

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
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BEVERLY A. TEMPLE
THOMAS O. GARTNER
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HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

February 12, 2004

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Claude Osburn, Jr., Darrell Flemming and
Marcellus Merriweather; C.I. File No. 02-S-391; EC No. 1835

Dear Council Members:

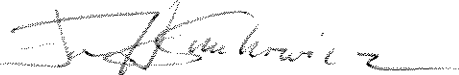
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Claude Osburn, Jr., Darrell Flemming and Marcellus Merriweather. The claim is in the amount of \$1,088.60 including \$65.60 in disbursements for 9.30 hours of service billed at the rate 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 a criminal investigation. No criminal charges were brought against the police officers on whose behalf this claim was filed.

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.

77913/ 1032-2002-3648

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

November 14, 2002

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

**RE: MPD Criminal Investigation of POs Claude Osburn, Jr., Darrell
Flemming and Marcellus Merriweather
Allegations Regarding Mr. Robert Williams
Date of Incident: October 3, 2002
Location of Incident: 4305 West Capitol Drive, #2
EC No.: 1835**

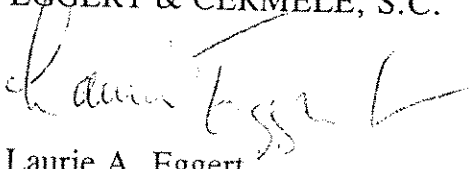
Dear Mr. Leonhardt:

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 police shooting. Charges will not be issued against the officers. Attached is a copy of DDA Martin's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
OSBURN ET AL.

2/11/04

O.K.

JHS

Letter

2276

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

November 14, 2002

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

RE: MPD Criminal Investigation re: Mr. Robert Williams
Regarding: POs Claude Osburn, Jr., Darrell Flemming and
Marcellus Merriweather
Date of Incident: October 3, 2002
Location of Incident: 4305 West Capitol Drive, #2

Professional services

	<u>Hours</u>	
10/03/02 Telephone call from client; open file; travel to PAB; conference with clients; memo to file; statements to Det. and DA; PI-21 statements to Sgts.	8.20	
10/14/02 Review of correspondence from DA; correspondence to clients; correspondence to MPD Open Records.	0.60	
11/14/02 Review of correspondence from MPD Open Records; close file.	0.50	
		<u>Amount</u>
For professional services rendered	9.30	\$1,023.00
Additional charges:		
11/14/02 MPD Open Records request		65.60
Total costs		<u>\$65.60</u>
Total amount of this bill		<u>\$1,088.60</u>

Mr. Ronald D. Leonhardt

Page 2

Balance due

Amount

\$1,088.60

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

October 11, 2002

Arthur L. Jones, Chief of Police
Milwaukee Police Department
749 West State Street
Milwaukee, WI 53233

Re: Investigation into the Shooting of Robert A. Williams

Dear Chief Jones:

The district attorney's office conducted an investigation into the shooting of Robert A. Williams by Officer Marcellus Merriweather on October 3, 2002, at 4305 West Capitol Drive in Milwaukee.

We concluded that the actions of Officer Merriweather and of the other officers that shot at Williams, Darrell Flemming and Claude Osburn, were privileged in self-defense pursuant to section 939.48, Stats.

Officers Merriweather, Flemming and Osburn reasonably believed that the use of deadly force was necessary to prevent an imminent threat of death or great bodily harm to themselves and to other officers.

Thank you for your department's cooperation in the investigation.

Sincerely,

James J. Martin
Deputy District Attorney

cc: Lt. Keith Balash

Laurie Eggert, Esq.

- Thomas A. Schurz
- Alexander G. Sidensack
- Fredric E. Matiesko
- William J. Molitor
- Gerald R. Falk
- Donald S. Jackson
- Gale G. Shelton
- Terry Magowan
- Gary D. Mahkorn
- David Robles
- Deborah Daley
- Peg Tarnant
- Douglas J. Simpson
- Cynthia G. Brown
- Norman A. Gahn
- George N. Phetzer, III
- Stephane Ghens Rothstein
- Carol E. Stauder
- Steven H. Glanville
- Mary Anne Smith
- Mark S. Williams
- Linda Johnson
- John M. Stoiber
- Thomas L. Potter
- David Fess
- Rayann Chandler Szychinski
- Elisa Castellon
- Carole Manchester
- Kenneth R. Berg
- Berbow P. Cheesman, Jr.
- Lovell Johnson, Jr.
- Warren D. Zier
- Timothy J. Cotter
- Carol Berry Crowley
- Steven V. Licata
- Brad Vorpan
- Jane Camoli
- Paul Tiffin
- Minam S. Falk
- Phyllis M. DeCarvalho
- Dennis P. Murphy
- Christopher Ford
- Christene M. Kraus
- Philip A. Anett
- Thomas J. McAdams
- Bruce J. Landgraf
- Mary K. McCann
- Denis J. Stings
- David M. Lerman
- Jansit C. Protasiewicz
- DeAnn L. Heasler
- Patricia A. McGowan
- Irene Partum
- Karen A. Loebe
- Nancy Ethenheim
- Marcella DePeters
- JoAnn M. Hornak
- Catherine A. Gaudreau
- Lon S. Korbium
- Kenne O'Byrne
- Karla Dixon
- James W. Frisch
- Kun B. Benkley
- James C. Griffin
- William P. Papp
- Audrey Skwierawski
- Joanne L. Hardtke
- John T. Chisholm
- Christopher A. Lieger
- Megan P. Carmody
- Laura A. Chvello
- Derek C. Mosley
- Shawn Pompe
- Brian J. Resler
- Karen A. Lynch
- Allison M. Rimer
- Kevin R. Shomon
- Jennifer Rybel
- Beth D. Zergibel
- Shannon Carmek Schmidt
- Rebecca F. Dallet
- Mark A. Sanders
- Paul C. Deinsky
- David T. Matone
- Julius Kim
- Jeffrey J. Attenburg
- Rachael Gossens
- Deborah L. Mills
- Pam Wadtsch
- Kent L. Lovem
- Fau R. Sanoer
- Nelson W. Phillips, III
- Bradford J. Logsdon
- Patrick J. Farley
- Joy Bertrand
- Margaret M. Zimmer
- Bruce W. Becker
- Michael T. Mahoney
- Mark D. Bensen
- Mary M. Eowinski
- Kathryn K. Sarnier
- Jeanette Corbett
- Jeffrey P. Grepp
- Thomas C. Binger
- David Maas
- Jeremy L. Resar
- Daniel J. Gabler
- Sara P. Scullen
- Gerise M. Hooks
- Brent Nuster
- T. Christopher Dee
- Kathanne Kucharski
- Lisa P. Fackar
- Robin J. Resche
- Philip R. Ranguebsin
- Tiffany J. Harris
- Emory H. Bocker, II
- Daniel R. Humble
- Jacob D. Carr
- David H. Weber
- Joy Hammond
- Marin T. Lundquist
- John J. Rester

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. CLAUDE OSBURN
CIB

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 OCTOBER 3, 2002
- 2) A citizen's complaint made by ROBERT WILLIAMS
- 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: Claude Osburn Jr.

Print your name: CLAUDE OSBURN JR.

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

RECEIVED
03 JAN 14 PM 4:25
MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

Steve Settingsgaard
KJJ
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. DARRELL FLEMMING
CIB

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 JAN 29 PM 1:18
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 OCTOBER 3, 2002
- 2) A citizen's complaint made by ROBERT WILLIAMS
- 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: *Darrell Flemming*
Print your name: DARRELL Flemming

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

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

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 10, 2002

TO: P.O. MARCELLUS MERRIWEATHER
SOB CRIMINAL INTEL

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 OCTOBER 3, 2002
- 2) A citizen's complaint made by ROBERT WILLIAMS
- 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: *P.O. Marcellus Merriweather*

Print your name: MARCELLUS MERRIWEATHER

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

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

SMS:kjs