

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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DAWN M. BOLAND

Assistant City Attorneys

March 19, 2003

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 Matthew Goldberg and Paul Formolo
C.I. File No. 00-S-356; ELO No. 1693

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Matthew Goldberg and Paul Formolo. The claim is in the amount of \$712.74 including \$8.74 in disbursements for 6.40 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

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

October 8, 2001

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

RE: MPD Criminal Investigation of POs Matthew Goldberg and
Paul Formolo
Allegations Regarding Feraud and Tony Jones
Date of Incident: May 2, 2001
Location of Incident: 3903 West Villard Avenue
ELO No.: 1693

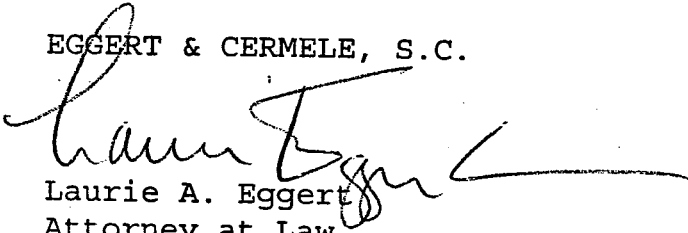
Dear Mr. Leonhardt:

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 traffic stop. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

JC/LAE/ldl
GOLDFORM

3/4/03

O.K.

JAS

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

October 8, 2001

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

RE: MPD Criminal Investigation re: Feraud and Tony Jones
Regarding: POs Matthew Goldberg and Paul Formolo
Date of Incident: May 2, 2000
Location of Incident: 3903 West Villard Avenue

Professional services

	<u>Hours</u>
08/23/00 Review of file; meeting with PO Goldberg at IAD; attend PO Goldberg's statement to IAD; travel; memo to file.	1.60
09/06/00 Telephone call from PO Formolo; telephone call to IAD; review of file; meeting with PO Formolo at IAD; attend PO Formolo's statement to IAD; travel; memo to file.	1.80
10/17/00 Telephone call to IAD.	0.20
11/10/00 Telephone call to IAD.	0.20
11/15/00 Telephone call to IAD.	0.20
12/05/00 Telephone call to IAD; memo to file.	0.20
12/12/00 Discussion with PO Goldberg; telephone call to IAD.	0.40

	<u>Hours</u>	
01/10/01 Telephone call to IAD.	0.10	
01/16/01 Telephone call to IAD; memo to file.	0.30	
02/06/01 Review of file.	0.10	
02/14/01 Telephone call from IAD.	0.20	
02/27/01 Telephone call to IAD.	0.20	
05/08/01 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.40	
08/27/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	6.40	\$704.00
Additional charges:		
08/27/01 MPD Open Records request		8.74
Total costs		<u>\$8.74</u>
Total amount of this bill		<u>\$712.74</u>
Balance due		<u><u>\$712.74</u></u>

(Rate: \$110.00 per hour)

INCIDENT INFORMATION	INCIDENT	DATE OF INCIDENT	DATE OF REPORT	REP CON#
	BATTERY	05-02-00	04-26-01	
	VICTIM	LOCATION OF INCIDENT (ADDRESS)		
	JONES, TONY	3903 W. VILLARD AVENUE		
	VICTIM'S ADDRESS	REPORTED BY		
	5307 N. 39 TH STREET	SAME		

PROPERTY CODES --- LIST CODE FOR EACH TYPE OF PROPERTY IN "CODE #" COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06-CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY \$
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USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

<input type="checkbox"/> <input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> <input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> <input type="checkbox"/> HANDGUN	<input type="checkbox"/> <input type="checkbox"/> OTHER	<input type="checkbox"/> <input type="checkbox"/> REVOLVER	<input type="checkbox"/> <input type="checkbox"/> SHOTGUN
<input type="checkbox"/> <input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> <input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> <input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> <input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> <input type="checkbox"/> RIFLE	<input type="checkbox"/> <input type="checkbox"/> SIMULATED WEAPON
<input type="checkbox"/> <input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> <input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> <input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> <input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> <input type="checkbox"/> SAWED OFF	<input type="checkbox"/> <input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> <input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> <input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> <input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> <input type="checkbox"/> POISON	<input type="checkbox"/> <input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> <input type="checkbox"/> THROWN OBJECT
<input type="checkbox"/> <input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> <input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> <input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> <input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> <input type="checkbox"/> SHORT/SNUB BBL	<input type="checkbox"/> <input type="checkbox"/> UNKNOWN

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN
							<input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1							
RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED	Y N	DRUGS AT TIME OF ARREST	<input type="checkbox"/> <input type="checkbox"/>
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ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN
							<input type="checkbox"/> HISPANIC <input type="checkbox"/> NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						

I.D. DIV #	SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1							
RESIDENT OF COUNTY	Y N	GANG RELATED	Y N	DRUG RELATED	Y N	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST	<input type="checkbox"/> ORDERED IN/CITED <input type="checkbox"/> W/WARR/SUSP CARD <input type="checkbox"/> ALL OTHER ARRESTS

CHARGES	POSSESSED SUSPECTED	Y N	DRUGS AT TIME OF ARREST	<input type="checkbox"/> <input type="checkbox"/>
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V E H	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
<i>Det. Jeffery Hoover</i>	50062	04		<i>L. Mary Lewis</i>	
DET. JEFFERY HOOVER	50062	04			

INVESTIGATIVE NARRATIVE:

This report was dictated by Detective Jeffery HOOVER, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

The investigation by the Criminal Investigation Unit revealed that two outside witnesses observed the events that had occurred between the complainant and the police. The witnesses indicated that the complainant refused to cooperate with the police and the police sprayed mace into his face. The witness didn't observe the police officers strike the suspect as the complainant indicated in his statement. Additionally, the District Attorney's office charged the complainant with Resisting an Officer and Operating Auto after Suspension. This case is currently scheduled for trial on August 13, 2001 at 10:00am in Judge John SIEFERT's court, room 622 of the courthouse, case numbers 00CM003902 (Resisting) and 00CT001169 (OAR). Therefore, this incident will be cleared as baseless.

JH:laf 04-30-01
00-135

REVIEWING D.A.	P.O./DET. ASSIGNED DET. JEFFERY HOOVER	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE 04-26-01	VICTIM NOTIFIED BY DET. HOOVER
INCIDENT STATUS	<input type="radio"/> CLEARED BY ARREST 18 OR OVER <input type="radio"/> PARTIAL CLEARANCE BY ARREST <input checked="" type="radio"/> UNFOUNDED/BASELESS <input type="radio"/> NO PROSECUTION DESIRED	<input type="radio"/> PROPERTY RECOVERED <input type="radio"/> WARRANT REFUSED <input type="radio"/> ARREST UNDER 18 <input type="radio"/> A. Detained at MCCC <input type="radio"/> B. Ordered in to MCCC DATE: _____ <input type="radio"/> WAIVED AS AN ADULT
----- C.I.B. ADMINISTRATIVE USE ONLY -----		
CLEARED EXCEPTIONALLY	<input type="radio"/> A. Death of Offender <input type="radio"/> B. Prosecution Declined	<input type="radio"/> C. Extradition Denied <input type="radio"/> D. Refused to Cooperate <input type="radio"/> E. Juvenile, no custody <input type="radio"/> F. Not Applicable
JUSTIFIABLE HOMICIDE INFORMATION	<input type="radio"/> A. SUSP ATTKCD PO AND SAME PO KILLED SUSP <input type="radio"/> B. SUSP ATTKCD PO AND OTHER PO KILLED SUSP <input type="radio"/> C. SUSP ATTKCD CIVILIAN <input type="radio"/> D. SUSP ATTEMPTED FLIGHT FROM CRIME	<input type="radio"/> E. SUSP KILLED IN COMMISSION OF CRIME <input type="radio"/> F. SUSP RESISTED ARREST <input type="radio"/> G. UNABLE TO DETERMINE/NOT ENOUGH <input type="radio"/> H. SUSPECT KILLED BY PRIVATE CITIZEN <input type="radio"/> I. SUSPECT KILLED BY POLICE OFFICER

JH

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. MATTHEW GOLDBERG
DISRTICT SEVEN

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 MAY 2, 2001
- 2) A citizen's complaint made by FERAUD AND TONY JONES
- 3) A police shooting incident occurring on

Is this information correct? YES _____ NO X

Did you receive legal representation in this matter? YES X NO _____

Your signature: MATTHEW GOLDBERG

Print your name: MATTHEW GOLDBERG

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

*THIS IS CORRECT
EXCEPT THAT THE
INCIDENT DATE IS
05-02-00*

[Signature]

DTS:c

vision

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

01 NOV 26 PM 5:10

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: DET. PAUL FORMOLO *LATE*
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 MAY 2, 2001
- 2) A citizen's complaint made by FERAUD AND TONY JONES
- 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: *DET Paul Formolo*

Print your name: Paul Formolo

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp