

GRANT F. LANGLEY
City Attorney

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



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KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

April 17, 2007

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele
for legal fees for Police Officers Staci Steen and Claude Osburn
C.I. File No. 04-S-267-3; EC No. 2051

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Staci Steen and Claude Osburn. The claim is in the amount of \$418.00 for 3.80 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,

A handwritten signature in black ink, appearing to read "Grant F. Langley".

GRANT F. LANGLEY
City Attorney

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

JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.

117977/1032-2004-2334

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

August 5, 2004

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

**RE: MPD Criminal Investigation of POs Staci Steen and Claude Osburn
Allegations Regarding Mr. Burrell C. Biando self-inflicted shooting
Date of Incident: January 28, 2004
Location of Incident: 2701 West National Avenue
EC No.: 2051**

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 an arrest during which the suspect shot himself.

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

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

4/5/09

O.K.

JAS

Letter 2277

JC/ldl
attachment
STEENOSBURN

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

August 04, 2004

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

RE: MPD Criminal Investigation re: Mr. Burrell C. Biando; self-inflicted shooting
Regarding: POs Staci Steen and Claude Osburn
Date of Incident: January 28, 2004
Location of Incident: 2701 West National Avenue
Professional services

	<u>Hours</u>	
1/28/2004 Telephone call from CIB regarding officer involved shooting; telephone call from PO Steen; open file; telephone call from PO Osburn; meeting with POs Steen and Osburn at CIB; attend PO Osburn's statement to DA; attend PO Steen's statement to DA; travel; memo to file.	2.50	
1/29/2004 Review of file; Fax to DA McCann.	0.50	
3/29/2004 Fax to McCann.	0.20	
3/31/2004 Brief meeting with DA McCann.	0.10	
4/27/2004 Fax to McCann.	0.10	
5/7/2004 Receive and review confirmation from DA McCann regarding conclusion of investigation; correspondence to clients confirming that investigation was "no processed;" close file.	0.40	
		<u>Amount</u>
For professional services rendered	3.80	\$418.00

Mr. Ronald D. Leonhardt

Page 2

Amount

Balance due

\$418.00

(Rate: \$110.00 per hour)

OFFICE OF DISTRICT ATTORNEY



Milwaukee County

E. MICHAEL McCANN - District Attorney

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Karan A. Vescelec
Rebecca F. Doherty
Mark A. Sandow
Paul C. Dardinsky
David T. Maline
Kelly L. Hodge
Jeffrey J. Alenbourg
Michael Spence
Julie Kim
Pauli Weislich
Karin L. Lovett
Paul B. Sankor
Bradford J. Loggson
Joe Baerwald
Margaret M. Zimmar
Bruce W. Becker
Nicholas T. Mahoney
Mary M. Eganm
Kathryn K. Sazzer
Jeannine Corbett
Jeffrey P. Grelpp
Thomas C. Blinger
Dane MacC
Jeremy L. Pekar
Daniel J. Gabriel
Sara P. Schales
Gordon M. Nohke
Branticeer
T. Christopher Doe
Katherine Kucherent
Lisa P. Ficker
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Catie Kooper-Lady
Stephan Edward Nohm
John Pusch
Eric D. Decker
Christine M. Quinn
Nancy C. Thelmer
Michelle A. Ackerman
Adam J. Lowan
Jeffrey E. Norman

May 7, 2004

Attorney Jon Cermele
Eggert & Cermele, S.C.
1840 N. Farwell Ave., Suite 303
Milwaukee, WI 53202

RE: Burrell C. Biando

Dear Mr. Cermele:

On January 28, 2004, City of Milwaukee Police Officers Staci Steen and Claude Osbourn undertook to arrest Burrell C. Biando, as Mr. Biando sat in his vehicle in a parking lot at 2701 W. National Avenue, City of Milwaukee, for a shooting in which Mr. Biando had earlier been involved. Before the officers were able to take him into custody, Mr. Biando withdrew a firearm from a right pocket and discharged a bullet into his own head.

The conduct of the officers involved was at all times professional.

In State v. Burrell C. Biando, 2004CF000573, Mr. Biando was convicted of First Degree Reckless Injury for the initial shooting for which officers Steen and Osbourn were attempting to arrest him when Biando shot himself.

Sincerely yours,

E. Michael McCann (handwritten signature)

E. Michael McCann
District Attorney

EMM:iss

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. STACI STEEN
DISTRICT: INTEL 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 JANUARY 28, 2004
- 2) A citizen's complaint made by BURRELL BIANDO
- 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: Staci D. Steen
Print your name: STACI D. STEEN

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
Inspector of Police
Professional Performance Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

AUGUST 19, 2004

TO: P.O. CLAUDE OSBURN
DISTRICT: FOUR

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 JANUARY 28, 2004
- 2) A citizen's complaint made by BURRELL BIANDO
- 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: Claude Osburn Jr.

Print your name: Claude Osburn Jr.

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

Steven M. Settingsgaard
Inspector of Police
Professional Performance Division

SMS:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
04 AUG 24 PM 5:28
RECEIVED