

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
200 EAST WELLS STREET, SUITE 800
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
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BEVERLY A. TEMPLE
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BRUCE D. SCHRIMPF
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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
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ELLEN H. TANGEN
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

May 10, 2001

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 Michael Lutz
C.I. File No. 00-S-419/ELO 1542

Dear Council Members:

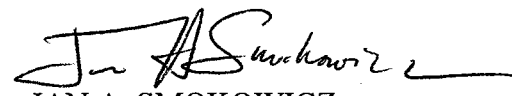
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Michael Lutz. The claim is in the amount of \$926.65, including \$13.65 in disbursements for 8.30 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced 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 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. 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

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G. O'SULLIVAN-CROWLEY

November 16, 2000

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

Re: C.I. File No. 00-S-419
Communication from EGGERT LAW OFFICE

Dear Commander Schunk:

Enclosed please find a claim filed by attorney Laurie A. Eggert for Attorney's fees incurred during her representation of officers Amberg, Anderer/Rodriguez, Anderson, Bartlett/Jack, Blaszak/Carrasco, Boswell/Heaney/Pruitt, Chu/Scanlan, Curtis, et al., Farina, Goldberg, Heim/Pierce, Kronschnabel, Lutz, Miscichoski, Novak, Rozga and Tabaska.

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

Very truly yours,

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure
5091

Assistant City Attorneys

INTERNAL AFFAIRS
DIVISION

00 DEC 26 AM 6:58

RECEIVED

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 7, 2000

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

**RE: MPD Criminal Investigation of PO Michael Lutz
Allegations Regarding Mr. Antonio Epps
Date of Incident: June 19, 2000
Location of Incident: 10001 W. Watertown Plank Rd.
ELO No.: 1542**

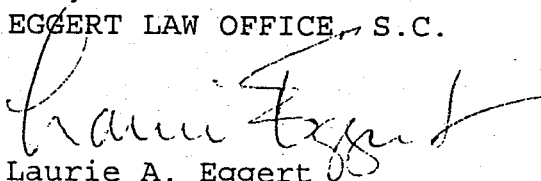
Dear Mr. Leonhardt:

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 attempt to take an escaped prisoner into custody. Charges will not be issued against the officer. 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

JC/ldl
LUTZ

5/10/2001

O.K.

JMS

Letter # 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
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November 7, 2000

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

RE: MPD Criminal Investigation
Regarding: PO Michael Lutz
Date of Incident: June 19, 2000
Location of Incident: 10001 W. Watertown Plank Rd.

Professional services

	<u>Hours</u>
6/19/00 Telephone call from PO Lutz; open file.	0.60
6/20/00 Discussion with IAD; several telephone calls from PO Lutz; office conference with client; memo to file.	1.50
6/21/00 Discussion with witness; several telephone calls to IAD; memo to file.	0.80
6/22/00 Several telephone calls to and from client.	0.40
6/29/00 Telephone call from client; memo to file.	0.10
7/10/00 Review of file; telephone call to IAD; telephone call to and from DA; telephone call to client.	0.70
7/11/00 Review of file; meeting with client at DA's office; attend charging conference; meeting with client; travel; memo to file.	1.80

	<u>Hours</u>	
7/28/00 Telephone call to IAD.	0.20	
7/31/00 Telephone call from DDA Reddin; memo to file.	0.10	
8/1/00 Telephone call from DDA Reddin; telephone call to and from IAD; telephone call to client.	0.40	
8/8/00 Telephone call to IAD.	0.10	
8/14/00 Telephone call to IAD.	0.40	
8/23/00 Telephone call to IAD; telephone call to DDA Reddin.	0.20	
8/25/00 Review of correspondence from DDA Reddin; telephone call to client; correspondence to client; correspondence to MPD Open Records.	0.50	
10/25/00 Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
		<u>Amount</u>
For professional services rendered	8.30	\$913.00
Additional charges:		
7/11/00 Parking		2.00
10/23/00 MPD Open Records request		11.65
Total costs		<u>\$13.65</u>
Total amount of this bill		<u>\$926.65</u>

Mr. Ronald D. Leonhardt

Page 3

Amount

Balance due

\$926.65

(Rate: \$110.00 per hour)

causing cuts and bruises to his right leg. He pepper sprayed the who continuously resisted. Then he directed focus strikes to the face and head area with a closed fist. Finally, his partner assisted him and they successfully . Also they called for an ambulance to treat the injuries and the was later transported to Milwaukee County Children's Hospital for treatment.

On August 23, 2000, Deputy DA REDDIN decided not to issue any charges against Officer LUTZ and based his decision on the fact that the ignored Officer LUTZ'S verbal commands and attacked him . Officer LUTZ was entitled to use the level of force he used to stop the subject's actions .

CONCLUSION:

Investigation by the Criminal Investigation Unit revealed that Antonio EPPS by Officer LUTZ. EPPS claims that he was complying with the officer's orders and he was maced and beaten for no apparent reason. However, Officer LUTZ indicated that the refused to comply with his instructions and attacked him causing him to suffer injuries to his right leg. All the witnesses who were interviewed observed a struggle but because of their vantage point did not observe all the essential elements of this offense. EPPS was also pertaining to this incident. Lastly, Deputy DA REDDIN refused to issue the charge of substantial battery against Officer LUTZ. This incident will be cleared as warrant refused.

INTERNAL AFFAIRS DIVISION	
Received	SEP 8 2000
Referred	Reviewed
By	Cynthia N. Schenk

Respectfully submitted:

Det. Jeffery Hoover

Jeffery HOOVER
Police Detective
CIU/IAD, Day Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JANUARY 3, 2001

TO: PO MICHAEL LUTZ
DISTRICT ONE

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 JUNE 19, 2000
- 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: _____

PO Michael Lutz

Print your name: _____

MICHAEL LUTZ 26353

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 *2H*
Commander of Police
Internal Affairs Division

DTS:dnp