

# CITY OF MILWAUKEE

CITY OF MILWAUKEE  
RECEIVED

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
Deputy City Attorney

**THOMAS E. HAYES**  
**PATRICK B. McDONNELL**  
**CHARLES R. THEIS**  
Special Deputy City Attorneys

1998 NOV 23 PM 1:19

OFFICE OF  
CITY ATTORNEY



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  
October 13, 1998

BEVERLY A. TEMPLE  
THOMAS O. GARTNER  
LINDA ULISS BURKE  
BRUCE D. SCHRIMPF  
ROXANE L. CRAWFORD  
SUSAN D. BICKERT  
HAZEL MOSLEY  
HARRY A. STEIN  
STUART S. MUKAMAL  
THOMAS J. BEAMISH  
MAURITA F. HOUREN  
JOHN J. HEINEN  
MICHAEL G. TOBIN  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
DAVID R. HALBROOKS  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
HEIDI WICK SPOERL  
VINCENT J. BOBOT  
KURT A. BEHLING  
GREGG C. HAGOPIAN  
ELLEN H. TANGEN  
MELANIE R. SWANK  
TRACY M. JOHNSON  
MICHAEL A. VERRILLI  
JAY A. UNORA  
DONALD L. SCHRIFER

Assistant City Attorneys

Deputy Inspector Dale Schunk  
Milwaukee Police Department  
749 West State Street, Room 714  
Milwaukee, WI 53233

Re: C.I. File No. 98-L-128  
Communication from Eggert Law Office

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of Officers Bodo Gajevic and Jason Smith.

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

Very truly yours,

*Jan A. Smokowicz*  
JAN A. SMOKOWICZ  
Assistant City Attorney

2/5/2001

O.K.

JAS:beg  
Enclosure

~~except~~  
for \$5029.40 -  
exclude mileage  
and parking  
- JAS

Letter # (2295)

4/5/99

No dismissal notice  
attached.

- see attached notes  
Subsequent record from  
Eggert - JMS

MILWAUKEE POLICE DEPARTMENT  
RECORDS SECTION

93 NOV 13 AM 10:33

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

CITY OF MILWAUKEE  
98 AUG 31 PM 1:24  
RONALD D. LEONHARDT  
CITY CLERK

August 24, 1998

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

RE: Citizen Complaint of Douglas Dunham, Malcolm Norfleet  
and Marc Norfleet  
Against POs Bodo Gajevic and Jason Smith  
Complaint No.: 96-31, 96-30 and 96-29 respectively  
Date of Incident: March 9, 1996

Dear Mr. Leonhardt:

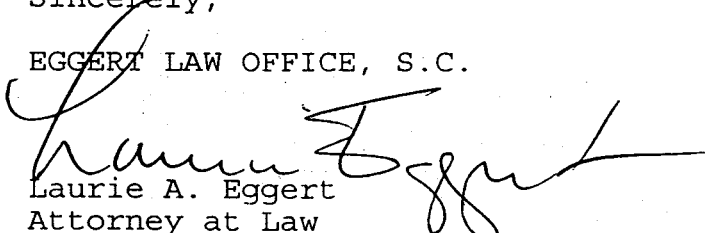
The above-named police officers have retained us to represent them in connection with the above-referenced matter. The officers were previously represented by Kenneth J. Murray who will be submitting a separate bill to you regarding this matter.

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 traffic stop at 3750 West Vliet Street. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice.

The attached statement is for legal services on all three complaints, each of which was dismissed.

Sincerely,

EGGERT LAW OFFICE, S.C.

  
Laurie A. Eggert  
Attorney at Law

LAE/ldl  
GAJEVIC

**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

August 24, 1998

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

RE: Citizen Complaint of Douglas Dunham, Malcolm Norfleet  
and Marc Norfleet  
Against POs Bodo Gajevic and Jason Smith  
FPC No: 96-31, 96-30 and 96-29 respectively  
Date of Incident: March 9, 1996  
Location of Incident: 3750 West Vliet Street

Professional services

	<u>Hours</u>
7/28/97 Review of file; correspondence to Department of Justice.	0.70
8/25/97 Telephone call to FPC re: scheduling; memo to file.	0.30
9/5/97 Review of file; memo to file; review of correspondence from Department of Justice re: 3 complainants; prepare witness and exhibit list; preparation for pre-trial.	1.40
9/8/97 Telephone call from and FAX from FPC; memo to file.	0.20
9/9/97 Telephone call to FPC; memo to file.	0.20

	<u>Hours</u>
9/11/97 Telephone call from client; memo to file; review of correspondence from FPC; correspondence to clients.	0.80
9/17/97 Review of file.	0.10
9/18/97 Preparation for pre-trial; review of correspondence regarding Norfleet.	0.40
9/19/97 Preparation for and appearance at pre-trial; memo to file; travel; correspondence to clients; correspondence to complainants.	1.80
9/29/97 Telephone call from client; memo to file.	0.10
10/2/97 Review of correspondence from FPC.	0.10
11/24/97 Telephone call from FPC; memo to file.	0.20
12/2/97 Telephone call from Fronk; memo to file.	0.20
12/3/97 Memo to file; correspondence to client.	0.20
12/12/97 Review dismissal notice re: Dunham; telephone call to Fronk; correspondence to clients.	0.70
12/15/97 Telephone call from and to clients; telephone call to Fronk; review of file; correspondence to witnesses; obtain and review witness and exhibit list.	0.90

	<u>Hours</u>
1/9/98 Conference with FPC; memo to file; correspondence to client.	0.40
1/21/98 Telephone call from Fronk; memo to file.	0.10
2/4/98 Telephone call from investigator; review of file.	0.10
2/5/98 Telephone call from and to Sgt. Camacho; memo to file.	0.20
2/6/98 Telephone call from Internal Affairs re: records; conference with investigator.	0.30
2/13/98 Telephone call from investigator; memo to file.	0.20
2/19/98 Telephone call from Fronk; memo to file.	0.10
2/24/98 Review of file; subpoenas; telephone call to FPC; telephone call to client.	1.20
2/25/98 Review of file.	0.40
2/26/98 Telephone call to Fronk; review of file; subpoenas; telephone call to investigator.	0.80
3/3/98 Telephone call from Sgt. Seer; memo to file; review of correspondence from FPC; telephone call from witnesses.	1.60

	<u>Hours</u>
3/4/98 Telephone call from client; telephone call to FPC; memo to file; telephone call from Leknes.	0.60
3/6/98 Conference with clients; review of file; telephone call to and from witnesses.	2.40
3/9/98 Telephone call from and to witness; memo to file; review of correspondence from Internal Affairs; review of file; review of correspondence from FPC.	0.60
3/10/98 Telephone call from and to witness.	0.20
3/11/98 Preparation for hearing; telephone call to FPC.	4.40
3/12/98 Appearance at hearing; conference with client; travel; memo to file; telephone call from witness.	5.20
4/1/98 Review of correspondence from FPC.	0.10
5/26/98 Review of file.	0.10
6/9/98 Conference with Fronk; review documents.	0.20
6/11/98 Review proposed decision; correspondence to clients; memo to file.	0.40
6/16/98 Review, record, draft brief.	1.75

	<u>Hours</u>	
6/17/98 Review, record, draft brief.	4.00	
6/18/98 Review, record, draft brief.	6.00	
6/25/98 Review, record, draft brief.	1.50	
6/26/98 Review, record, draft brief.	1.00	
6/30/98 Edit brief.	0.70	
7/7/98 Final edit of brief.	0.80	
7/13/98 Review of correspondence from FPC; telephone call to FPC.	0.20	
7/24/98 Conference with FPC.	0.10	
7/30/98 Review decisions of FPC; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	44.45	\$4,889.50
Additional charges:		
7/28/97 Department of Justice requests (3)		39.00
9/19/97 Parking and mileage		2.98
2/26/98 Subpoenas (4)		24.00
2/27/98 Investigator		76.90
3/12/98 Parking and mileage		6.98

Mr. Ronald D. Leonhardt

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	<u>Amount</u>
Total costs	\$149.86
Total amount of this bill	<u>\$5,039.36</u>
Balance due	<u>\$5,039.36</u>

(Rate: \$110.00 per hour)



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 16, 1998

TO: PO JASON SMITH  
CRIM. INVEST. BUREAU

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 9, 1996
- 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: \_\_\_\_\_

Print your name: \_\_\_\_\_

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 *JS*  
Deputy Inspector of Police  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 16, 1998

TO: PO JASON SMITH  
CRIM. INVEST. BUREAU

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 9, 1996
- 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: Jason Smith

Print your name: JASON SMITH

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 *JD*  
Deputy Inspector of Police  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 16, 1998

TO: PO BODO GAJEVIC  
DISTRICT SEVEN

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 9, 1996
- 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: *Bodo Gajevic*

Print your name: BODO GAJEVIC

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 *SH*  
Deputy Inspector of Police  
Internal Affairs Division

DTS:dnp

**BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE**

---

**In the Matter of the Complaint of**

**MARC NORFLEET**

**against**

**POLICE OFFICER BODO GAJEVIC and  
POLICE OFFICER JASON SMITH**

**DECISION OF THE BOARD**

**Complaint No. 96-29**

---

Marc Norfleet, in his complaint, accuses Police Officer Jason Smith of failure to utilize appropriate courtesy in alleged violation of MPD Rule 4, Section 2/060.00. The record in this case, however, indicates that Marc Norfleet had no direct physical or verbal contact with Officer Smith, and we accordingly dismiss any and all charges brought by Marc Norfleet against Police Officer Jason Smith.

Marc Norfleet's complaint accuses Police Officer Bodo Gajevic of failure to utilize appropriate courtesy in alleged violation of MPD Rule 4, Section 2/060.00, and of utilizing excessive force in alleged violation of MPD Rule 4, Section 2/445.00. A review of the record in this case leads this Board to conclude that Marc Norfleet has failed to show by a preponderance of the evidence that Officer Gajevic was discourteous or that he utilized more force than was appropriate under the circumstances. We accordingly dismiss any and all charges brought by Marc Norfleet against Police Officer Bodo Gajevic.

It would appear to this Board, based upon our review, that a series of circumstances not completely within the control of Officers Smith and Gajevic led to Marc Norfleet and his companions being detained for significantly longer than had originally been expected, and that during this period of time the Norfleet auto was vandalized and items of property damaged and/or stolen. As stated by the Hearing Examiner, this was a very unfortunate result, but not one which was precipitated by excessive force or a lack of courtesy by either officer.

The Recommendation of the Hearing Examiner, Summary of Proceedings and Findings of Fact are attached hereto and made a part of this Decision by reference.

Dated at Milwaukee, Wisconsin, this 24<sup>th</sup> day of July, 1998.

Board of Fire and Police Commissioners  
of the City of Milwaukee

By:

  
Rosa M. Dominguez, Commissioner

**RECEIVED**

**JUL 30 1998**

**BOARD OF FIRE AND POLICE COMMISSIONERS  
OF THE CITY OF MILWAUKEE**

---

**In the Matter of the Complaint of**

**MALCOLM NORFLEET**

**against**

**POLICE OFFICER BODO GAJEVIC and  
POLICE OFFICER JASON SMITH**

**DECISION OF THE BOARD**

**Complaint No. 96-30**

---

Malcolm Norfleet, in his complaint, accuses Police Officer Bodo Gajevic of failure to utilize appropriate courtesy in alleged violation of MPD Rule 4, Section 2/060.00. The record in this case, however, indicates that Malcolm Norfleet had no direct physical or verbal contact with Officer Gajevic, and we accordingly dismiss all charges brought by Malcolm Norfleet against Police Officer Bodo Gajevic.

Malcolm Norfleet also accuses Police Officer Jason Smith of failure to utilize appropriate courtesy in alleged violation of MPD Rule 4, Section 2/060.00. All evidence in the record, including the testimony of Marc and Malcolm Norfleet, would appear to indicate that Officer Smith was as courteous and civil as circumstances would allow in dealing with Malcolm Norfleet. There is no indication that Malcolm Norfleet was uncooperative or that Officer Smith at any point raised his voice or had any significant dispute with Malcolm. We accordingly dismiss the complaint of Malcolm Norfleet as to any and all charges against Police Officer Jason Smith.

The Recommendation of the Hearing Examiner, Summary of Proceedings and Findings of Fact are attached hereto and made a part of this Decision by reference.

Dated at Milwaukee, Wisconsin, this 24<sup>th</sup> day of July, 1998.

Board of Fire and Police Commissioners  
of the City of Milwaukee

By:

  
Rosa M. Dominguez, Commissioner

**RECEIVED**

**{JUL} 30 1998**

EGGERT & EDMONDS S.C.  
RECEIVED

BOARD OF  
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

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In Re:  
THE CHARGES OF DOUGLAS DUNHAM  
AGAINST POLICE OFFICERS BODO  
GAJEVIC AND JASON SMITH

ORDER OF DISMISSAL

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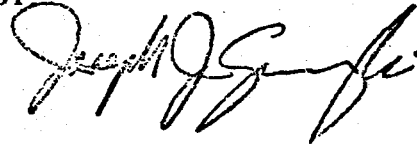
To Officer Bodo Gajevic:

It is hereby ordered that the Complaint of Douglas Dunham, Complaint No. 96-31, filed with the Board on June 4, 1996, is dismissed due to Complainant's passivity, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

AUGUST G. ERDMANN,  
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, DECEMBER 9, 1997.

cc: Attorney Laurie Eggert ✓

EDMONDS, S.C.  
RECEIVED

DEC 11 1997

BOARD OF  
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

---

In Re:  
THE CHARGES OF DOUGLAS DUNHAM  
AGAINST POLICE OFFICERS BODO  
GAJEVIC AND JASON SMITH

ORDER OF DISMISSAL

---

To Officer Jason Smith:

It is hereby ordered that the Complaint of Douglas Dunham, Complaint No. 96-31, filed with the Board on June 4, 1996, is dismissed due to Complainant's passivity, by the

MILWAUKEE BOARD OF  
FIRE AND POLICE COMMISSIONERS

AUGUST G. ERDMANN,  
CHAIRMAN

BY:



JOSEPH J. CZARNEZKI  
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, DECEMBER 9, 1997.

cc: Attorney Laurie Eggert ✓