

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

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Deputy City Attorney

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Assistant City Attorneys

November 7, 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 Officers John Luebbe and Chris Blaszak**  
**C.I. File No. 01-S-99/16; ELO No. 1613**


Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers John Luebbe and Chris Blaszak. The claim is in the amount of \$569.64, including \$8.64 in disbursements, for 5.10 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. 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

**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

March 15, 2001

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

**RE: MPD Criminal Investigation of POs John Luebbe and  
Chris Blaszak  
Allegations Regarding Mr. Gustavo Gomez  
Date of Incident: October 13, 2000  
Location of Incident: 35<sup>th</sup> and Oklahoma  
ELO No.: 1613**

Dear Mr. Leonhardt:

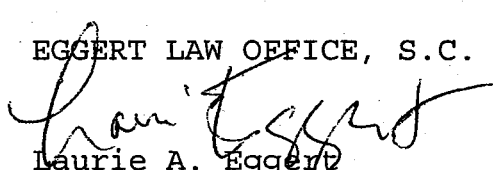
The above-named police officers have retained us to represent them in connection with the above-referenced matter. Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved an arrest for OWI.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled Luebbe to give a statement concerning the incident after issuing a PI-21.

Later, the MPD decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

  
Laurie A. Eggert  
Attorney at Law

9/7/2001  
O. K.  
JMS  
Letter # 2276

CITY OF MILWAUKEE  
RECEIVED  
301 MAR 19 PM 3:47  
OFFICE OF  
CITY ATTORNEY  
JC/KJL  
LUEBBE

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

*Attorneys at Law*

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March 15, 2001

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

RE: MPD Criminal Investigation re: Mr. Gustavo Gomez  
Regarding: POs John Luebbe and Chris Blaszk  
Date of Incident: October 13, 2000  
Location of Incident: 35th and Oklahoma

Professional services

	<u>Hours</u>
11/7/00 Telephone call from PO Luebbe; open file; telephone call to PO Luebbe; telephone call to PO Blaszk; attend PO Luebbe's PI-21 statement to IAD; travel; memo to file.	2.40
11/13/00 Telephone call from PO Blaszk; office conference with PO Blaszk.	0.70
11/17/00 Telephone call to witness.	0.10
12/5/00 Review of file; telephone call to IAD; memo to file.	0.30
12/6/00 Telephone call from IAD.	0.20
12/15/00 Discussion with IAD; correspondence to MPD Open Records; correspondence to client.	0.40
2/6/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
2/12/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	5.10	\$561.00
Additional charges:		
2/6/01 MPD Open Records request		8.64
Total costs		<u>\$8.64</u>
Total amount of this bill		<u>\$569.64</u>
Balance due		<u><u>\$569.64</u></u>

(Rate: \$110.00 per hour)

Hospital, due to the injury to his nose. (A Use of Force Report was filed.)

CONCLUSION:

On Wednesday, December 13, 2000, this case was ordered in to the District Attorney's office where it was reviewed by Deputy District Attorney Jon REDDIN. In reviewing this case Deputy DA REDDIN stated that P.O. Christopher BLASZAK observed GOMEZ chasing someone in his car. P.O. BLASZAK interviewed the person being chased and was told that GOMEZ had displayed a gun a short time earlier. P.O. BLASZAK then spoke to GOMEZ who was intoxicated and became belligerent during the questioning. At some point it was decided to place GOMEZ under arrest. While P.O. BLASZAK and Sgt. DOFFEK attempted to handcuff GOMEZ, GOMEZ continued to resist and at one point raised his arm, which had a hard cast on it, and appeared ready to strike P.O. BLASZAK. At this point P.O. BLASZAK delivered a focus strike to GOMEZ'S nose, breaking it.

P.O. BLASZAK had a right to use force sufficient to prevent Mr. GOMEZ from striking him with the cast and to effectuate the arrest of GOMEZ. The force used under the circumstances of GOMEZ'S intoxicated, belligerent and violent behavior was objectively reasonable and for that reason Deputy DA REDDIN declined to prosecute any type of criminal charges regarding P.O. BLASZAK. This complaint is cleared as warrant refused.

Respectfully submitted:



Michele HARRISON  
Police Detective, 60822  
CIUIAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 27, 2001

TO: PO JOHN LUEBBE  
DISTRICT SIX

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 13, 2000
- 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: *John P. Luebbe, Jr.*

Print your name: P.O. John P. LUEBBE, Jr.

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 JH  
Commander of Police  
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 27, 2001

TO: PO CHRIS BLASZAK  
DISTRICT SIX

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 13, 2000
- 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: \_\_\_\_\_

*P. Old Blazak*  
PO. CHRIS BLASZAK

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 J4  
Commander of Police  
Internal Affairs Division

DTS:dnp