

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
LINDA ULISS BURKE
VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
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STUART S. MUKAMAL
THOMAS J. BEAMISH
MAURITA F. HOUREN
JOHN J. HEINEN
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SUSAN E. LAPPEN
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
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KURT A. BEHLING
GREGG C. HAGOPIAN
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MELANIE R. SWANK
JAY A. UNORA
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
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MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

December 29, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,
S.C. for legal fees for Police Officers Jason Mucha, Timothy McNair,
Gregory Nelson and Thomas Dineen
C.I. File No. 05-S-235; EC No. 2213

Dear Council Members:


Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Jason Mucha, Timothy McNair, Gregory Nelson and Thomas Dineen. The claim is in the amount of \$341.00 for 3.10 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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
Enc.
2277

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 11, 2005

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

CITY OF MILWAUKEE
2005 AUG 16 PM 2:33
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of POs Jason Mucha, Timothy McNair,
Greg Nelson and Tom Dineen
Allegations Regarding Mr. Jerome Landry
Date of Incident: July 15, 2004
Location of Incident: 2407 North 44th Street
EC No.: 2213**

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 a field interview.

Later, the MPD concluded that no criminal charges would issue. Attached is a copy of a status report from Captain of Police Mary K. Hoerig, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermele

JC/ldl
attachment
MUCHA ET AL

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 11, 2005

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

RE: MPD Criminal Investigation re: Mr. Jerome Landry
Regarding: POs Jason Mucha, Timothy McNair, Greg Nelson and Tom
Dineen
Date of Incident: July 15, 2004
Location of Incident: 2407 North 44th Street
Professional services

	<u>Hours</u>
12/13/2004 Telephone call from PO Mucha regarding new criminal investigation; open file; memo to file; telephone calls to POs McNair, Nelson and witness; memos to file.	1.20
12/27/2004 Telephone call from PO Dineen; memo to file.	0.50
12/29/2004 Review of file.	0.30
3/21/2005 Review of file; Fax to IAD.	0.20
3/28/2005 Receive and review letter from IAD.	0.20
7/1/2005 Review of file; Fax to IAD.	0.30
8/10/2005 Review of correspondence from IAD that complaint was deemed "unfounded"; correspondence to clients; close file.	0.40
	<u>Amount</u>
For professional services rendered	3.10 \$341.00

Mr. Ronald D. Leonhardt

Page 2

Amount

Balance due

\$341.00

(Rate: \$110.00 per hour)



Police Department

Nannette H. Hegerty
Chief of Police

Monday, July 25, 2005

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

AUG 10 2005

Dear Mr. CERMELE:

This letter is in response to your inquiries of July 5th, 2005, regarding the status of CIS Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

MARY K. HOERIG
CAPTAIN OF POLICE

PPD	COMPLAINANT	ALLEGATION	DISPOSITION
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8. 04-187	04-0636	LANDRY, JEROME	THEFT	UNFOUNDED
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FILE

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

July 5, 2005

Via Facsimile (414) 351-0506
Cpt. Mary Hoerig
Milwaukee Police Department (PPD)
6680 North Teutonia Avenue
Milwaukee, WI 53209

Re: Status of CIS Files

Dear Captain Hoerig

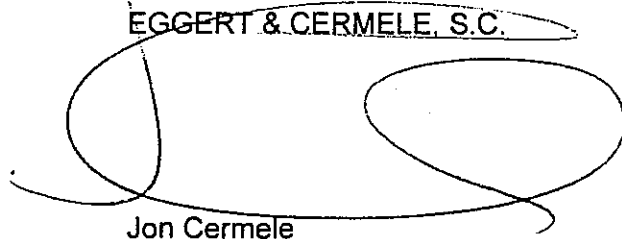
Please advise as to the status of the following CIS investigatory files pertaining to my clients:

8. Officer(s): Jason Mucha, Tom Dineen, Tim McNair, &
Greg Nelson
Complainant: Jerome Landry
CIS File No.: 04-187
PPD File No.: 04-0636

Thank you for your assistance.

Sincerely,

EGGERT & CERMELE, S.C.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned over the typed name.

Jon Cermele

JC/bms

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 15, 2005

TO: P.O. JASON MUCHA
DISTRICT: DISTRICT FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 July 15, 2004
- 2) A citizen's complaint made by Mr. Jerome Landry
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO _____

Did you receive legal representation
in this matter?

YES X NO _____

Your signature: _____

Print your name: _____

Jason Mucha

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

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
05 SEP 20 PM 2:59

RECEIVED

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 15, 2005

TO: P.O. TIMOTHY MCNAIR
DISTRICT: DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 July 15, 2004
- 2) A citizen's complaint made by Mr. Jerome Landry
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: P.O. / [Signature]

Print your name: P. Timothy A. McNair

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

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 15, 2005

TO: P.O. GREG NELSON
DISTRICT: DISTRICT THREE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 July 15, 2004
- 2) A citizen's complaint made by Mr. Jerome Landry
- 3) A police shooting incident occurring on N/A

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 Professional Performance Division at the Police Academy (Room 325) as soon as possible.

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 15, 2005

TO: DETECTIVE TOM DINEEN
DISTRICT: VICE CONTROL DIVISION

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 July 15, 2004
- 2) A citizen's complaint made by Mr. Jerome Landry
- 3) A police shooting incident occurring on N/A

Is this information correct? YES X NO

Did you receive legal representation in this matter? YES X NO

Your signature: Det Thomas Dineen

Print your name: Det Thomas Dineen

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

MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

05 SEP 21 AM 11:53

RECEIVED