

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Deputy City Attorneys



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DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
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VINCENT J. BOBOT  
MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 25, 2005

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers David Pierzchalski and Luke Warnke  
C.I. File No. 00-S-57; ELO 1433

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers David Pierzchalski and Luke Warnke. The claim is in the amount of \$992.34 including \$13.34 in disbursements for 8.90 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 officers 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.

89526/ 1032-2001-2294

**EGGERT LAW OFFICE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele

CITY OF MILWAUKEE  
'00 FEB 23 PM 12:53  
RONALD D. LEONHARDT  
CITY CLERK  
1840 North Farwell Avenue  
Suite 303  
Milwaukee, Wisconsin 53202  
(414) 276-8750  
FAX (414) 276-8906

February 18, 2000

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

RE: MPD Criminal Investigation of POs David Pierzchalski  
and Luke Warnke  
Allegations Regarding Mr. Anthony Robinson  
Date of Incident: January 18, 2000  
Location of Incident: 69th and National  
ELO No.: 1433

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 was an officer-involved shooting during a drug investigation. Charges will not be issued against the officers; attached is a copy of Deputy District Attorney James J. Martin's letter.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

CITY OF MILWAUKEE  
RECEIVED  
'00 FEB 23 PM 3:08  
OFFICE OF  
CITY ATTORNEY

JC/ldl  
PIERZCHALSKI

9/17/04  
O.K.  
JAS  
Letter 2276

**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

February 18, 2000

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

RE: MPD Criminal Investigation  
Regarding: POs David Pierzchalski and Luke Warnke  
Date of Incident: January 18, 2000  
Location of Incident: 69th and National

Professional services

	<u>Hours</u>	
1/18/00 Telephone call from PO Pierzchalski; meeting with Cpt. Mueller and PO Pierzchalski at scene of shooting; attend Pierzchalski's statement to DA; meeting with POs Pierzchalski and Warnke at PAB; attend PI-21 interviews for POs Pierzchalski and Warnke; travel; open file; memo to file.	7.10	
1/19/00 Correspondence to clients.	0.40	
1/26/00 Review of correspondence from clients; telephone call to DA Martin; review FAXed letter closing criminal investigation; correspondence to West Allis Police Department Open Records.	0.90	
2/3/00 Review of correspondence from West Allis Police Department Open Records; close file.	0.50	
	<u>8.90</u>	<u>Amount</u>
For professional services rendered	8.90	\$979.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
2/3/00 West Allis Police Department Open Records request	13.34
Total costs	<u>\$13.34</u>
Total amount of this bill	<u>\$992.34</u>
Balance due	<u><u>\$992.34</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

January 26, 2000

Dean Puschnig, Chief of Police
West Allis Police Department
11301 West Lincoln Avenue
West Allis, Wisconsin 53227

RE: Investigation into the Shooting of Anthony Robinson

Dear Chief Puschnig:

We conducted an investigation, with the excellent assistance of your department, into the shooting of Anthony Robinson on January 18, 2000, at the rear of an apartment complex at 6931 West Orchard Street in West Allis, by officers assigned to the Milwaukee Metropolitan Drug Enforcement Group (MMDEG).

We concluded that the shooting of Robinson by sheriff's department captain David Czynsz, sheriff's detective James Thomas, and Milwaukee police officer David J. Pierzchalski was privileged in self-defense or defense of others under section 939.48, Wis. Stats.

We concluded that the MMDEG officers properly used deadly force because they reasonably believed that such force was necessary to prevent imminent death or great bodily harm to themselves or to another officer.

Thank you for your department's cooperation in the investigation into Robinson's shooting.

Sincerely,

James J. Martin
James J. Martin
Deputy District Attorney

Deborah Daley
Deborah Daley
Assistant District Attorney

Robert D. Donohoe
Jon N. Radden
Carol Lynn White
Patrick J. Kenney
James J. Martin

Thomas A. Benke
Alexander G. Silbertz
Francis E. Manolic
William J. Mueller
Gerard R. Falk
Donald S. Jackson
Cale C. Shelton
Terry Magowan
Gary U. Masterson
David Buehler
Deborah Daley
Fay Farkas
Dennis J. Simpson
Cynthia G. Brown
Norman A. Giam
George M. Phelan, III
Carl E. Stander
Steven H. Gagnon
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Groh
Thomas L. Potter
David Pezza
Raymond Chandler Stuchlik
Erica Castellon
Carole Wachter
Kathleen R. Kelly
Barbara P. Chasparik, Jr.
Loretta Johnson, Jr.
William D. Zier
Timothy J. Collier
Carol Derry Conway
Steven V. Licata
Brad Vorpahl
Janae Conant
Paul Tiffin
Margaret S. Falk
Phyllis M. DeCarvalho
Denise P. Murphy
Christopher Ford
Christine M. Kline
Philo A. Anzell
Thomas J. McAdams
Dustin J. Lennig
Mary K. McCann
Denz J. Singh
David M. Lamm
Janet C. Prosser-Schwartz
DeAnn L. Heard
Debra M. Schmitt, Esq.
Patricia A. McGowan
Irene Platten
Karen A. Leebart
Nancy Greenbaum
Marcelle DePeters
Catherine A. Caulfield
Lori S. Korbbaum
Kenna O'Dwyne
Mara Olson
James W. Frach
Kurt B. Stummey
James C. Giffin
William P. Page
Anthony Giambrone
Johnnie L. Harbille
John T. Chisolin
Christopher A. Liegel
Megan P. Carroly
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Sharon Pompe
Brian J. Resler
Karan A. Lynch
Jayne Davis Dennis
Alison M. Ritter
Keren R. Esharun
Kathy L. Hodge
Jennifer Rypel
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Shannon Carick Swann
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Julius Koh
Jeffrey J. Arentburg
Raymond Cassano
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Pats Wegman
Karl L. Loomis
Paul R. Bander
Fay L. Williams
William W. Phillips, III
Grifford J. Logsdon
Patricia J. Farley
Joy Bartrand
Margaret M. Zuber
Bruce W. Gustler
Michael T. Mahoney
Mark D. Benham
Henry M. Swenick
Robert S. Saffer

cc: Leverett F. Baldwin, Milwaukee County Sheriff
Arthur L. Jones, Milwaukee Chief of Police
Lt. Thomas Walloch, West Allis Police Department

SAFETY BLDG., RM. 405 • 821 W. STATE ST. • MILWAUKEE, WI

Post-it Fax Note 7671
Date 1/26/00 # of pages 1
To Jonathan Corneil From Simon Martin
Co./Dept. Co.
Phone # Phone # 278-5369
Fax # 278-2906 Fax #