

# 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  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

February 10, 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 Lou Xiong, Paul Lough, Tim McNair and  
Gregg Danes; C.I. File No. 03-S-216; EC No. 1900

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Lou Xiong, Paul Lough, Tim McNair and Gregg Danes. The claim is in the amount of \$1,155.00 for 10.50 hours of service billed at the rate of \$110 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 a criminal investigation. A criminal investigation was initiated against the police officer on whose behalf this claim was filed, but they were ultimately not charged.

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.

90141/ 1032-2003-1638

THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
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  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

OFFICE OF THE CITY CLERK  
2003 MAY 14 PM 2:25  
MAY 9, 2003

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

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

**RE: MPD Criminal Investigation of POs Lou Xiong, Paul Lough, Tim  
McNair and Gregg Danes  
Allegations Regarding Tinika Pittman  
Date of Incident: December 5, 2002  
Location of Incident: 2912 West Wells Street  
EC No.: 1900**

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 Disorderly Conduct arrest.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Xiong, Lough, McNair and Danes to give statements concerning the incident after issuing PI-21s. The DA reviewed the matter and did not issue charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert  
Attorney at Law

1/30/05  
O.K.  
JAS  
Letter  
2277

CITY OF MILWAUKEE  
RECEIVED  
OFFICE OF  
CITY ATTORNEY  
MAY 14 PM 3:42

JC/ldl  
attachment  
XIOLOU

**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 D. Leonhardt  
Milwaukee City Clerk  
800 City Hall  
200 East Wells Street  
Milwaukee WI 53202

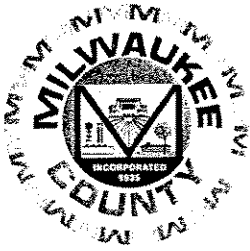
RE: MPD Criminal Investigation re: Tinika Pittman  
Regarding: POs Lou Xiong, Paul Lough, Timothy McNair and Gregg Danes  
Date of Incident: December 5, 2002  
Location of Incident: 2912 West Wells Street

Professional services

	<u>Hours</u>
1/14/03 Telephone call from PO Xiong regarding new criminal investigation; open file; memo to file.	0.80
1/15/03 Telephone call from PO Lough; memo to file; meeting with PO Lough at IAD; attend PO Lough's PI-21; travel; memo to file.	2.20
1/22/03 Review of file; telephone call to PO Xiong; meeting with PO Xiong at IAD; attend PO Xiong's PI-21; travel; memo to file.	1.90
2/12/03 Telephone call from PO McNair; review of file; meeting with PO McNair at IAD; attend PO McNair's PI-21; travel; memo to file.	1.80
3/28/03 Telephone call from DDA Reddin; telephone calls to POs Lough, Xiong, McNair.	0.40
4/3/03 Telephone calls to and from POs Lough and Xiong.	0.30
4/4/03 Telephone call to PO McNair.	0.10

	<u>Hours</u>	
4/9/03 Several telephone calls to and from POs McNair and Lough; telephone call to PO Xiong; review of file; meeting with PO McNair at DA's office; meeting with PO Lough; attend PO McNair's statement to DA; attend PO Lough's stateemtn to DA; travel; memo to file.	2.50	
4/10/03 Correspondence to clients regarding DA's decision to "no process" complaint; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.50	\$1,155.00
Balance due		<u>\$1,155.00</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

# Milwaukee County

E. MICHAEL McCANN • District Attorney

04/09/03

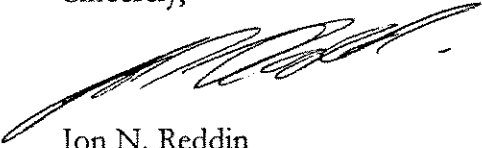
Mr. Jon Cermele  
Eggert & Cermele, S.C.  
1840 N. Farwell Ave., #303  
Milwaukee, WI 53202-1716

Re: Incident No. 03-086-3119  
Complainant: Tinika Pittman  
Officer(s): Timothy McNair, Lou Xiong

Dear Mr. Cermele:

This is to notify you that after reviewing the above incident involving City of Milwaukee Police Officer(s), I have determined that criminal charges will not be issued against them.

Sincerely,

  
Jon N. Reddin  
Deputy District Attorney

Robert D. Donohoo  
Jon N. Reddin  
Carol Lynn White  
Patrick J. Kenney  
James J. Martin  
Thomas A. Schuit  
Alexander G. Sklenarz  
William J. Molitor  
Donald S. Jackson  
Gale G. Shelton  
Terry Magowan  
Gary D. Mahkorn  
David Robles  
Deborah Daley  
Peg Tarrant  
Douglas J. Simpson  
Cynthia G. Brown  
Norman A. Gahn  
Stephanie Gineris Rothstein  
Carol E. Janick  
Steven H. Glamm  
Mary Anne Smith  
Mark S. Williams  
Linda Johnson  
John M. Stoiber  
Thomas L. Potter  
David Feiss  
Rayann Chandler Szychlinski  
Carole Manchester  
Kenneth R. Berg  
Benbow P. Cheesman, Jr.  
Lovell Johnson, Jr.  
Warren D. Zier  
Timothy J. Cotter  
Carol Berry Crowley  
Steven V. Licata  
Brad Vorpal  
Jane Carroll  
Paul Tiffin  
Miriam S. Falk  
Phyllis M. DeCarvalho  
Dennis P. Murphy  
Christine M. Kraus  
Phillip A. Anett  
Thomas J. McAdams  
Bruce J. Langgraf  
Mary K. McCann  
Denis J. Slingi  
David M. Lerman  
Janet G. Protasiewicz  
DeAnn L. Heard  
Patricia A. McGowan  
Irene Parthum  
Karen A. Loebel  
Nancy Ettenheim  
Ronald S. Dague  
Lori S. Koblum  
Karine O'Byrne  
Maria Dixon  
James W. Frisch  
Kurt B. Benkley  
James C. Griffin  
William P. Pipp  
Audrey Skwierawski  
Joanne L. Hardtke  
John T. Christolm  
Christopher A. Liegel  
Megan P. Carmody  
Laura A. Civello  
Shawn Pompe  
Brian J. Resler  
Karen A. Lynch  
Allison M. Ritter  
Kevin R. Shomin  
Jennifer Rypel  
Beth D. Zirgibel  
Shannon Carrick  
Rebecca F. Dallett  
Mark A. Sanders  
Paul C. Dedinsky  
David T. Malone  
Kelly L. Hedge  
Jeffrey J. Allenburg  
Rachael Gossens  
Julius Kim  
Patti Wabitsch  
Kent L. Lovern  
Paul R. Sander  
Bradford J. Logsdon  
Joy Bertrand  
Margaret M. Zimmer  
Bruce W. Becker  
Michael T. Mahoney  
Mary M. Sowinski  
Kathryn K. Samer  
Jeanette Corbett  
Jeffrey P. Greipp  
Thomas C. Binger  
David Maas  
Jeremy L. Resar  
Daniel J. Gabler  
Sara P. Scullen  
Gerise M. Hooks  
Brent Nestler  
T. Christopher Dee  
Katharine Kucharski  
Lisa P. Fricker  
Robin J. Rosche  
Phillip R. Ranguebsin  
Tiffany J. Harris  
Daniel R. Humble  
Jacob D. Cerr  
Joy Hammond  
Martin T. Lundquist  
Trevor A. Sisk  
Andrew J. Maier  
Heidi E. Galvan  
Nancy A. Noet  
Rebecca K. Blemberg  
Stephen W. Sawyer  
Elisabeth Mueller  
Megan J. Vawter  
Grant I. Huebner  
Callie Kidder-Lacy  
John Rusch  
Stephan Eduard Notten  
Eric D. DeHort  
Christine M. Quinn  
Megan Fisher  
Munjed A. Ahmad  
Mary C. Theisen  
Michelle A. Ackerman

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. LOU XIONG  
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of  
Attorney

RECEIVED  
03 JUN -9 AM 11:31  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

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 DECEMBER 5, 2002
- 2) A citizen's complaint made by TINIKA PITTMAN
- 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: 

Print your name: Lou L. XIONG

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. PAUL LOUGH  
DISTRICT THREE

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 DECEMBER 5, 2002
- 2) A citizen's complaint made by TINIKA PITTMAN
- 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: Paul Lough

Print your name: LOUGH, Paul D.

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

03 JUN 11 PM 12:49  
RECEIVED  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

*St. Settingsgaard* KSS  
Steven M. Settingsgaard  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. TIM MCNAIR  
DISTRICT THREE

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 DECEMBER 5, 2002
- 2) A citizen's complaint made by TINIKA PITTMAN
- 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: PO. [Signature]

Print your name: Timothy A. MCNAIR

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

RECEIVED  
03 JUN 11 PM 12:49  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. GREGG DANES  
DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of  
Attorney


RECEIVED  
03 JUN - 9 AM 11:30  
MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

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 DECEMBER 5, 2002
- 2) A citizen's complaint made by TINIKA PITTMAN
- 3) A police shooting incident occurring on N/A

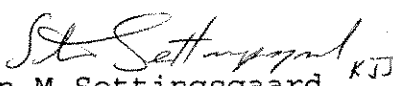
Is this information correct? YES ✓ NO \_\_\_\_\_

Did you receive legal representation  
in this matter? YES ✓ NO \_\_\_\_\_

Your signature: 

Print your name: GREGG T. DANES

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

  
Steven M. Settingsgaard <sup>KJJ</sup>  
Police Commander  
Internal Affairs Division

SMS:kjs