

# 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  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

February 3, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Kevin Klemstein and Matthew Grauberger  
C.I. File No. 03-S-216; EC No. 1886

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Kevin Klemstein and Matthew Grauberger. The claim is in the amount of \$748.00 for 6.80 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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.

89856/ 1032-2003-1622

THOMAS O. GARTNER  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUEN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
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EDWARD M. EHRLICH  
LEONARD A. TOKUS  
VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI  
Assistant City Attorneys

**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

May 9, 2003

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

**RE: MPD Criminal Investigation of POs Kevin Klemstein and Matthew Grauberger  
Allegations Regarding Mr. Calvin Brown  
Date of Incident: July 25, 2002  
Location of Incident: 17<sup>th</sup> and State  
EC No.: 1886**

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 field interview.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Klemstein and Grauberger to give statements concerning the incident after issuing PI-21s. The DA reviewed the matter and did not issue charges against the officers. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

*1/29/05  
O.K.  
JAS  
Letter 2277*

JC/ldl  
attachment  
KLEMSTEIN

CITY OF MILWAUKEE  
RECEIVED  
03 MAY 16 PM 3:42  
CITY ATTORNEY

**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

May 8, 2003

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

RE: MPD Criminal Investigation re: Mr. Calvin Brown  
Regarding: POs Kevin Klemstein and Matthew Grauberger  
Date of Incident: July 25, 2002  
Location of Incident: 17th and Scott  
Professional services

	<u>Hours</u>
12/3/02 Telephone call from PO Klemstein regarding new criminal investigation; open file; memo to file.	0.90
12/4/02 Telephone call to client; preparation for and appearance at PI-21; travel; memo to file; conference with client.	2.20
1/9/03 Fax to DDA Reddin.	0.10
1/22/03 Telephone call to client.	0.10
2/6/03 Telephone call from DDA Reddin; telephone call to and from PO Klemstein.	0.30
3/27/03 Telephone call to DDA Reddin; telephone call to client.	0.30
4/10/03 Telephone call from DDA Reddin; telephone call to and from client; review of file; meeting with client at DA's office; meeting with DDA Reddin; attend client's statement to DDA Reddin; travel; memo to file.	2.30

Mr. Ronald D. Leonhardt

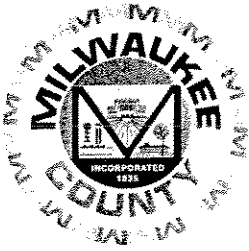
Page 2

	<u>Hours</u>
4/11/03 Receive and review letter from DA; correspondence to client; close file.	0.60

	<u>Amount</u>
For professional services rendered	6.80    \$748.00

Balance due	<u>\$748.00</u>
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(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert D. Donohoo
Jon N. Reddin
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Patrick J. Kenney
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Pats Wabitsch
Kent L. Lovern
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Joy Bertrand
Margaret M. Zimmer
Bruce W. Becker
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Gense M. Hooks
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Grant I. Huebner
Calle Kidder-Lacy
John Rusch
Stephan Eduard Nolten
Eric D. DeLort
Christine M. Quinn
Megan Fisher
Munjed A. Ahrnad
Mary C. Theisen
Michelle A. Ackerman

04/10/03

Mr. Jon Cermele
Eggert & Cermele, S.C.
1840 N. Farwell Ave., #303
Milwaukee, WI 53202-1716

Re: Incident No. 02-207-3108
Complainant: Calvin Brown
Officer(s): Kevin Klemstein & Matthew Grauberger

Dear Mr. Cermele:

This is to notify you that after reviewing the above incident involving City of Milwaukee Police Officer(s), I have determined that criminal charges will not be issued against them.

Sincerely,

[Signature]
Jon N. Reddin
Deputy District Attorney

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. KEVIN KLEMSTEIN  
DISTRICT TWO

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 JULY 25, 2002
- 2) A citizen's complaint made by CALVIN BROWN
- 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: *Det Kevin K. Klemstein*

Print your name: Det Kevin K. Klemstein

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

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

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS  
DIVISION

03 JUN 26 AM 10:30

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

June 5, 2003

TO: P.O. MATTHEW GRAUBERGER  
DISTRICT TWO

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 JULY 25, 2002
- 2) A citizen's complaint made by CALVIN BROWN
- 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 \_\_\_\_\_ NO X

Your signature: *Matthew Graubeger*

Print your name: Matthew Graubeger

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

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

SMS:kjs

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03 JUN 13 PM 4:04