

# 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



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**JOHN J. HEINEN**  
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**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**

Assistant City Attorneys

September 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 Jesus Ortiz and David Miller**  
**C.I. File No. 00-S-430; ELO No. 1569**

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jesus Ortiz and David Miller. The claim is in the amount of \$1,194.31 including \$17.31 in disbursements for 10.70 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,

Handwritten signature of Grant F. Langley in black ink.

GRANT F. LANGLEY  
City Attorney

Handwritten signature of Jan A. Smokowicz in black ink.

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm  
Enc.  
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

November 20, 2000

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

**RE: MPD Criminal Investigation of POs Jesus Ortiz and  
David Miller  
Allegations Regarding Mr. Albert Thompson  
Date of Incident: March 5, 2000  
Location of Incident: 43<sup>rd</sup> and Good Hope  
ELO No.: 1569**

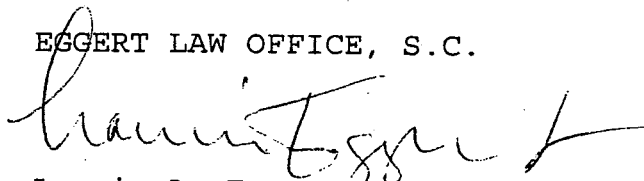
Dear Mr. Leonhardt:

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 pursuit. 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  
ORTIZ

5/21/2001  
O.K.  
JAS  
Letter # 2276

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

1840 North Farwell Avenue  
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Milwaukee, Wisconsin 53202  
(414)276-8750  
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November 20, 2000

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

RE: MPD Criminal Investigation re: Mr. Albert Thompson  
Regarding: POs Jesus Ortiz and David Miller  
Date of Incident: March 3, 2000  
Location of Incident: 43rd and Good Hope

Professional services

	<u>Hours</u>
5/1/00 Telephone call from PO Ortiz; open file.	0.50
5/2/00 Telephone call from PO Ortiz; telephone call to IAD; office conference with PO Ortiz; memo to file; review tape re: chase.	1.80
5/17/00 Discussion with IAD; memo to file; telephone call to client.	0.50
5/18/00 Discussion with IAD; telephone call to client.	0.20
5/22/00 Review of file; meeting with PO Ortiz at IAD; attend PO Ortiz's statement to IAD; travel; memo to file.	2.50
6/13/00 Telephone call to PO Miller; telephone call to IAD.	0.80
6/14/00 Telephone call to IAD.	0.20

	<u>Hours</u>	
6/22/00 Review of file; meeting with PO Miller at IAD; attend PO Miller's statement to IAD; travel; memo to file; discussion with IAD.	2.60	
8/1/00 Review of file; telephone call to IAD.	0.20	
9/26/00 Review of file; telephone call to IAD; memo to file.	0.20	
9/28/00 Telephone call to IAD.	0.20	
10/11/00 Receive and review letter from DA Reddin; correspondence to clients; correspondence to MPD Open Records.	0.50	
11/16/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	10.70	\$1,177.00
Additional charges:		
11/16/00 MPD Open Records request		17.31
Total costs		<u>\$17.31</u>
Total amount of this bill		<u>\$1,194.31</u>
Balance due		<u><u>\$1,194.31</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

Monday, October 16, 2000

S U M M A R Y

IN THE MATTER OF: CIU#00-108: BATTERY  
P.O. David MILLER, PR# 65171  
P.O. Jesus ORTIZ, PR# 65174  
DISTRICT FOUR, LATE SHIFT

COPY

TO: DALE T. SCHUNK  
POLICE COMMANDER

SIR:

This report was written by Detective Mercedes COWAN, assigned to the Internal Affairs Division/Criminal Investigation Unit (IAD/CIU), Early Shift.

ALLEGATION:

THOMPSON alleged while stopped for a traffic violation, ORTIZ struck him in the face with a metal flashlight, causing pain and injury. THOMPSON then fled in the auto, entering into and causing other jurisdictions to join in the pursuit. THOMPSON further alleged that officers, upon apprehending him, struck and kicked his body, causing additional pain.

INVESTIGATION:

THOMPSON was stopped for a traffic violation, purposely gave a false name several times, and then fled in the automobile, leading Milwaukee, Brown Deer, Mequon and Theinsville police on a chase which ended when he ran over some road spikes, bailed out of the auto and jumped into a river in Ozaukee County. He was taken into custody for Obstructing and Fleeing and made no complaints of police misconduct at that time.

THOMPSON filed this complaint, he said, at least in part because he had been advised by his fellow inmate that if he did so, he could keep the case against him from becoming a felony. 14 Officer's from the noted jurisdictions were interviewed regarding this incident and all denied taking part in or observing THOMPSON being struck. The officer's were:

MILWAUKEE: P.O. Jesus ORTIZ, P.O. David MILLER, P.O. Michele ROMAN,  
P.O. Jeremiah JACKS, P.O. Lisa BAAKE, P.O. Eli COLE and P.O. Jutiki JACKSON.

**RE: CIU#00-108 - BATTERY**  
**PAGE 2**

**BROWN DEER: Lt. Greg HEYRMAN and Sgt. James PLANK.**

**MEQUON: Sgt. Steve GRAFF, Sgt. Dan BUNTROCK, P.O. Tim KLUG and  
P.O. Mark RILEY.**

**THIENSVILLE: P.O. Dane HACKER.**

**CONCLUSION:**

**Deputy District Attorney Jon REDDIN declined prosecution on THOMPSON'S claims due to insufficient evidence proving any officer involved in his arrest acted criminally against him. There is no corroboration to THOMPSON'S allegations. This case has been cleared as Warrant Refused.**

**Respectfully submitted:**



**Mercedes COWAN,  
Police Detective, 58393  
CIU/IAD, Day Shift**

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 28, 2000

TO: PO DAVID MILLER  
DISTRICT FOUR

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 MARCH 5, 2000
- 2) A citizen's complaint made by ALBERT THOMPSON
- 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: David A. Miller

Print your name: David A. Miller

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 *DS*  
Commander of Police  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 28, 2000

TO: PO JESUS ORTIZ  
DISTRICT FOUR

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 MARCH 5, 2000
- 2) A citizen's complaint made by ALBERT THOMPSON
- 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: Jesus Ortiz

Print your name: Jesus Ortiz

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 *ds*  
Commander of Police  
Internal Affairs Division

DTS:dnp