

# CITY OF MILWAUKEE

Form CA-43

**GRANT F. LANGLEY**  
City Attorney

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



## OFFICE OF CITY ATTORNEY

800 CITY HALL  
200 EAST WELLS STREET  
MILWAUKEE, WISCONSIN 53202-3551  
TELEPHONE (414) 286-2601  
TDD (414) 286-2025  
FAX (414) 286-8550

December 8, 2003

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 Miller, Kevin Dudley and Jay Grant  
C.I. File No. 01-S-311; ELO No. 1651

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers John Miller, Kevin Dudley and Jay Grant. The claim is in the amount of \$2,056.15 including \$21.15 in disbursements for 18.50 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

**BEVERLY A. TEMPLE**  
**THOMAS O. GARTNER**  
**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**  
**JAN A. SMOKOWICZ**  
**PATRICIA A. FRICKER**  
**HEIDI WICK SPOERL**  
**KURT A. BEHLING**  
**GREGG C. HAGOPIAN**  
**ELLEN H. TANGEN**  
**MELANIE R. SWANK**  
**JAY A. UNORA**  
**DONALD L. SCHRIEFER**  
**EDWARD M. EHRlich**  
**LEONARD A. TOKUS**  
**MIRIAM R. HORWITZ**  
**MARYNELL REGAN**  
**G. O'SULLIVAN-CROWLEY**  
**DAWN M. BOLAND**  
**KATHRYN M. ZALEWSKI**

Assistant City Attorneys

**EGGERT & CERMELE, 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

September 5, 2001

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

RE: MPD Criminal Investigation of POs John Miller, Kevin  
Dudley and Jay Grant  
Allegations Regarding Mr. Terrell Viverette  
Date of Incident: February 8, 2001  
Location of Incident: 3615 West North Avenue  
ELO No.: 1651

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter.

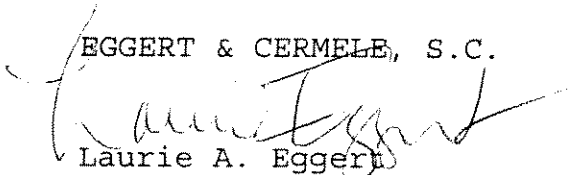
Consistent with its policy, the City Attorney's Office has refused to represent them, and as they were performing the duties of their office at the time of the events giving rise to the incident, the claim is hereby made on their behalf for the indicated legal fees. This incident involved two allegations by Mr. Viverette after he was arrested on a warrant.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Miller, Dudley and Grant 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 an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

  
Laurie A. Eggert  
Attorney at Law

12/8/03

O.K.

JHS

Letter 2276

LAE/ldl  
MILLER

**EGGERT & CERMELE, 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

September 5, 2001

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

RE: MPD Criminal Investigations re: Mr. Terrell Viverette  
Regarding: POs John Miller, Kevin Dudley and Jay Grant  
Date of Incident: February 8, 2000  
Location of Incident: 3615 West North Avenue

Professional services

	<u>Hours</u>
02/08/01 Telephone call from Miller; open file; memo to file; telephone call to and from Miller; telephone calls to witnesses; telephone call from Dudley and Grant.	2.60
02/09/01 Telephone call from Dudley; memo to file; telephone call to Grant; telephone call to MPD; telephone call to Miller.	2.60
02/12/01 Telephone call from Det. regarding Dudley and Grant; telephone call to Grant; telephone call to IAD; memo to file; telephone call to witness.	1.60
02/13/01 Telephone call from Dudley; telephone call to and from IAD; memo to file; telephone call to client.	0.70
02/14/01 Telephone call from and to White; memo to file.	0.40

	<u>Hours</u>	
02/15/01 Preparation for and appearance at Grant's statements to IAD; memo to file; travel; telephone call to and from IAD.	2.30	
02/16/01 Telephone call to Dudley; memo to file; telephone call from IAD.	0.70	
02/19/01 Telephone call from IAD; review of file.	0.60	
02/21/01 Preparation for and appearance at Miller statements to Det. and Dudley statements to Sgt. regarding PI-21; travel.	2.20	
02/22/01 Telephone call to #3; review of file.	0.40	
02/26/01 Telephone call from and to Det.	0.40	
03/22/01 Review of file; telephone call to Det.; telephone call to clients; telephone call to and from Reddin.	1.20	
03/23/01 Conference with client; statements to Reddin; memo to file; telephone call to client; travel; correspondence to MPD Open Records.	2.30	
05/01/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	18.50	\$2,035.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
03/23/01 Parking	2.00
05/01/01 MPD Open Records request	19.15
Total costs	<u>\$21.15</u>
Total amount of this bill	<u>\$2,056.15</u>
Balance due	<u><u>\$2,056.15</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

SUMMARY

DELETED PETITIONERS  
COPIES WITH REASON

CIU/Internal Affairs Division

Monday, March 26, 2001

IN THE MATTER OF: CIU#01-041 - BATTERY/THEFT OF MONEY  
P.O. JAY GRANT, PR#58829  
P.O. KEVIN DUDLEY, PR#62923  
DISTRICT #3 - LATE POWER

TO: DALE T. SCHUNK  
POLICE COMMANDER

SIR:

*This report was dictated by Lieutenant of Detectives Mary Hoerig, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), Early Shift.*

ALLEGATION:

*The complainant, Terrell VIVERETTE, alleges that unknown Milwaukee police officers did throw him to the ground causing injury to his head and also removed U.S. currencies from his person without consent.*

INVESTIGATION:

*This investigation was conducted by Detective Michael CARLSON. On Thursday, February 8, 2001, he was notified by Sgt. Carianne YERKES to meet with Sgt. Milan STOJKOVIC at Mt. Sinai Hospital in regards to a battery complaint. The officers involved in this complaint had conducted a traffic stop of a vehicle in which Terrell VIVERETTE was a passenger. This occurred in the area of N. 36<sup>th</sup> Street and W. North Avenue. VIVERETTE was instructed by the officers on numerous occasions to remove his hands from his pockets and he refused to do so. The officers did remove him from the vehicle at which time VIVERETTE began kicking and had to be decentralized on the roadway. Sgt. STOJKOVIC arrived at the scene and did observe a laceration over the complainant's right eye and a large bump on the right side of the back of his head. While at Mt. Sinai, being treated for his injuries, VIVERETTE complained that he was*

RY  
TU# 01-041  
AGE 3

*accused them of battering him while they were at the scene. All of the officers and the ambulance personnel deny having struck the complainant at any time.*

CONCLUSION:

*In conclusion this case was reviewed by Deputy District Attorney Jon REDDIN on Friday, March 23, 2001. REDDIN did interview both the officers involved in this incident and decided not to issue any charges against either officer. He stated that the alleged battery and injury sustained by VIVERETTE occurred during the arrest, mainly the decentralization. He further indicates that he does not believe there is any criminal intent upon the officers to commit a battery. In regards to the theft of money, REDDIN stated that there is no evidence that anyone actually took any money from Mr. VIVERETTE and there is no way to establish how much money VIVERETTE had on his person prior to their contact with police. Based on Deputy District Attorney REDDIN'S review of the case it will be cleared as warrant refused.*

Respectfully submitted:

*Mary K. Hoerig*  
Mary K. HOERIG  
Lieutenant of Detective s  
CIU/IAD, Early Shift

late Power

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. KEVIN DUDLEY  
DISTRICT THREE

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 FEBRAURY 8, 2001
- 2) A citizen's complaint made by TERRELL VIVERETTE
- 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: \_\_\_\_\_

*Kevin Dudley*  
*Kevin Dudley*

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

STEVEN SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

01/19/07 11:00 AM  
MILWAUKEE POLICE DEPARTMENT



Late Power

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. JOHN MILLER  
DISTRICT THREE

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 FEBRAURY 8, 2001
- 2) A citizen's complaint made by TERRELL VIVERETTE
- 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 R. Miller

Print your name: Miller, John R.

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

STEVEN SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp

01 NOV 27 6:10 PM '01

MILWAUKEE POLICE DEPARTMENT  
DEPARTMENTAL MEMORANDUM

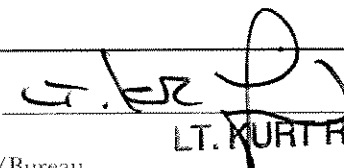
PM-11 Rev. 4/97

To: CIVIL LIT District/Bureau 3 Date: NOV 21 2001

Subject: P.O. JAY GRANT

- For immediate action
- For investigation
- For comment
- For recommendation
- For reply
- For report
- For approval
- For your information
- See me concerning
- Note and return
- Note and file
- Note, initial and route
- Make corrections noted
- Furnish requested information
- Use reverse side for reply or notes on action taken.

Remarks: PO. JAY GRANT IS ON MILITARY LEAVE - AND IT IS UNKNOWN AT THIS TIME WHEN HE WILL RETURN. I SPOKE WITH LT. MEYER, AND HE TOLD ME TO RETURN THIS TO YOU.

Signed:  Title: \_\_\_\_\_  
LT. KURT R. LEIBOLD  
District/Bureau \_\_\_\_\_ Ext. \_\_\_\_\_

Early

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. JAY GRANT  
DISTRICT THREE

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 FEBRAURY 8, 2001
- 2) A citizen's complaint made by TERRELL VIVERETTE
- 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.

STEVEN SETTINGSGAARD  
POLICE COMMANDER  
Internal Affairs Division

DTS:dnp