

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
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SUSAN E. LAPPEN
DAVID R. HALBROOKS
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
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 26, 2002

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 Officer Gary Brown
C.I. File No. 00-S-150; ELO No. 1437

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Gary Brown. The claim is in the amount of \$526.49 including \$9.49 in disbursements for 4.70 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 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. 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

CITY OF MILWAUKEE

Form CA-43

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May 17, 2000

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN

Assistant City Attorney

Commander Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 09

Re: C.I. File No. 00-S-150
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Gary Brown, Richard Gordy, Jan Karow, Charles Roessler and Justin Carloni, Charistopher Gull, Manuel Molina, Deborah Moody, Dan Rice and Scott Thorne, Michael Sarenac and William Walsh, James MacGillis and Jeffrey Theile, and Tim Trumble, Rodney Casarez and Walter McCullough.

Please determine whether these officers were in fact involved in the matter described in Ms. Eggert's claim, and have these officers verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

11/25/02

O.K.

JAS

Letter

2276

JAS:beg
Enclosure
5091

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE
1840 North Farwell Avenue
Suite 300
Milwaukee, Wisconsin 53202
RONALD D. LEONHARDT
CITY CLERK
FAX (414) 276-8906

May 9, 2000

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

RE: Various claims

Dear Mr. Leonhardt:

Enclosed are the following claims:

<u>OFFICER(S)</u>	<u>OUR NO.</u>
Brown	1437
Gordy	1468
Gull	1423
Karow/Roessler/Carloni	1426
MacGillis/Theile	1436
Molina	1431
Moody	1484
Newport/LeCourt	1471
Rice/Thorne	1432
Sarenac/Walsh	1443
Trumble, et al.	1439

Respectfully,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
'00 MAY 11 PM 2:06
RONALD D. LEONHARDT
CITY CLERK

CITY OF MILWAUKEE
RECEIVED
'00 MAY 11 PM 3:01
OFFICE OF
CITY ATTORNEY

LAE/ldl
Enclosures
OFC\CLAIMS7.CVR

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

May 8, 2000

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

CITY OF MILWAUKEE
00 MAY 11 PM 2:06
RONALD D. LEONHARDT
CITY CLERK

RE: MPD Criminal Investigation of PO Gary Brown
Allegations Regarding Mr. Brandon Henning
Date of Incident: October 19, 1999
Location of Incident: Bryant Park
ELO No.: 1437

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 a response to a call for police. Charges will not be issued against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie Eggert
Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
00 MAY 11 PM 3:02
OFFICE OF
CITY ATTORNEY

JC/ldl
BROWN

4/5/2001
- Rpt. indic. Street
re wife → not in
scope of emp by ment (?)

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
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May 8, 2000

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

RE: MPD Criminal Investigation
Regarding: PO Gary Brown
Date of Incident: October 9, 1999
Location of Incident: 89th and Silver Spring

Professional services

	<u>Hours</u>
11/15/99 Office conference with client; open file; telephone call to IAD.	1.10
12/1/99 Telephone call from client; telephone call to IAD.	0.30
12/2/99 Telephone call from client; telephone call to IAD.	0.20
12/9/99 Telephone call to IAD.	0.20
12/13/99 Telephone call to IAD; telephone call from client; review of file; meeting with PO Brown at IAD; attend PO Brown's statement to IAD; travel.	1.90
2/10/00 Discussion with IAD; correspondence to MPD Open Records; correspondence to client.	0.50
5/1/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	<u>Amount</u>
For professional services rendered	4.70	\$517.00
Additional charges:		
5/1/00 MPD Open Records request		9.49
Total costs		<u>\$9.49</u>
Total amount of this bill		<u>\$526.49</u>
Balance due		<u><u>\$526.49</u></u>

(Rate: \$110.00 per hour)

uncle to leave my wife alone." He further stated that he never told Brandon that he would kill his uncle.

Upon interview of Nathan HENNING he offered the following account. He reports that once his step father, Officer BROWN, came to the park that he was telling him not to cry and cheer up. Nathan states that his cousin Brandon who was also at the park playing football had went into the restroom while he was in the same building with his step father. Nathan states that he was there when his step father, Officer BROWN, stated to Brandon, "tell your uncle to stay away from my wife." Nathan offered no statement in which he witnessed the reported threat made by Officer BROWN.

CONCLUSION:

On Friday, February 4, 2000 this case was reviewed in the office of the District Attorney. It was the determination of ADA Michael MAHONEY that a charge of Disorderly Conduct/Threats would not preferred against Officer Gary BROWN. ADA MAHONEY found that there was not sufficient evidence to issue the charge. Further it should be noted that Brandon HENNING and his mother Royna HENNING were both ordered in for this review but failed to show. It is for the stated reasons that this incident will be cleared as warrant refused.

Respectfully Submitted:



JAMES C. SHEPARD
Captain of Police
CIU/IAD

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JUNE 9, 2000

TO: PO GARY BROWN
SENSITIVE CRIMES DIVISION

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 OCTOBER 19, 1999
- 2) A citizen's complaint made by
- 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: [Signature]

Print your name: GARY BROWN

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 JR
Police Commander
Internal Affairs Division

DTS:dnp

COMPLETE PERMANENT
 SENSITIVE CRIMES
 DIVISION
 Milwaukee Police Dept
 JUN 12 2000
 TO GARY BROWN
 U. Eggert
 IMMEDIATELY

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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THOMAS E. HAYES
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MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 16, 2001

Laurie A. Eggert, Esq.
Eggert Law Office, S.C.
1840 North Farwell Avenue
Milwaukee, WI 53202

Re: **MPD Criminal Investigation of P.O. Gary Brown**
C.I. File No. 00-S-150; ELO 1437

Dear Ms. Eggert:

With respect to the above-noted matter, the final page of the CIU report happens to indicate that this matter arises from an alleged threat by Officer Brown against another member of his family relating to Officer Brown's wife. In other words, from the materials that I have before me, it appears that this is not a matter arising from the scope of Officer Brown's employment, but is, instead, merely a family dispute.

Please provide me with further information, if there is any, that would tend to support your claim that this arises from the scope of employment. If you have any further questions or concerns regarding this request, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jan A. Smokowicz'.

Jan A. Smokowicz
Assistant City Attorney

JAS:enm
41103

OFFICE COPY

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

May 25, 2001

Mr. Jan Smokowicz
Assistant City Attorney
200 East Wells Street, Room 800
Milwaukee, WI 53202

**RE: Criminal Investigation of P.O. Gary Brown
C.I. File No. 00-S-150; ELO 1437**

Dear Mr. Smokowicz:

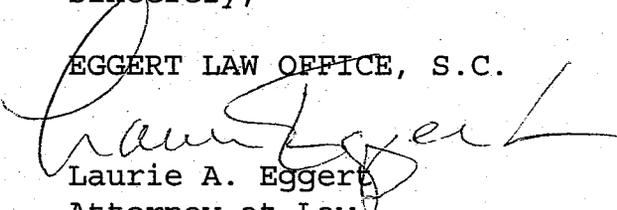
Your letter of May 16, 2001, asks for additional information demonstrating that P.O. Brown was engaged in the performance of his duties when he became involved as the subject of a criminal investigation.

While on duty, Officer Brown responded to an investigation at a park. He notified the dispatcher that he was responding to the scene. The investigation concerned an allegation by Brown's wife concerning her children's father. Because the dispatcher also reported that Mrs. Brown was married to Officer Brown, it appeared that the complaint was actually against Officer Brown. Officer Brown clarified the situation by informing the investigators that he had been on duty at another location at the time of the incident which prompted Mrs. Brown's call for service. Later, allegations were made that Officer Brown had engaged in criminal conduct while at the scene of that investigation.

The complaint which led to the criminal investigation which is the subject of this bill was a complaint concerning Officer Brown's alleged conduct at the scene to which he had responded in his official capacity, and in the performance of his duties. As a result, it is appropriate for the City to reimburse the officer for his defense costs.

Sincerely,

EGGERT LAW OFFICE, S.C.


Laurie A. Eggert
Attorney at Law

LAE/ldl
SM052500