

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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THOMAS O. GARTNER
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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
Assistant City Attorneys

March 17, 2008

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officers Matthew Seitz and Bryant DeValkenaere
C.I. File No. 07-S-403 (9); EC 2533

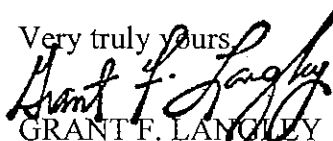
Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Matthew Seitz and Bryant DeValkenaere. The claim is in the amount of \$374.00 for 3.40 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. No criminal charges were brought against the 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:amp
Enc.

1032-2007-3123:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: P.O. MATTHEW SEITZ
DISTRICT: TEU

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

08 JAN 13 09:14 AM
POLICE ACADEMY
300 W. WASHINGTON ST.
MILWAUKEE, WI 53203

Attorney Jonathan Cermele 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 JUNE 2007
- 2) A citizen's complaint made by MR. RIVERA
- 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: P.O. [Signature] SEITZ

Print your name: P.O. MATTHEW SEITZ

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL: lrc

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 10, 2008

TO: P.O. BYRANT DEVALKENAERE
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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 JUNE 2007
- 2) A citizen's complaint made by MR. RIVERA
- ~~3) A police shooting incident occurring on N/A~~ (No shooting)

Is this information correct? YES NO

Did you receive legal representation in this matter? YES NO

Your signature: *Bryant DeValkenaere*

Print your name: PO Bryant DeValkenaere

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

KURT R. LEIBOLD
Acting Captain of Police
Professional Performance Division

KRL:lrc

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 MILWAUKEE POLICE DEPARTMENT
 RECEIVED
 JAN 17 2008
 08 JAN 17 2008

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
RACHEL L. PINGS
MATTHEW L. GRANITZ

LAURIE A. EGGERT
- OF COUNSEL -

6310 WEST BLUEMOUND ROAD
SUITE 200
MILWAUKEE, WISCONSIN 53213
(414) 276-8750
FAX (414) 276-8906

November 26, 2007

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

**RE: MPD Criminal Investigation of PO's Matthew Seitz and
Bryant DeValkenaere
Allegations Regarding Mr. Rivera
Date of Incident: June 2007
Location of Incident: 35th Street and Burleigh Street**

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 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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a burglary investigation.

Assistant District Attorney Simpson reviewed the matter and did not issue charges against the officers. Attached is an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments

SEITZ and DeVALKENAERE

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

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LAURIE A. EGGERT
- OF COUNSEL -

November 27, 2007

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

RE: MPD Criminal Investigation of PO's Matthew Seitz and Bryant
DeValkenaere
Allegations Regarding Mr. Rivera
Date of Incident: June 2007
Location of Incident: 35th Street and Burleigh Street
Professional services

	<u>Hours</u>
10/18/2007 Telephone call from PO Seitz regarding criminal investigation; open file; memo to file; telephone call to PPD; telephone call to ADA Simpson; telephone call to PO Seitz; memo to file.	0.90
10/19/2007 Telephone call from ADA Simpson; intra-office conference with Granitz.	0.20
Telephone call to ADA Simpson; memo to file.	0.10
10/22/2007 Telephone call to PO DeValkenaere regarding investigation; office conference with PO Seitz; memos to file.	1.00
10/23/2007 Telephone call from PO DeValkenaere; calendar office conference with same; memo to file; telephone call to ADA Simpson; telephone call to MPD Supervisors (witnesses).	0.50
10/25/2007 Telephone call to witness; memo to file.	0.20

Mr. Ronald Leonhardt

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Hours

10/26/2007 Telephone call from ADA Simpson indicating investigation was "no-processed"; telephone call to PO's Seitz and PO DeValkenaere indicating same; correspondence to ADA Simpson confirming same; close file. 0.50

	<u>Amount</u>
For professional services rendered	3.40 \$374.00
Balance due	<u>\$374.00</u>

(Rate: \$110.00 per hour)