1, 2002
Location of Incident: 5517 North 56th Street
Professional services

	<u>Hours</u>
8/30/2002 Conference with Novak; open file as to Novak; correspondence to FPC; CCAP search regarding same incident and prior incident of criminal damage to property, status conferences as to both set for 9/10/02; memo to file.	1.60
9/4/2002 Review documents regarding Pendergast; open file as to Pendergast; correspondence to FPC; memo to file.	0.60
9/5/2002 Review documents regarding Johnson; open file regarding Johnson; correspondence to FPC.	0.50
9/10/2002 Conference with Johnson; memo to file; correspondence to FPC.	1.20
9/11/2002 Review of correspondence from FPC.	0.10
9/13/2002 Telephone call from PO Novak regarding PI-21 and criminal investigation.	0.30
9/20/2002 Memo to file regarding witness' PI-21; review of file.	0.20
9/23/2002 Telephone call from and to witness regarding Det. Dubis and PI-21; memo to file.	0.70

Mr. Ronald Leonhardt

Page 2
Hours

9/24/2002	Preparation for and appearance at Novak PI-21; conference with client; memo to file; travel; telephone call from and to witness; telephone call from IAD.	2.80
9/25/2002	Telephone call from witness; preparation for and appearance at PI-21; memo to file; conference with client; travel.	1.60
9/26/2002	Preparation for and appearance at PI-21 of Johnson and two witnesses; travel; memo to file.	2.40
9/30/2002	Intra-office conference.	0.40
10/1/2002	Review of file; meeting with witness at IAD; attend witness' PI-21; travel; memo to file.	1.60
10/2/2002	Review of correspondence from and to Lemanczyk.	0.20
10/3/2002	Telephone call to Lemanczyk regarding PI-21; memo to file.	0.30
10/11/2002	Review of correspondence from FPC to Tollefson; open file regarding Tollefson; memo to file; correspondence to FPC regarding Tollefson; review documents from client.	1.00
10/22/2002	Telephone calls from and to FPC; review of file; memo to file; correspondence to MPD Open Records; computer search regarding pending criminal charges against complainants.	1.10
11/5/2002	Telephone call from FPC; memo to file; review of file.	0.30
2/3/2003	Computer search regarding claim filed by complainants against City; review of file; computer search regarding criminal cases against complainants and citations to witness.	0.70
4/3/2003	Computer search regarding criminal charges in same incident and separate prior incident of battery and criminal damage to property; setting pre-trial conference for both on 5/6/03; telephone call from FPC; review of file; memo to file.	0.70
4/4/2003	Telephone call from and to FPC; review of file; memo to file.	0.20
7/30/2003	Review of file; review of correspondence from FPC.	0.20

Mr. Ronald Leonhardt

Page 3
Hours

7/31/2003	Review of file; computer update of 3 criminal cases against complainants; setting criminal trials for 8/6/03; memo to file.	0.70
10/29/2003	Review of file; telephone call to Novak; computer update regarding Deangelo's criminal cases.	0.90
11/3/2003	Telephone call from and to Novak; memo to file.	0.40
11/21/2003	Review of file; CCAP update on all complainants and witnesses; correspondence to MPD Open Records, MPD Personnel; memo to file.	0.80
1/27/2004	Review of file.	0.20
1/28/2004	Review of file; CCAP update regarding criminal cases regarding same incident; memo to file.	1.20
1/31/2004	Review of file; memo to file regarding circuit court proceedings regarding same incident and requested documents from MPD.	0.80
2/3/2004	Telephone call to circuit court clerk; telephone call to two court reporters; telephone call to MPD Personnel.	0.70
2/4/2004	Telephone call from FPC; memo to file; review of file; review document from court reporter.	0.50
2/5/2004	Review transcript of Roy Lawson's criminal trial; memo to file; correspondence to municipal court; municipal court search regarding witness.	2.00
2/6/2004	Telephone call to witness; review criminal court transcript regarding identity; telephone call to DA; telephone call to Fuchs; Fax to Fuchs.	2.30
2/9/2004	Review of correspondence from FPC; correspondence to client; memo to file; review Fax from Fuchs; telephone call from client.	0.90
2/11/2004	Review of file; Fax from and to Fuchs; correspondence to MPD Open Records; memo to file.	1.70
2/12/2004	Telephone call to and from Hilt; review of file; Fax to Fuchs; review tapes PI-21 statements of three witnesses and Novak and Johnson; memo to file regarding statements.	3.20

Mr. Ronald Leonhardt

Page 4
Hours

2/13/2004	Fax and telephone call from Fuchs; review documents from MPD Open Records; correspondence to clients.	0.60
2/14/2004	Review of criminal investigation regarding incident; memo to file with questions and summary.	2.40
2/16/2004	Review of file; telephone call to Sgt. Hilt for more information from MPD Open Records; telephone call to city attorney regarding claim filed by complainants; telephone call from DDA Reddin; Fax to Fuchs.	1.60
2/18/2004	Telephone call to city attorney regarding claims; review document from municipal court regarding witness.	0.20
2/23/2004	Telephone call from FPC; memo to file.	0.20
2/25/2004	Review of file; telephone call to Fuchs; obtain and review tape from DA; travel.	1.80
2/26/2004	Telephone call from Fuchs; review of file regarding sergeant; telephone call to DA.	0.70
2/27/2004	Review additional witness' PI-21 tape; memo to file regarding same; review CAD printout; conference with Miller to interpret CAD; memo to file regarding same; telephone call to clients; telephone call from witness; telephone call from DA's office.	3.40
3/1/2004	Obtain and review replacement tape; telephone call from and to FPC; review document from client; telephone call to witness; memo to file; review documents from MPD Open Records.	2.90
3/5/2004	Review of correspondence from FPC; telephone call from and to Johnson; review statements by Lemanczyk; telephone call from FPC; memo to file; review of file; telephone call to FPC.	1.90
3/8/2004	Telephone call to Lemanczyk; telephone call to Johnson.	0.20
3/9/2004	Conference with witness; telephone call from MPD Open Records.	0.30
3/15/2004	Conference with Lemanczyk; review newly filed complaint against Lemanczyk; open file regarding Lemanczyk.	0.50

Mr. Ronald Leonhardt

Page 5
Hours

3/16/2004	Review document from FPC; memo to file; review of file.	0.20
3/19/2004	Telephone call from client; memo to file.	0.50
4/6/2004	Telephone call from FPC regarding Eisenberg availability.	0.10
4/12/2004	Review of correspondence from FPC; memo to file.	0.10
5/20/2004	Telephone call from Tollefson; telephone call to Pendergast; review of file in preparation for conciliations.	0.40
5/21/2004	Preparation for and appearance at conciliation; conference with clients; memo to file; telephone call to and from MPD Open Records.	0.60
6/14/2004	Review dismissal notices of Roy Lawson complaint regarding Novak, Pendergast, Johnson and Tollefson; review of file; telephone call to FPC regarding Lemanczyk in Roy Lawson complaint; telephone call to FPC regarding Deangelo dismissals; close file regarding Roy Lawson complaint as to all except Lemanczyk.	1.20
6/15/2004	Telephone call to FPC regarding Lemanczyk in Roy Lawson complaint, and regarding all in Deangelo Lawson complaint; correspondence to clients; memo to file.	0.50
7/8/2004	Review dismissal notices regarding Deangelo Lawson; review of file; telephone call to and from FPC regarding Lemanczyk's dismissal notice; correspondence to client; close file as to Deangelo Lawson complaint against all except Lemanczyk.	0.80
11/4/2004	Fax to FPC regarding missing dismissal notices as to Lemanczyk regarding Deangelo and Roy Lawson complaint.	0.10
11/26/2004	Review dismissal notices regarding Deangelo and Roy Lawson regarding Lemanczyk; correspondence to client; close file as to Lemanczyk.	0.40

For professional services rendered

56.60

Amount
\$6,226.00

Costs:

	<u>Amount</u>
2/4/2004 Transcript - 9/24/03 transcript of Roy Lawson Criminal Trial	68.00
2/6/2004 MPD Personnel file	12.00
2/25/2004 Audio tape	15.00
Parking	1.00
3/1/2004 MPD Open Records request	1.35
Parking	2.00
5/21/2004 Parking	2.00
Total costs	<u>\$101.35</u>
Total amount of this bill	<u>\$6,327.35</u>
Balance due	<u><u>\$6,327.35</u></u>

(Rate: \$110.00 per hour)

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

In Re:

THE CHARGES OF THE CHARGES OF ROY LAWSON
AGAINST POLICE OFFICERS DAVID NOVAK, STEVEN JOHNSON,
MICHAEL PENDERGAST, JUSTIN TOLLEFSON, ROBERT LEMANCZYK JR,
AND SERGEANT RUPERT REILLY

ORDER OF DISMISSAL

To Officer Robert Lemanczyk:

It is hereby ordered that the Complaint of Roy Lawson, Complaint No. 02-39, filed with the Board on July 19, 2002, is dismissed because the Complainant has requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JUNE 9, 2004.

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

In Re:
THE CHARGES OF DEANGELO LAWSON
AGAINST POLICE OFFICERS DAVID NOVAK, STEVEN JOHNSON,
MICHAEL PENDERGAST, JUSTIN TOLLEFSON, ROBERT LEMANCZYK JR.
AND SERGEANT RUPERT REILLY

ORDER OF DISMISSAL

To Officer Robert Lemanczyk:

It is hereby ordered that the Complaint of DeAngelo Lawson, Complaint No. 02-41, filed with the Board on July 19, 2002, is dismissed because the Complainant has requested that the Complaint be dismissed, by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, JULY 1, 2004.