

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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September 16, 2004

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 Officer Kenneth Lipinski
C.I. File No. 00-S-57; EC No. 1379

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Kenneth Lipinski. The claim is in the amount of \$611.46 including \$6.46 in disbursements for 5.50 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 officer 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.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
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LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
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Assistant City Attorneys

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
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'00 FEB 23 PM 12:54
RONALD D. LEONHARDT
CITY CLERK

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 PO Kenneth Lipinski
Allegations Regarding Ms. Jill Plotke
Date of Incident: September 4, 1999
Location of Incident: 651 N. 27th St.
ELO No.: 1379

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 loud music complaint. Charges will not be issued against the officer; attached is a copy of the clearance report.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
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'00 FEB 23 PM 3:09
OFFICE OF
CITY ATTORNEY

JC/ldl
LIPINSKI

9/14/04
O.K.
JAS
Letter 2276

EGGERT LAW OFFICE, S.C.

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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: PO Kenneth Lipinski
Date of Incident: September 4, 1999
Location of Incident: 651 North 27th St.

Professional services

	<u>Hours</u>
9/15/99 Discussion with IAD; discussion with PO Lipinski; open file.	0.90
9/22/99 Telephone call from and to client; telephone call to IAD; meeting with client at IAD; attend client's statement to IAD; travel; memo to file.	2.80
11/1/99 Correspondence to MPD Open Records request.	0.20
11/2/99 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.40
1/26/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.60
Review of correspondence from MPD Open Records; correspondence to client; close file.	0.60

Mr. Ronald D. Leonhardt

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	<u>Hours</u>	<u>Amount</u>
For professional services rendered	5.50	\$605.00
Additional charges:		
1/28/00 MPD Open Records request		6.46
Total costs		<u>\$6.46</u>
Total amount of this bill		<u>\$611.46</u>
Balance due		<u><u>\$611.46</u></u>

(Rate: \$110.00 per hour)

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SUMMARY
CIU#99-211

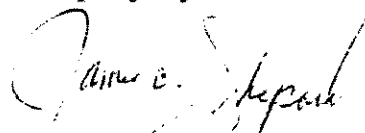
he determined that the vehicle would be towed. Officer LIPINSKI states that Ms. PLOTKE was agitated and at one point did unlock the drivers side door and that she refused to move aside as the tow truck driver was preparing to tow the vehicle. He states that he did extend his arm in an attempt to keep her away from the vehicle. He denies, however, that he made physical contact with her. He reports that Ms. PLOTKE did request a supervisor as well as his name and badge number. He, however, felt no need to summon a supervisor for the towing of a vehicle and did display his name plate and badge affixed to his uniform to her upon the request.

Several attempts to interview Nathan CARLE the reported cousin of complainant PLOTKE were unsuccessful. Mr. CARLE proved to be uncooperative in refusing to be interviewed regarding this incident.

CONCLUSION:

Investigation into this incident relative to the allegations of the conduct of Officer LIPINSKI did not rise to the level of a criminal offense. Further, the refusal of Nathan CARLE and statement provided by tow truck driver Chris CARAS failed to substantiate any physical contact between the complainant and Officer LIPINSKI. Due to the afore cited reasons this investigation will be cleared as baseless.

Respectfully Submitted:



JAMES C. SHEPARD
Lieutenant of Detectives
CIU/IAD