

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

January 20, 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 Daniel Johnson, Mark Block, John Amberg,
Leshawn Webb and Matt Cooper; Claim File No. 01-S-107/23; EC No. 1845

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Daniel Johnson, Mark Block, John Amberg, Leshawn Webb and Matt Cooper. The claim is in the amount of \$1,430.50, including \$11.50 in disbursements for 12.90 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 officer 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:enm
Enc.

89396/1032-2003-781

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
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

February 24, 2003

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

**RE: MPD Criminal Investigation of POs Daniel Johnson, Mark Block,
John Amberg, Lashaun Webb and Matt Cooper
Allegations Regarding Ms. Tracy Wren
Date of Incident: March 26, 2002
Location of Incident: PPS
EC No.: 1845**

Dear Mr. Leonhardt:

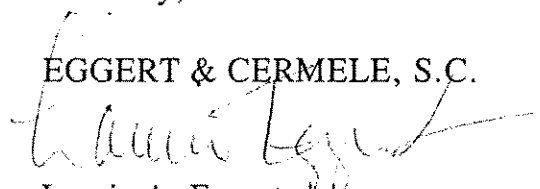
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 the use of force in PPS.

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 Johnson, Block, Amberg, Webb and Cooper to give statements concerning the incident after issuing PI-21s. Later, the MPD decided not to issue criminal charges against the officers. 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

LAE/ldl
attachment
JOHBLOAMB

7 -> Who
is "Caldwell"
- See att. for 6
9/24/04
9/28/04
O.K.
JAS
12 Nov 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

February 18, 2003

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

RE: MPD Criminal Investigation re: Ms. Tracy Wren
Regarding: POs Daniel Johnson, Mark Block, John Amberg, Lashaun Webb and Matt Cooper
Date of Incident: March 26, 2002
Location of Incident: PPS

Professional services

	<u>Hours</u>
4/11/02 Telephone call from John Amberg; memo to file; open file.	0.70
4/15/02 Preparation for and appearance at Johnson PI-21; conference with client; memo to file; travel.	1.40
4/16/02 Preparation for and appearance at Block PI-21; telephone call from client; travel; memo to file.	1.90
5/14/02 Telephone call from and to Caldwell; memo to file; review of file.	0.90
5/15/02 Preparation for and appearance at Caldwell PI-21; conference with client; travel; memo to file.	1.70
5/16/02 Review of file.	0.20
5/29/02 Preparation for and appearance at PI-21 statements; conference with client; travel.	1.10
6/4/02 Telephone call from Cooper; review of file.	0.40

	<u>Hours</u>	
6/5/02 Telephone call from and to Cooper; memo to file.	0.40	
6/6/02 Telephone call from and to Cooper.	0.40	
6/10/02 Telephone call from Cooper; memo to file.	0.30	
6/11/02 Telephone call from and to Cooper; preparation for and appearance at PI-21; memo to file; conference with client; travel.	1.40	
8/26/02 Review of file.	0.30	
8/30/02 Review of file; telephone call to Det.; telephone call to PPS; correspondence to MPD; telephone call to clients; memo to file.	1.30	
1/17/03 Review documents from MPD Open Records; close file.	0.50	
		<u>Amount</u>
For professional services rendered	12.90	\$1,419.00
Additional charges:		
1/17/03 MPD Open Records request		11.50
Total costs		<u>\$11.50</u>
Total amount of this bill		<u>\$1,430.50</u>
Balance due		<u><u>\$1,430.50</u></u>

Mr. Ronald D. Leonhardt

Page 3

(Rate: \$110.00 per hour)

PO-14B (3/55) CLEARANCE REPORT MILWAUKEE POLICE DEPARTMENT			PAGE 1 OF 2			INCIDENT # 02 094 3130											
INCIDENT INFORMATION			INCIDENT Battery			DATE OF INCIDENT 03-26-02		DATE OF REPORT 06-18-02		REP CON#							
			VICTIM WREN, Tracie C.			LOCATION OF INCIDENT (ADDRESS) 749 W. State St.					DIST. 1						
			VICTIM'S ADDRESS 2634 N. 49 th St., Milwaukee, WI			REPORTED BY SAME											
PROPERTY CODES --- LIST CODE FOR EACH ITEM 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-DRUG/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 \$					
USE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS																	
1	2	1	2	1	2	1	2	1	2	1	2	1	2				
<input type="checkbox"/> ALTERED STOCK	<input type="checkbox"/> CHROME/NICKEL	<input type="checkbox"/> HANDGUN	<input type="checkbox"/> OTHER	<input type="checkbox"/> REVOLVER	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> AUTOMATIC	<input type="checkbox"/> DOUBLE BBL	<input type="checkbox"/> IMPLIED WEAPON	<input type="checkbox"/> OTHER FIREARM	<input type="checkbox"/> RIFLE	<input type="checkbox"/> SIMULATED WEAPON	<input type="checkbox"/> BOLT ACTION	<input type="checkbox"/> DRUG/NARCOTIC	<input type="checkbox"/> KNIFE/CUTTING INSTR	<input type="checkbox"/> PERSONAL WEAPON	<input type="checkbox"/> SAWED OFF	<input type="checkbox"/> SINGLE BBL
<input type="checkbox"/> BLUE STEEL	<input type="checkbox"/> EXPLOSIVES	<input type="checkbox"/> LIQUID GAS	<input type="checkbox"/> POISON	<input type="checkbox"/> SEMI AUTO	<input type="checkbox"/> THROWN OBJECT	<input type="checkbox"/> BLUNT OBJECT	<input type="checkbox"/> FIRE/INCENDIARY	<input type="checkbox"/> MOTOR VEHICLE	<input type="checkbox"/> PUMP ACTION	<input type="checkbox"/> SHORT/SNUB BBL	<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"/>
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"/>
VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #									
REPORTING OFFICER			PAYROLL #			LOC	ASSISTING OFFICER			SUPERVISOR			TOTAL ARRESTS				
DET. IVAN WICK			63628			04				Det Raymond E. Richards 50144			0				

INVESTIGATIVE NARRATIVE:

This report was written by Detective Ivan WICK, assigned to the Internal Affairs Division/Criminal Investigation Unit, Early Shift.

The investigation has not yielded an identifiable suspect in the alleged battery against Tracie WREN. Furthermore, Tracie WREN herself has made inconsistent statements to both Det. WICK and Sergeant Steven KELLY regarding both the degree to which she physically resisted police personnel during this incident and the nature of the alleged battery against her. Tracie WREN also told Det. WICK that she would not cooperate in the prosecution of this incident if a suspect could be identified.

For these reasons, this investigation is closed as "not sustained."

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. DANIEL JOHNSON
PPS

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 26, 2002
- 2) A citizen's complaint made by TRACY WREN
- 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 _____

Your signature: *Daniel Johnson*
 Print your name: DANIEL JOHNSON

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

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

RECEIVED
 03 APR -8 AM 11:41
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION
 SMS
 KJS

MILWAUKEE POLICE DEPARTMENT

"SECOND NOTICE"
MEMORANDUM

APRIL 4, 2003

TO: P.O. MARK BLOCK
DISTRICT PPS

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 26, 2002
- 2) A citizen's complaint made by TRACY WREN
- 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: 

Print your name: MARK DANIEL BLOCK

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


KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT
INTERNAL AFFAIRS
DIVISION

03 APR - 7 AM 8:43

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. JOHN AMBERG
PPS

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 26, 2002
- 2) A citizen's complaint made by TRACY WREN
- 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: P.O. John Amberg

Print your name: John Amberg

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

Steven M. Settingsgaard
KJS

Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

March 21, 2003

TO: P.O. MATT COOPER
VCD

RE: Receipt of Legal Services from Law Firm of
Attorney

RECEIVED
03 MAR 27 PM 1:10
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

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 26, 2002
- 2) A citizen's complaint made by TRACY WREN
- 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: *P.O. Matt Cooper*
Print your name: P.O. Matthew J. Cooper

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

St. Settingsgaard
KJS
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

April 17, 2003

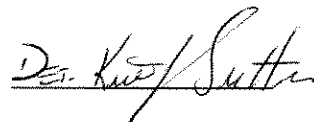
ACA Jan Smokowicz
800 City Hall
200 E. Wells Street
Milwaukee, WI 53202

Sir,

Per your request dated March 5, 2003, I'm sending you the Department Members responses to the Laurie Eggert Attorney's fees claim. Please be advised that Lashaun Webb separated from the department on 5-12-2002. If you have any questions about these responses feel free to contact me at 935-7944.

Sincerely,

Arthur L. Jones
Chief of Police

A handwritten signature in cursive script that reads "Det. Kurt J. Sutter". The signature is written in dark ink and is positioned above the typed name of the signatory.

Kurt J. Sutter
Detective
Internal Affairs Division

EGGERT & CERMELE, S.C.

Attorneys at Law

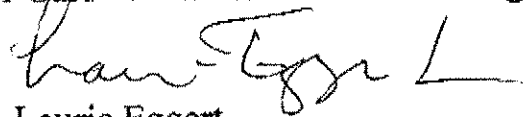
Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

FAX

TO: Jan Smokowicz
FROM: Laurie Eggert
RE: Claim re Johnson et al EC 1845
DATE: September 24, 2004

I have reviewed the criminal file in this matter and confirmed that we represented Officer Caldwell in the criminal investigation concerning Ms. Wren's allegations.


Laurie Eggert

The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.