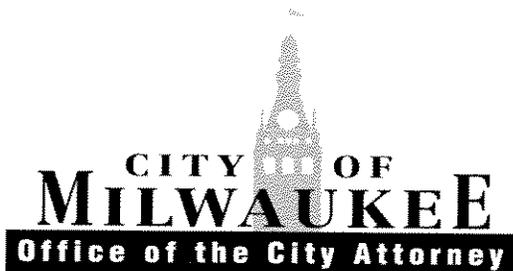


GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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VINCENT D. MOSCHELLA
Deputy City Attorneys



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
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ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

February 23, 2007

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele
for legal fees for Police Officer Michael Pendergast
C.I. Claim File No. 04-S-98; EC No. 2015

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officer Michael Pendergast. The claim is in the amount of \$817.25, including \$14.25 in disbursements for 7.30 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 the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

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.

1032-2004-1087.017/116082

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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

March 23, 2004

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

RECEIVED
MILWAUKEE CITY CLERK
MAY 11 2004

**RE: Citizen Complaint of Ms. Shirley M. Lawson
Against PO Michael Pendergast
Complaint No.: 02-40
Date of Incident: July 1, 2002
EC No.: 2015**

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a dog shooting and crowd control. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.



Laurie A. Eggert
Attorney at Law

2/23/07
o.k.
JRS
L. Ker 2295

LAE/ldl
attachment
PENDERGAST

RECEIVED

MAR 11 2004

BOARD OF
FIRE AND POLICE COMMISSIONERS : CITY OF MILWAUKEE : COUNTY OF MILWAUKEE

EGGERT & CERMELE, S.C.

In Re:
THE CHARGES OF SHIRLEY LAWSON
AGAINST MICHAEL PENDERGAST

ORDER OF DISMISSAL

To Officer Pendergast:

It is hereby ordered that the Complaint of Shirley Lawson, Complaint No. 02-40, filed with the Board on July 19, 2002, is dismissed against Michael Pendergast because the Complainant stated at the time of conciliation that the accused officer was not a party to the action complained of.

The Complaint itself remains in full force and effect against all other accused member(s), by the

MILWAUKEE BOARD OF
FIRE AND POLICE COMMISSIONERS

ERIC MANDEL JOHNSON,
CHAIRMAN

BY:



DAVID L. HEARD
EXECUTIVE DIRECTOR

DATED AT MILWAUKEE, WISCONSIN, MARCH 9, 2004.

✓c: Attorney Laurie Eggert

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

March 23, 2004

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

RE: Citizen Complaint of Shirley M. Lawson
Against PO Michael Pendergast
FPC No: 02-40
Date of Incident: July 1, 2002
Location of Incident: 5517 North 56th Street
Professional services

	<u>Hours</u>
9/4/2002 Conference with client; open file; correspondence to FPC.	0.70
9/11/2002 Review of correspondence from FPC.	0.10
9/30/2002 Review of correspondence from Eisenberg.	0.10
10/22/2002 Telephone calls from and to FPC; review of file; memo to file; correspondence to MPD Open Records; computer search regarding pending criminals.	1.10
11/5/2002 Telephone call from FPC; memo to file; review of file.	0.20
4/4/2003 Review of file; telephone call from and to FPC; memo to file; computer search regarding related criminal cases.	0.50
7/31/2003 Review of file; computer update of criminal cases.	0.20
10/29/2003 Review of file; computer update regarding related criminal cases.	0.40
12/8/2003 Review Fax from clerk of court regarding records.	0.20
12/11/2003 Review of correspondence from Circuit Court records; review of file; CCAP update regarding witness.	0.50

	<u>Hours</u>	<u>Amount</u>
12/16/2003 Review of correspondence from Circuit Court clerk; memo to file.	0.20	
1/15/2004 Telephone call from client.	0.10	
2/9/2004 Correspondence to client; review of correspondence from FPC.	0.20	
2/23/2004 Preparation for and appearance at conciliation; conference with client; memo to file; travel.	1.60	
2/25/2004 Review of file; memo to file.	0.40	
3/5/2004 Telephone call from FPC; memo to file.	0.30	
3/11/2004 Review of correspondence from FPC; correspondence to client; close file.	0.50	
	<u>7.30</u>	<u>\$803.00</u>
For professional services rendered		
Additional charges:		
12/11/2003 Circuit Court - open records request		6.25
2/23/2004 Parking		8.00
		<u>\$14.25</u>
Total costs		<u>\$817.25</u>
Total amount of this bill		<u>\$817.25</u>
Balance due		<u><u>\$817.25</u></u>

(Rate: \$110.00 per hour)

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. MICHAEL PENDERGAST
DISTRICT: TWO

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 JULY 1, 2002
- 2) A citizen's complaint made by SHIRLEY LAWSON
- 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: _____

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


Steven M. Settingsgaard
INSPECTOR OF POLICE
Internal Affairs Division

SMS:kjs