

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
MICHAEL G. TOBIN
DAVID J. STANOSZ
SUSAN E. LAPPEN
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 7, 2001

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

Re: **Communication from Attorney Laurie A. Eggert, Eggert Law Office, S.C.**
for legal fees for Police Officers Andrew Gebhardt and Thomas Dineen
C.I. File No. 00-S-368-9/ELO 1501

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Andrew Gebhardt and Thomas Dineen. The claim is in the amount of \$568.68 including \$7.68 in disbursements for 5.10 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. Sec. 895.35, Stats., *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.
2276

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
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200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

October 18, 2000

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209

Re: C.I. File No. 00-S-368-9
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of the following officers:

Beauchene
Gebhardt/Dineen
Guardiola
Harrell/Terriquez
Johnson/Santos

Lopez/Lintonen/Sarnow
Mayers
Randazzo/Dzievitz
Sment/Clark
Zaremba, et al.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jan A. Smokowicz'.
JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
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CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorney

RECEIVED
OCT 30 AM 11:35
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

EGGERT LAW OFFICE, 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

October 6, 2000

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

RE: Various claims

Dear Mr. Leonhardt:

Enclosed are the following claims:

<u>OFFICER(S)</u>	<u>OUR NO.</u>
Beauchene	1528
Gebhardt/Dineen	1501
Guardiola	1438
Harrell/Terriquez	1460
Johnson/Santos	1510
Lopez/Lintonen/Sarnow	1514
Meyers	1523
Randazzo/Dzievit	1530
Sment/Clark	1464
Zaremba, et al.	1512

CITY OF MILWAUKEE
 OCT 10 PM 3:33
 RONALD D. LEONHARDT
 CITY CLERK

Respectfully,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
 Laurie A. Eggert
 Attorney at Law

LAE/ldl
Enclosures
OPC\CLAIMS.11

CITY ATTORNEY
 OCT 11 PM 2:42
 (414) 276-8750

EGGERT LAW OFFICE, 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

October 6, 2000

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

**RE: MPD Criminal Investigation of POs Andrew Gebhardt and
Thomas Dineen
Allegations Regarding Mr. David Gatlin
Date of Incident: April 21, 2000
Location of Incident: 2912 West Wright Street
ELO No.: 1501**

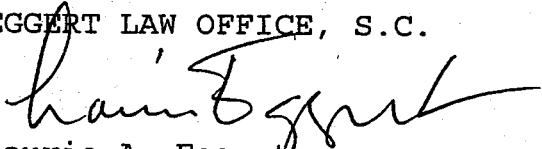
Dear Mr. Leonhardt:

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 foot chase. Charges will not be issued against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.


Laurie A. Eggert
Attorney at Law

JC/ldl
GEBHARDT

5/2/2001
O.K.
JAS
Letter # 2276

EGGERT LAW OFFICE, 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

October 4, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Andrew Gebhart and Thomas Dineen
Date of Incident: April 21, 2000
Location of Incident: 2912 W. Wright

Professional services

	<u>Hours</u>	
5/2/00 Telephone call to IAD; open file; telephone call to and from POs Gebhardt and Dineen; memo to file.	0.90	
5/16/00 Several telephone calls to and from IAD; telephone call to POs Gebhardt and Dineen; memo to file.	0.80	
5/17/00 Meeting with POs Gebhardt and Dineen at IAD; attend PO Gebhardt's statement to IAD; attend PO Dineen's statement to IAD; travel; memo to file.	2.40	
5/30/00 Telephone call from IAD; correspondence to clients.	0.50	
8/28/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.10	\$561.00

Additional charges:

Amount

8/29/00 MPD Open Records request

7.68

Total costs

\$7.68

Total amount of this bill

\$568.68

Balance due

\$568.68

(Rate: \$110.00 per hour)

pockets. He states that Officer DINEEN pointed his service weapon at him and stated, "I'll shoot you." Mr. GATLIN states he then became afraid and started running. Fearing he would get shot, GATLIN reports he then stopped fleeing and sat down on the ground with his hands up. He contends at this point he was immediately pushed to the ground and the left side of his face was on a concrete walkway. He states that one of three uniformed officers, determined to be that of Officer Thomas DINEEN, then put his knee on the right side of his face causing the left side of his face to be ground into the concrete pavement. He further indicates he was kicked in the stomach, groin and head several times, as well as punched into his back and stomach. Mr. GATLIN indicated that he did not want to pursue charges against Officer DINEEN but wanted the Milwaukee Police Department to be aware of what had happened to him.

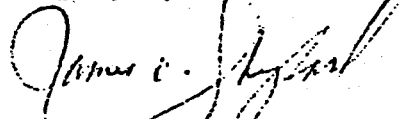
Investigation into this incident revealed that complainant GATLIN was being pursued by Officers GEBHARDT and DINEEN on foot as a suspect in an armed robbery. Upon being taken into custody GATLIN was positively identified by the complainant in the armed robbery as the individual, who at gun point, robbed him of \$62.00 in U.S. currency as well as a pair of men's tennis shoes.

Upon interview of Officers GEBHARDT and DINEEN, they report while monitoring their squad radio a description was put out for an armed robbery suspect who was in the area of 30th and Meinecke. Upon entering said area Officers GEBHARDT and DINEEN observed an individual, later determined to be complainant GATLIN, matching the description of the wanted suspect. GATLIN did flee but was eventually cornered in a gangway of a residence. Officer DINEEN states that he then pointed his service weapon at complainant GATLIN and ordered him to show him his hands. He states that GATLIN then sat on the ground in the gangway, at which time he (P.O. DINEEN) did put his knee in GATLIN'S back to gain control. Officer DINEEN reports at this time he and Officer GEBHARDT did handcuff complainant GATLIN. Upon bringing GATLIN to his feet, both officers report observing a cut on his face. Officer GEBHARDT states that he did eventually apply a band-aid to the wound. Prior to leaving the scene both officers report that a supervisor was apprised of the situation and a Use of Force report was generated. Both officers denied using excessive force in taking complainant GATLIN into custody.

CONCLUSION:

Investigation into this incident revealed that while the officers were in foot pursuit of complainant GATLIN, he was observed to have struck his face against a fence resulting in the cut to his face. Further, complainant GATLIN gave a false name at the time of his arrest making his credibility questionable. This investigation did not reveal that the officers used excessive force when apprehending GATLIN as a suspect wanted in an armed robbery. It is for said reason that this complaint will be cleared as baseless.

Respectfully submitted:



James C. SHEPARD
Captain of Police
CIU/IAD, Day Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 20, 2000

TO: PO ANDREW GEBHARDT
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 APRIL 21, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

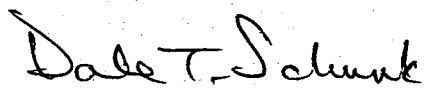
Did you receive legal representation
in this matter?

YES NO

Your signature: 

Print your name: ANDREW N. GEBHARDT

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


DALE T. SCHUNK *JH*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 20, 2000

TO: PO THOMAS DINEEN
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 APRIL 21, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: Thomas Dineen

Print your name: THOMAS DINEEN

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

Dale T. Schunk

DALE T. SCHUNK *JS*
Commander of Police
Internal Affairs Division

DTS:dnp