

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys

CITY OF
MILWAUKEE
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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DAVID J. STANOSZ
SUSAN E. LAPPEN
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PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
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EDWARD M. EHRlich
LEONARD A. TOKUS
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

September 7, 2007

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.
legal fees for Police Officer Montell Carter
C.I. File No. 04-S-457 EC 2105 (Amended)

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Montell Carter. This is an amended claim in which the attorneys have removed from their billing any request for payment for services for Police Officer Ala Awadallah. The claim is in the amount of \$1,618.00 including \$12.00 in disbursements for 14.60 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:amp
Enc.

1032-2004-3292:122855v1

COPY

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

November 3, 2005

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

RE: AMENDED CLAIM/STATEMENT
MPD Criminal Investigation of PO Montell Carter
Allegations Regarding Mr. Harold Young
Date of Incident: May 19, 2004
Location of Incident: District #5
EC No.: 2105

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved the processing of an arrestee.

ADA McAdams reviewed the matter and did not issue charges against the officer. Attached is a copy of ADA McAdam's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jonathan Cermele

JC/ldl
attachment
CARTER AMENDED STATEMENT

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

November 03, 2005

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

RE: MPD Criminal Investigation re: Mr. Harold Young
Regarding: PO Montell Carter
Date of Incident: May 19, 2004
Location of Incident: District #5
Professional services

	<u>Hours</u>
5/27/2004 Brief discussion with IAD; open file; memo to file; telephone call to PO Carter; memo to file.	0.80
5/28/2004 Receive and review arrest and detention reports, complainant's statement to CIB and CIB's reports regarding battery to police officer.	0.50
6/2/2004 Several telephone calls to and from PO Carter; memo to file.	0.40
6/15/2004 Telephone call from IAD.	0.20
6/22/2004 Discussion with IAD; telephone calls to witnesses.	0.20
6/23/2004 Telephone call to witness; telephone call to PO Carter.	0.20
6/24/2004 Telephone call to IAD; telephone call to witness; telephone call to PO Carter.	0.20
6/30/2004 Telephone call to PO Carter and witnesses regarding scheduling statement to IAD; office conference with PO Carter; memo to file; telephone call to and from IAD.	1.40

	<u>Hours</u>
7/1/2004 Schedule statements for PO Carter and witnesses; review of file; travel to IAD; meeting with PO Carter; attend PO Carter's statement to IAD; meet with witnesses and attend statements to IAD; return travel; memos to file.	2.30
8/3/2004 Review of file; telephone call to DDA Reddin.	0.30
8/10/2004 Discussion with DDA Reddin.	0.20
8/24/2004 Review of file; telephone call to DDA Reddin; telephone call to ADA McAdams; telephone call to client.	0.40
8/31/2004 Telephone call to ADA McAdams.	0.30
9/1/2004 Telephone call to PO Carter.	0.10
9/2/2004 Telephone call to and from ADA McAdams.	0.20
9/3/2004 Discussion with ADA McAdams.	0.20
9/8/2004 Telephone call to and from PO Carter; telephone call to ADA McAdams; schedule date and time for statements to DA.	0.40
9/14/2004 Telephone call from ADA McAdams.	0.30
9/15/2004 Review of file; receive and review copies of statements to IAD; travel; meeting with PO Carter and witness at DA's office; attend PO Carter's statement to DA; attend witness's statement to DA; return travel; memos to file.	2.10
9/20/2004 Telephone call to witness; telephone call to and from ADA McAdams scheduling statement for 9/23/04.	0.40
9/23/2004 Telephone call from witness.	0.10
9/24/2004 Brief meeting with PO Carter at CJF.	0.10

	<u>Hours</u>
9/27/2004 Telephone call to witness.	0.10
10/4/2004 Telephone call to witness.	0.10
10/5/2004 Telephone call to witness; telephone call to and from ADA McAdams.	0.40
10/6/2004 Telephone call from witness; telephone call to and from ADA McAdams; meeting with witness at DA's office and attend statement to DA; travel; memo to file.	2.10
10/14/2004 Telephone call to ADA McAdams.	0.10
10/21/2004 Review of correspondence from ADA McAdams "no processing" the complaint; correspondence to client; close file.	0.50

	<u>Amount</u>
For professional services rendered	14.60
Additional charges:	\$1,606.00
9/15/2004 Parking	8.00
10/6/2004 Parking	4.00
Total costs	<u>\$12.00</u>
Total amount of this bill	<u>\$1,618.00</u>
Balance due	<u><u>\$1,618.00</u></u>



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander C. Staszczak
William J. Molitor
Donald S. Jackson
Gale G. Shelton
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Liam P. Fricker
Robin J. Rosetto
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Grant I. Huebner
Caleb Kluger-Lacy
Stephen Edward Nelson
John Busch
Eric D. Dehn
Christine M. Quirk
Mary C. Thaisen
Michelle A. Ackerman
Adam J. Levin
Scott A. Mielke
Jennifer K. Rocher
Claire L. Starnig
Zach S. Whitney
Rebecca A. Kleier

October 19, 2004

Attorney Jon Cermele
Eggert & Cermele SC
1840 N. Farwell Ave. #303
Milwaukee, WI 53202-1716

Re: Officers Ala Awadallah and Montell Carter

Dear Attorney Cermele:

I write to inform you that I have decided not to issue any criminal charges against Officers Awadallah and Carter concerning the May 19, 2004 incident. Thank you for arranging your schedule so that the officers could talk to me.

Sincerely,

[Handwritten signature of Thomas J. McAdams]

Thomas J. McAdams
Assistant District Attorney

TM/sks

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

December 23, 2004

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

**RE: MPD Criminal Investigation of POs Ala Awadallah and
Montell Carter
Allegations Regarding Mr. Harold Young
Date of Incident: May 19, 2004
Location of Incident: District #5
EC No.: 2105**

Dear Mr. Leonhardt:

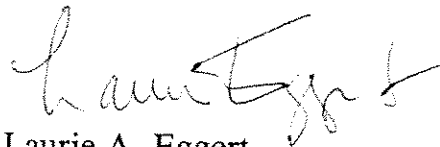
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 processing of an arrestee.

ADA McAdams reviewed the matter and did not issue charges against the officers. Attached is a copy of ADA McAdam's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

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

December 24, 2004

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

RE: MPD Criminal Investigation re: Mr. Harold Young
Regarding: POs Ala Awadallah and Montell Carter
Date of Incident: May 19, 2004
Location of Incident: District #5
Professional services

	<u>Hours</u>
5/27/2004 Brief discussion with IAD; telephone call to and from PO Awadallah; open file; office conference with PO Awadallah; memo to file; telephone call from witness; memo to file; telephone call to PO Carter; memo to file.	1.70
5/28/2004 Receive and review arrest and detention reports, complainant's statement to CIB and CIB's reports regarding battery to police officer.	0.50
6/2/2004 Several telephone calls from PO Awadallah; several telephone calls to and from PO Carter; memos to file.	0.80
6/15/2004 Telephone call from IAD.	0.20
6/22/2004 Telephone call to PO Awadallah; discussion with IAD; telephone call to witness.	0.20
6/23/2004 Telephone call to witness; telephone call to PO Carter.	0.20
6/24/2004 Telephone call to IAD; telephone call to witness; telephone call to PO Carter.	0.20
6/30/2004 Telephone call to PO's Awadallah, Carter and witness regarding scheduling statement to IAD; office conference with PO Carter; memo to file; telephone call to and from IAD.	1.60

	<u>Hours</u>
7/1/2004 Schedule statements for PO's Awadallah, Carter and witness; review of file; travel to IAD; meeting with PO Carter; attend PO Carter's statement to IAD; meet with witness and attend statement to IAD; meeting with PO Awadallah; attend PO Awadallah's statement to IAD; return travel; memos to file.	3.10
8/3/2004 Review of file; telephone call to DDA Reddin.	0.30
8/10/2004 Discussion with DDA Reddin.	0.20
8/24/2004 Review of file; telephone call to DDA Reddin; telephone call to ADA McAdams; telephone call to client.	0.40
8/31/2004 Telephone call to ADA McAdams; telephone call to PO Awadallah.	0.40
9/1/2004 Telephone call from PO Awadallah; telephone call to PO Carter.	0.20
9/2/2004 Telephone call from PO Awadallah; telephone call to and from ADA McAdams.	0.30
9/3/2004 Discussion with ADA McAdams.	0.20
9/8/2004 Telephone call to and from PO Carter; telephone call to and from PO Awadallah; telephone call to witness; telephone call to ADA McAdams; schedule date and time for statements to DA.	0.50
9/14/2004 Telephone call from ADA McAdams.	0.30
9/15/2004 Review of file; receive and review copies of statements to IAD; travel; meeting with PO Awadallah, PO Carter, and witness at DA's office; attend PO Awadallah's statement to DA; attend PO Carter's statement to DA; attend witness's statement to DA; return travel; memos to file.	2.80
9/20/2004 Telephone call to witness; telephone call to and from ADA McAdams scheduling statement for 9/23/04.	0.40
9/23/2004 Telephone call from witness.	0.10

	<u>Hours</u>
9/24/2004 Brief meeting with POs Awadallah and Carter at CJF.	0.20
9/27/2004 Telephone call to witness.	0.10
10/4/2004 Telephone call to witness.	0.10
10/5/2004 Telephone call to witness; telephone call to and from ADA McAdams.	0.40
10/6/2004 Telephone call from witness; telephone call to and from ADA McAdams; meeting with witness at DA's office and attend statement to DA; travel; memo to file.	2.10
10/14/2004 Telephone call to ADA McAdams.	0.10
10/21/2004 Review of correspondence from ADA McAdams "no processing" the complaint; telephone call to PO Awadallah; correspondence to clients; close file.	0.50

	<u>Amount</u>
For professional services rendered	18.10
Additional charges:	\$1,991.00

9/15/2004 Parking	8.00
10/6/2004 Parking	4.00

Total costs	<u>\$12.00</u>
Total amount of this bill	<u>\$2,003.00</u>
Balance due	<u><u>\$2,003.00</u></u>

OFFICE OF DISTRICT ATTORNEY



Milwaukee County

E. MICHAEL McCANN • District Attorney

- Robert D. Donohoo
- Jon N. Reddin
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- Reynold Stencel
- Julius Kohn
- Paul Wabulich
- Kent L. Lowery
- Paul R. Sander
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- Daniel J. Gabler
- Bera P. Sullen
- Gerisa M. LaSpha
- T. Christopher Don
- Katherine Kucharski
- Uwe P. Fricker
- Rubin J. Ansohn
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- Stephen Edward Nien
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- Christine M. Quinn
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- Michelle A. Ackerman
- Adam J. Levin
- Scott A. Mielke
- Jennifer K. Rhodes
- Cleto L. Stening
- Zach S. Whitley
- Rebecca A. Maier

October 19, 2004

Attorney Jon Cermele
Eggert & Cermele SC
1840 N. Farwell Ave. #303
Milwaukee, WI 53202-1716

Re: Officers Ala Awadallah and Montell Carter

Dear Attorney Cermele:

I write to inform you that I have decided not to issue any criminal charges against Officers Awadallah and Carter concerning the May 19, 2004 incident. Thank you for arranging your schedule so that the officers could talk to me.

Sincerely,

Thomas J. McAdams
Assistant District Attorney

TM/sks

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

January 24, 2005

TO: P.O. ALA AWADALLAH
DISTRICT: SIX

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 19, 2004
- 2) A citizen's complaint made by HAROLD YOUNG
- 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: _____

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

Mary K. Hoerig 155
MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

RECEIVED
JAN 27 AM 11:54
POLICE ACADEMY

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

April 22, 2005

TO: P.O. MONTELL CARTER
DISTRICT: INTEL

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 19, 2004
- 2) A citizen's complaint made by HAROLD YOUNG
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES ✓ NO _____

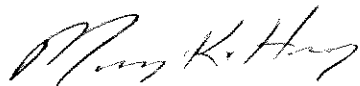
Did you receive legal representation in this matter?

YES ✓ NO _____

Your signature: 

Print your name: MONTELL CARTER

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

 KJS

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

RECEIVED
05 APR 29 AM 9:31
MILWAUKEE POLICE
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

December 23, 2004

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

**RE: MPD Criminal Investigation of POs Ala Awadallah and
Montell Carter
Allegations Regarding Mr. Harold Young
Date of Incident: May 19, 2004
Location of Incident: District #5
EC No.: 2105**

Dear Mr. Leonhardt:

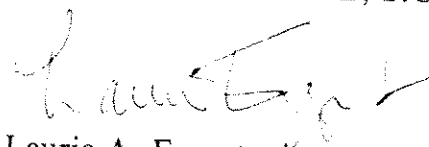
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ADA McAdams reviewed the matter and did not issue charges against the officers. Attached is a copy of ADA McAdam's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

JC/ldl
attachment
AWADALLAH CARTER

EGGERT & CERMELE, S.C.
Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

December 24, 2004

1840 North Farwell Ave.
Suite 3
Milwaukee, Wisconsin 532
(414) 276-871
FAX (414) 276-890

RE: MPD Criminal Investigation re: Mr. Harold Young
Regarding: POs Ala Awadallah and Montell Carter
Date of Incident: May 19, 2004
Location of Incident: District #5
Professional services

	<u>Hours</u>
5/27/2004 Brief discussion with IAD; telephone call to and from PO Awadallah; open file; office conference with PO Awadallah; memo to file; telephone call from witness; memo to file; telephone call to PO Carter; memo to file.	1.70
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6/15/2004 Telephone call from IAD.	0.20
6/22/2004 Telephone call to PO Awadallah; discussion with IAD; telephone call to witness.	0.20
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Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>
7/1/2004 Schedule statements for PO's Awadallah, Carter and witness; review of file; travel to IAD; meeting with PO Carter; attend PO Carter's statement to IAD; meet with witness and attend statement to IAD; meeting with PO Awadallah; attend PO Awadallah's statement to IAD; return travel; memos to file.	3.10
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8/10/2004 Discussion with DDA Reddin.	0.20
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8/31/2004 Telephone call to ADA McAdams; telephone call to PO Awadallah.	0.40
9/1/2004 Telephone call from PO Awadallah; telephone call to PO Carter.	0.20
9/2/2004 Telephone call from PO Awadallah; telephone call to and from ADA McAdams.	0.30
9/3/2004 Discussion with ADA McAdams.	0.20
9/8/2004 Telephone call to and from PO Carter; telephone call to and from PO Awadallah; telephone call to witness; telephone call to ADA McAdams; schedule date and time for statements to DA.	0.50
9/14/2004 Telephone call from ADA McAdams.	0.30
9/15/2004 Review of file; receive and review copies of statements to IAD; travel; meeting with PO Awadallah, PO Carter, and witness at DA's office; attend PO Awadallah's statement to DA; attend PO Carter's statement to DA; attend witness's statement to DA; return travel; memos to file.	2.80
9/20/2004 Telephone call to witness; telephone call to and from ADA McAdams scheduling statement for 9/23/04.	0.40
9/23/2004 Telephone call from witness.	0.10

	<u>Hours</u>		
9/24/2004 Brief meeting with POs Awadallah and Carter at CJF.	0.20		
9/27/2004 Telephone call to witness.	0.10		
10/4/2004 Telephone call to witness.	0.10		
10/5/2004 Telephone call to witness; telephone call to and from ADA McAdams.	0.40		
10/6/2004 Telephone call from witness; telephone call to and from ADA McAdams; meeting with witness at DA's office and attend statement to DA; travel; memo to file.	2.10		
10/14/2004 Telephone call to ADA McAdams.	0.10		
10/21/2004 Review of correspondence from ADA McAdams "no processing" the complaint; telephone call to PO Awadallah; correspondence to clients; close file.	0.50		
		<u>18.10</u>	<u>Amount</u>
For professional services rendered			\$1,991.00
Additional charges:			
9/15/2004 Parking			8.00
10/6/2004 Parking			4.00
Total costs			<u>\$12.00</u>
Total amount of this bill			<u>\$2,003.00</u>
Balance due			<u><u>\$2,003.00</u></u>

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Milwaukee County

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October 19, 2004

Attorney Jon Cermele
Eggert & Cermele SC
1840 N. Farwell Ave. #303
Milwaukee, WI 53202-1716

Re. Officers Ala Awadallah and Montell Carter

Dear Attorney Cermele:

I write to inform you that I have decided not to issue any criminal charges against Officers Awadallah and Carter concerning the May 19, 2004 incident. Thank you for arranging your schedule so that the officers could talk to me.

Sincerely,

[Handwritten signature of Thomas J. McAdams]

Thomas J. McAdams
Assistant District Attorney

TM/sks