

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
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Deputy City Attorneys



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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 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

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(414)276-8750
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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 Czysz, 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. Silbert
Francis E. Manolic
William J. Mueller
Gerard R. Falk
Donald S. Jackson
Cale C. Shelton
Terry Magowan
Gary U. Masterson
David Buehler
Deborah Daley
Peg Tarkenton
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 Peck
Raymond Chandler Stuchlik
Erica Castellon
Carole Wachter
Kathleen R. Kelly
Barbara P. Chasparis, 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. Stangl
David M. Lamm
Janet C. Pratschewicz
DeAnn L. Heard
Debra M. Schmitt, Esq.
Patricia A. McGowan
Irene Platten
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Nancy Greenbaum
Marcelle DePeters
Catherine A. Caulfield
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Kenna O'Dayne
Mara Olson
James W. French
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Anthony Giambrone
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Kathy L. Hodge
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Grah D. Gruber
Shannon Carick Swann
Rebecca F. Daller
Mark A. Sanders
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Julius Koh
Jeffrey J. Arentburg
Raymond Caccamo
Deborah L. Mills
Pats Wegman
Karl L. Loomis
Paul R. Bander
Peggy L. Williams
William W. Phillips, III
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Patricia J. Farley
Joy Bartrand
Margaret M. Zuber
Bruce W. Guster
Michael T. Mahoney
Mark D. Benham
Henry M. Swemish
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 #