

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
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

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
DAVID R. HALBROOKS
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

Assistant City Attorneys

November 18, 2002

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 David Metz and Patrick Fuhrman
C.I. File No. 01-S-272-8; ELO No. 1651


Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers David Metz and Patrick Fuhrman. The claim is in the amount of \$1,300.43 including \$13.43 in disbursements for 11.70 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

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

August 2, 2001

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

CITY OF MILWAUKEE
AUG - 6 PM 2:35
RONALD D. LEONHARDT
CITY CLERK

**RE: MPD Criminal Investigation of POs David Metz and
Patrick Fuhrman
Allegations Regarding Mr. Jason Ashley
Date of Incident: February 15, 2001
Location of Incident: 2350 North 5th Street
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 a leg injury after a squad car made contact with a fleeing driver.

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 Metz and Fuhrman to give a statement concerning the incident after issuing a PI-21.

Later, the DA decided not to issue criminal charges against the officers. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.

Laurie A. Eggert
Attorney at Law

11/14/02

O.K.

JMS

Letter

2276

JC/LAE/ldl
METZFUHR

CITY OF MILWAUKEE
RECEIVED
AUG - 6 PM 3:14
OFFICE OF
CITY ATTORNEY

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

August 2, 2001

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

RE: MPD Criminal Investigation re: Mr. Jason Ashley
Regarding: PO David Metz and Patrick Fuhrman
Date of Incident: February 15, 2001
Location of Incident: 2350 North 5th Street

Professional services

	<u>Hours</u>
02/18/01 Telephone call from client; open file; memo to file.	0.50
02/21/01 Several telephone calls to and from PO Metz; telephone call to IAD; memo to file.	1.60
02/22/01 Telephone call to client; intra-office conference; review of file.	1.20
02/23/01 Telephone call to and from clients; telephone call to Det.; memo to file; review of file; intra-office conference; preparation for and appearance at IAD for Metz PI-21; travel.	4.30
02/25/01 Telephone call from Fuhrman; review of file.	0.20
02/26/01 Review of file; preparation for and appearance at IAD regarding PI-21; travel; memo to file; conference with client.	1.80

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
02/27/01 Review of file.	0.20	
03/14/01 Review of file; telephone call to IAD.	0.40	
03/15/01 Review of file; telephone call to Det.; memo to file.	0.40	
03/21/01 Review of file; correspondence to clients; correspondence to MPD Open Records; memo to file.	0.60	
04/27/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	11.70	\$1,287.00
Additional charges:		
04/27/01 MPD Open Records request		13.43
Total costs		<u>\$13.43</u>
Total amount of this bill		<u>\$1,300.43</u>
Balance due		<u><u>\$1,300.43</u></u>

(Rate: \$110.00 per hour through 12/31/1998)

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

SUMMARY

Friday, March 30, 2001

IN THE MATTER OF: CIU# 01-046 - RECKLESSLY ENDANGERING SAFETY
 P.O. DAVID METZ, PR#62029
 P.O. PATRICK FUHRMAN, PR#67739
 BOTH OF DISTRICT FIVE, EARLY SHIFT

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, Jason ASHLEY, alleges that when he attempted to flee from the police they intentionally rammed their squad car into him causing him to break his right leg.

INVESTIGATION:

This case was investigated by Det. Jeffery HOOVER with the assistance of Det. Ronald HARDEN, Det. Michele HARRISON and Det. William C. SMITH.

According to Jason ASHLEY he was the driver of a vehicle that was stopped by the police in the area of 5th and W. North Avenue. He states that he opened up his driver's door upon the stop and placed his left leg out of the car, he stood up to turn and run eastbound from the vehicle. This is when he observed a squad car driven by Police Officers METZ and FUHRMAN speed up and strike the vehicle he was driving. He's not sure if it was the squad that struck him or the impact of the squad car with his car that caused him to fall, however he began to feel pain to his right leg. It was later determined through medical personnel that ASHLEY did have a broken right leg.

Numerous interviews were conducted with witnesses within the vehicle as well as officers that were at the scene. These interviews indicated that no officers or witnesses

were able to explain the contact that occurred that resulted in ASHLEY breaking his leg. Some witnesses believe that the squad car struck the car that ASHLEY was fleeing from and other witnesses believed that the squad car struck ASHLEY. The initial reports indicate that the officers stated that ASHLEY ran from the vehicle and ran directly into their squad car as they approached. It should be noted that ASHLEY was taken into custody for Possession of Controlled Substance W/Intent to Deliver (cocaine), which was located in the vehicle.

Due to the inconsistent statements in regards to each of the witnesses as well as the officers that were at the scene, both vehicles, the squad car and the car in which ASHLEY was driving, were inventoried and stored at a confidential storage garage. Wisconsin Regional Crime Lab Technician Ray LENZ, in addition to other Wisconsin Regional Crime Lab personnel, did process both vehicles in attempts to determine the way in which this accident had occurred. After extensive processing the Crime Lab was unable to determine how the accident occurred and/or if there was any contact between the squad car and the citizen's car.

CONCLUSION:

This case was reviewed by Deputy District Attorney Jon REDDIN on Wednesday March 21, 2001, at which time he states that he is not going to issue criminal charges based on the fact that the police officers involved in the incident admitted to striking the victim. Furthermore that the Crime Lab analysis of evidence from the squad and from the citizen's vehicle do not substantiate the victim's story. He indicates that this is an accident and finds no intent on the officers' part. This case is cleared warrant refused.

Respectfully submitted:

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. DAVID METZ
SOB VCD

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 FEBRUARY 15, 2001
- 2) A citizen's complaint made by JASON ASHLEY
- 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: _____

David Metz
David METZ

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

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. PATRICK FUHRMAN
DISTRICT FIVE

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 FEBRUARY 15, 2001
- 2) A citizen's complaint made by JASON ASHLEY
- 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: PO Patrick Fuhrman

Print your name: PATRICK FUHRMAN

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


STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

INTERNAL AFFAIRS
DIVISION
MILWAUKEE POLICE

01 SEP 24 AM 10:12

RECEIVED