

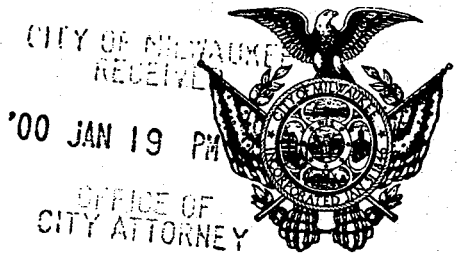
CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
CHARLES R. THEIS
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD 286-2025
FAX (414) 286-8550
December 9, 1999

BEVERLY A. TEMPLE
THOMAS O. GARTNER
LINDA ULISS BURKE
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
DAVID R. HALBROOKS
JAN A. SMOKOWICZ
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KURT A. BEHLING
GREGG C. HAGOPIAN
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JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
JENNIFER K. HENZL-MCVEY

Assistant City Attorney

Deputy Inspector Dale Schunk
Milwaukee Police Department
Internal Affairs Division
6680 North Teutonia Avenue, Rm 325
Milwaukee, WI 53209


Re: C.I. File No. 99-L-204
Communication from EGGERT LAW OFFICE

Dear Deputy Inspector Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officer Tom Casper.

Please determine whether this officer was in fact involved in the matter described in Ms. Eggert's claim, and have the officer verify Ms. Eggert's representation. Thank you for your anticipated cooperation in this matter.

Very truly yours,


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:lh
Enclosure

2/12/2001

O.K.

JAS

Letter # 2295

COMMUNICATIONS SECTION

77 L 204

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

November 11, 1999

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

RE: Citizen Complaint of Ave Patrick
Against PO Tom Casper
Complaint No.: 99-28
Date of Incident: March 9, 1998
ELO No.: 1374

Dear Mr. Leonhardt:

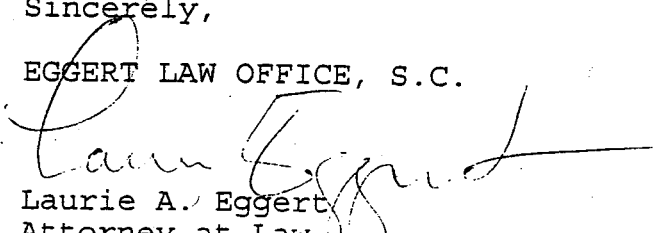
The above-named police officer has retained us to represent him in connection with the above-referenced matter.

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 an investigation of a disorderly conduct complaint. The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice.

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

Sincerely,

EGGERT LAW OFFICE, S.C.


Laurie A. Eggert
Attorney at Law

JC/LAE/ldl
CASPER

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

November 11, 1999

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

RE: Citizen Complaint of Ms. Ave Patrick
Against PO Tom Casper
FPC No: 98-28
Date of Incident: March 9, 1998
Location of Incident: 2625 West North Avenue

Professional services

	<u>Hours</u>
5/15/98 Open file; conference with client; telephone call to FPC; memo to file; correspondence to FPC.	0.60
6/1/98 Review file; correspondence to MPD Open Records; correspondence to Department of Justice and Department of Transportation.	0.40
6/24/98 Preparation for and attendance at conciliation; conference with client; travel.	1.60
7/1/98 Review correspondence from Department of Justice; memo to file.	0.20
8/21/98 Review correspondence from MPD Open Records.	0.40
9/29/98 Telephone call from Fronk; memo to file.	0.20

	<u>Hours</u>
2/19/99 Telephone call to FPC; correspondence to client.	0.20
2/23/99 Telephone call from FPC.	0.10
2/24/99 Review of file; correspondence to client; review MPD Rules and SOPs; correspondence to Department of Justice; correspondence to complainant.	2.40
3/15/99 Review of medical records provided by complainant; review of correspondence from Department of Justice.	1.10
3/16/99 Review correspondence from complainant; correspondence to Columbia Hospital, Dr. Wahlbert, Columbia Rehab. Service.	1.30
3/17/99 Telephone call from Investigator; review of file; correspondence to MPD Open Records.	1.10
Intra-office conference.	0.10
3/24/99 Review of correspondence from investigator; correspondence to client.	0.80
3/27/99 Telephone call from witness.	0.10
4/7/99 Review of complainant's records from Columbia Hospital.	0.75
4/14/99 Review FAX from FPC; correspondence to client.	0.20
4/15/99 Telephone call from client; memo to file.	0.20
5/3/99 Telephone call from FPC; correspondence to client.	0.40

	<u>Hours</u>
5/17/99 Meeting with client.	0.80
7/20/99 Telephone call from FPC.	0.10
7/21/99 Telephone call to FPC.	0.10
7/22/99 Telephone call to FPC.	0.10
7/23/99 Telephone call to FPC; telephone call to client; correspondence to client.	0.30
7/30/99 Telephone call from FPC.	0.20
8/4/99 Telephone call to FPC.	0.20
8/10/99 Telephone call from FPC; telephone call to and from witnesses.	0.60
8/11/99 Telephone calls to FPC (2); telephone call to and from witness; review of correspondence from FPC; review subpoenas.	0.60
8/13/99 Preparation for hearing; telephone call to Investigator; review of PI-21 tape; telephone call from Investigator; office conference with client.	4.40
8/16/99 Preparation for hearing; office conference with client; telephone call to and from witnesses.	2.90
8/17/99 Telephone calls from and to witnesses; Review of correspondence from FPC; preparation for hearing.	2.80
8/18/99 Office conference with client; preparation for hearing; telephone call to and from witness; travel to and from meeting with witnesses.	3.50

	<u>Hours</u>	
8/19/99 Preparation for hearing; travel to and from meeting with witnesses; appearance at hearing; conference with client; memo to file; travel.	8.20	
9/10/99 Review of correspondence from FPC; correspondence to client; close file.	0.60	
		<u>Amount</u>
For professional services rendered	37.55	\$4,130.50
Costs/Disbursements:		
6/18/98 WI Department of Justice		13.00
6/24/98 Parking		1.50
2/26/99 Department of Justice		13.00
4/7/99 Medical Records - Columbia Hospital re: Ave Patrick		48.64
5/3/99 Investigator		464.15
8/11/99 Subpoenas (8)		48.00
8/19/99 Parking		2.00
8/27/99 Investigator		160.00
Investigator		489.90
Total costs/disbursements		<u>\$1,240.19</u>
Total amount of this bill		<u>\$5,370.69</u>
Balance due		<u><u>\$5,370.69</u></u>

Mr. Ronald Leonhardt

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(Rate: \$110.00 per hour)

DECISION

This case is a result of people failing to act courteously and respectfully toward others, but it begins long before Officer Thomas Casper arrived on the scene. Initially there was a dispute about the use of a restaurant coupon, and neither the customer nor the restaurant operator appears to have treated the other courteously and respectfully. Subsequently there was a dispute between the same two parties about the quality of the food, and again it would appear that neither party treated the other courteously and respectfully. A simple matter that should have been resolved person to person escalated into an altercation which disrupted the restaurant operator's business and, once the police were called in, significantly impacted the customer's personal life.

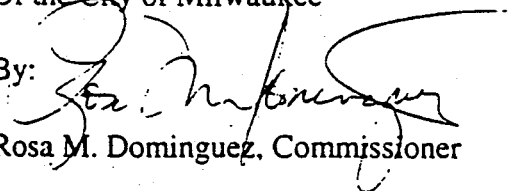
We do not believe that either Ms. Patrick or Mr. Mullarkey has been entirely truthful about their respective roles in the dispute. Officer Casper testified that the physical evidence appeared to contradict Ms. Patrick's version of how the contents of the tray ended on the floor, and Casper admitted that he may have indicated to Patrick that he did not believe her. There is contradictory testimony as to whether or not Casper actually called Ms. Patrick a liar or merely inferred that Ms. Patrick was not being truthful. Ms. Patrick accuses Officer Patrick of calling Patrick and Stovall "liars", and Ms. Stovall corroborates her testimony. Officer Casper denies that he called Ms. Patrick a liar, and Officer Apriesnig, Mr. Mullarkey, Mullarkey's family members and his employees testified that they did not hear Officer Casper call anyone a liar or say anything else which could have been construed as derogatory or discourteous.

We find the record inconclusive, and accordingly find that Complainant Ave Patrick has failed to prove by a preponderance of the evidence that Officer Thomas Casper Jr. was discourteous in violation of Milwaukee Police Department Rule 4, Section 2/060.00. This complaint and all charges against Officer Casper are dismissed.

Signed and dated at Milwaukee, Wisconsin this 2 day of September, 1999.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:


Rosa M. Dominguez, Commissioner

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

DECEMBER 23, 1999

TO: DET. TOM CASPER
VICE CONTROL DIVISION

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 MARCH 9, 1998
- 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: Det. Tom Casper

Print your name: Tom Casper

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 *24*
Deputy Inspector of Police
Internal Affairs Division

DTS:dnp