

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
TDD 286-2025
FAX (414) 286-8550

March 22, 2001

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
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
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

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 Steven Wesolowski
C.I. File No. 99-L-91**

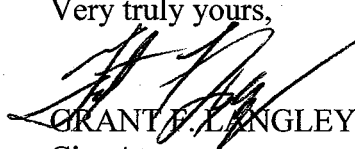
Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Steven Wesolowski. The claim is in the amount of \$9,741.11 including \$1,271.11 in disbursements for 77.00 hours of service billed at the rate of \$110.00 per hour. **We have advised claimant's counsel, however, that a claimed mileage disbursement is not reimbursable, and so the claim has been reduced to \$9,738.25.** 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 and by a criminal investigation. The complaint was dismissed by the Commission and the officer was not charged criminally.

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.
2295

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
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June 24, 1999

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS

Assistant City Attorneys

Deputy Inspector Dale Schunk
Milwaukee Police Department
749 West State Street, Room 714
Milwaukee, WI 53233

Re: C.I. File No. 99-L-91
Communication from EGGERT LAW OFFICE, S.C.

Dear Deputy Inspector Schunk:

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

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

Very truly yours,

J. Smokowicz
JAN A. SMOKOWICZ
Assistant City Attorney

JAS:beg
Enclosure

3/22/2001
O.K. for
\$9738.²⁵ only
Exclude mileage
Let JAS
Letter # 2295

RECORDED
INDEXED
JUL 13 AM 10:28
JUL 13 AM 10:28

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE
99 JUN 17 PM 3:48
RONALD D. LEONHARDT
CITY CLERK

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

June 15, 1999

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

**RE: Citizen Complaint of Ms. Shawanda Johnson
Against PO Steven Wesolowski
Complaint No.: 97-11
Date of Incident: November 6, 1996**

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 arose from an off-duty incident during which Officer Wesolowski identified himself as a police officer, intervened to break up a disturbance between two individuals, and issued a disorderly conduct citation. The complainant also made a criminal allegation against Officer Wesolowski. The DA ruled it baseless. Attached are copies of both the FPC decision and the DA's letter.

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 ATTORNEY
1999 JUN 17 PM 4:24
CITY OF MILWAUKEE

LAE/ldl
WESOLOWSKI.S

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

June 15, 1999

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

RE: Citizen Complaint of Ms. Shawanda Johnson
Against PO Steven Wesolowski
FPC No.: 97-11
Date of Incident: November 6, 1996

Professional services

	<u>Hours</u>
7/14/97 Review of file; telephone call to client; telephone call to Municipal Court; review documents from Internal Affairs.	0.80
7/16/97 Review of correspondence from client.	0.10
7/18/97 Review of file; telephone call from City Attorney; correspondence to City Attorney; memo to file.	1.50
11/13/97 Memo to file.	0.10
12/18/97 Telephone call from FPC; correspondence to client.	0.30
12/19/97 Telephone call from FPC; memo to file.	0.30
12/26/97 Telephone call from and to client; memo to file.	0.40
1/2/98 Review of correspondence from FPC.	0.10

	<u>Hours</u>
1/7/98 Review of file.	0.30
1/12/98 Review of file in preparation for conciliation.	0.60
1/13/98 Preparation for and appearance at conciliation; conference with client; travel; memo to file.	2.20
1/14/98 Telephone call from client; memo to file.	0.60
1/15/98 Telephone call from client; memo to file; telephone call to investigator.	0.50
2/2/98 Review of correspondence from FPC.	0.10
2/3/98 Conference with investigator; review of file; memo to file.	0.40
2/6/98 Conference with investigator.	0.10
2/13/98 Telephone call from investigator; memo to file.	0.20
2/16/98 Telephone call from Investigator, memo to file.	0.20
2/18/98 Telephone call to investigator; memo to file.	0.10
2/20/98 Telephone call from investigator; memo to file.	0.20
3/4/98 Telephone call from FPC; memo to file.	0.20
3/6/98 Review witness statements and investigator's report; telephone call to investigator.	0.80

	<u>Hours</u>
3/9/98 Review D.C. decision re: complainant.	0.10
3/10/98 Review of correspondence from court reporter; review transcript; telephone call to investigator; memo to file; telephone call to client.	2.80
3/11/98 Telephone call from investigator (2); memo to file; telephone call from client.	0.60
3/13/98 Telephone call from investigator.	0.10
3/16/98 Telephone call from and FAX from investigator; memo to file.	0.60
3/27/98 Review documents from investigator.	0.20
3/30/98 Review documents from investigator; review of file.	0.60
4/1/98 Review document from investigator.	0.30
5/4/98 Review of correspondence from MPD; memo to file.	0.20
6/3/98 Review of correspondence from Fronk; memo to file.	0.20
6/6/98 Review of file; memo to investigator; correspondence to Department of Justice; witness and exhibit list.	0.90
6/8/98 Telephone call to and from McAdams and Steffens; memo to file.	0.70
6/9/98 Telephone call from city attorney; memo to file.	0.20
6/12/98 Telephone call from investigator; memo to file; telephone call to Dugan.	0.70

	<u>Hours</u>
6/15/98 Telephone call from Dugan; review of file; memo to file.	0.30
6/16/98 Telephone call to Fronk; review of correspondence from investigator; memo to file.	0.60
6/17/98 Telephone call from investigator.	0.10
6/18/98 Telephone call from and to Dugan; telephone call to and from investigator; memo to file.	0.40
6/20/98 Review of correspondence from investigator; correspondence to client.	0.30
6/24/98 Telephone call from FPC.	0.10
6/25/98 Telephone call from Fronk re: dates; memo to file.	0.20
6/26/98 Telephone call to Dugan; review of file.	0.30
6/30/98 Telephone call from Dugan, review of correspondence from Department of Transportation.	0.20
7/2/98 Telephone call from and to client; review of file; telephone call from investigator.	0.80
7/6/98 Telephone call from investigator; review memo re: Dugan.	0.20
7/9/98 Telephone call from investigator; telephone call to Dugan.	0.20
7/10/98 Telephone call from Dugan; telephone call to Fronk re: scheduling; memo to file.	0.40

	<u>Hours</u>
7/13/98 Telephone call from investigator; memo to file; telephone call to Fronk re: scheduling; telephone call to Dugan.	0.90
7/14/98 Review of file.	0.30
7/17/98 Telephone call to Fronk; review of correspondence from Dugan.	0.20
7/21/98 Review of correspondence from Department of Justice; telephone call from and to FPC; telephone call to interpreter; telephone call to and from investigator.	0.60
7/23/98 Conference with and telephone call to investigator; conference with witness; telephone call from and to Dugan; memo to file.	1.90
7/24/98 Telephone call from investigator; telephone call to Dugan (2), Connie Ward; telephone call to FPC; telephone call from court reporter.	1.00
7/27/98 Telephone call from and to interpreter; memo to file.	0.20
7/28/98 Telephone call from and to Shimeta; telephone call to and from, and FAX to and from, Dugan; revise witness and exhibit list.	1.70
7/29/98 Telephone call to and from FPC; telephone call to client; review of file in preparation for hearing; review FAX from Dugan.	1.30
7/30/98 Preparation for and appearance at hearing re: Hernandez testimony; travel.	2.10

	<u>Hours</u>
8/4/98 Review of correspondence from investigator.	0.10
8/26/98 Telephone call from Fronk; review of file.	0.10
8/28/98 Telephone call to FPC; review of file.	0.20
8/31/98 Telephone call from Fronk re: dates; memo to file.	0.10
9/9/98 Telephone call from and to client.	0.20
9/29/98 Telephone call from Fronk; review of file.	0.10
10/7/98 Telephone call from and to FPC; memo to file.	0.30
10/9/98 Telephone call from FPC.	0.10
10/12/98 Review of correspondence from FPC; review of correspondence from MPD.	0.20
11/12/98 Telephone call from and to Dugan; memo to file; telephone call to client; review of file; telephone call from Steffes.	2.30
11/13/98 Review documents from opposing counsel; conference with client; memo to file.	2.90
11/16/98 Telephone call from Gastrow; memo to file.	0.30
11/17/98 Review criminal file; telephone call from FPC; telephone call to witness; telephone call to Dugan; review of correspondence from FPC; telephone call from client; FAX to witness.	2.70

	<u>Hours</u>
11/18/98 Hearing preparation; telephone call to witnesses; memo to file; review of file; telephone call to process server.	3.80
11/19/98 Review of file; telephone call from witnesses; telephone call to and from Dugan; preparation for hearing; telephone call to client.	5.60
11/20/98 Preparation for and appearance at hearing; conference with client; memo to file; travel.	7.60
11/24/98 Telephone call from investigator.	0.10
12/9/98 Review of file.	0.10
3/3/99 Telephone call from FPC; memo to file.	0.20
3/24/99 Review of file.	0.10
4/2/99 Review proposed decision; correspondence to client.	0.40
4/16/99 Review of file and proposed decision.	2.00
4/19/99 Review transcript.	1.80
4/20/99 Review transcript and notes of hearing..	1.70
4/26/99 Draft brief.	3.20
4/27/99 Telephone call to Dugan.	0.10
4/28/99 Telephone call to Fronk; memo to file; edit brief.	2.30
4/29/99 Edit brief.	2.10

	<u>Hours</u>	
4/30/99 Edit brief	1.20	
5/6/99 Review complainant's brief; telephone call to FPC; telephone call to and from Dugan; memo to file.	1.30	
5/7/99 Review revised brief of complainant; correspondence to client.	0.60	
5/22/99 Review decision from FPC; correspondence to client; close file.	0.60	
		<u>Amount</u>
For professional services rendered	77.00	\$8,470.00
Additional charges:		
1/13/98 Parking		1.50
Mileage		0.90
3/11/98 Investigator report		386.00
Transcript - Ray Reporting, Inc.		207.25
3/27/98 Investigator report		346.80
6/18/98 Department of Justice request		13.00
7/6/98 Department of Justice request		13.00
7/30/98 Mileage		0.98
Parking		1.50
8/6/98 Investigator		257.20
11/9/98 Subpoenas (4)		36.00

Mr. Ronald D. Leonhardt

Page 9

	<u>Amount</u>
11/20/98 Mileage	0.98
Parking	6.00
	<hr/>
Total costs	\$1,271.11
	<hr/>
Total amount of this bill	\$9,741.11
	<hr/>
Balance due	<u>\$9,741.11</u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

Robert D. Donohoo
Jon N. Reddin
Carol Lynn White
James J. Martin

Richard P. Klinkowitz
Thomas A. Schulz
Alexander G. Sklenarz
Fredric E. Matestic
Robert E. Kraemer
William J. Molitor
Gerald R. Falk
Patrick J. Kenney
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles
Deborah Daley
Fern S. Siegel
Douglas J. Simpson
Carol L. Kraft
Cynthia G. Brown
Norman A. Gahn
George N. Prietz, III
Alice E. Read
Stephanie Gineris Rothstein
Carol E. Stauder
Steven H. Glamm
Mary Anne Smith
Mark S. Williams
Linda Johnson
John M. Stoiber
Thomas L. Potter
David Feiss
Karen E. Christenson
Rayann Chandler Szychiński
Elisa Castellon
Carole Manchester
Kenneth R. Berg
Benbow P. Cheesman, Jr.
Lovell Johnson, Jr.
Warren D. Zier
Timothy J. Cotter
Carol Berry Crowley
Steven V. Licata
Brad Vorpahl
Jane Carroll
Thomas J. McAdams
Paul Tiffin
Susan Jean Sommer
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Christopher Ford
Christine M. Abbott
Phillip A. Arief
Bruce J. Landgraf
Mary K. McCann
Denis J. Stingl
Jorge A. Gomez
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
William E. Harrahan
Debra M. Sciano, SSND
Patricia A. McGowan
Irene Parthum Gall
Karen A. Loebel
Nancy Ettenheim
Marcella DePeters
Ronald S. Dague
JoAnn M. Hornak
Catherine A. Gaudreau
Laura G. Arbuckle
Lori S. Kornblum
Christopher A. Liegel
Karine O'Byrne
Maria Williams
Marshall B. Murray
James W. Frisch
Kurt B. Bankley
James C. Griffin
William P. Pipp
Audrey Skwierawski
Joanne L. Hardtke
Carl Jordan
John T. Chisholm
Megan P. Carmody
Laura A. Crivello
La Chelle Olive
Derek C. Mostley
Shawn Pompe
Brian J. Resler
Karen A. Lynch
Jayne Davis Dewire
Allison M. Ritter
Kevin R. Shomin

December 4, 1996

LT. MICHAEL YOUNG
MILWAUKEE POLICE DEPARTMENT
749 WEST STATE STREET
MILWAUKEE, WI 53233

Re: November 6, allegation against Police Officer Steve
Wesolowski made by Ms. Shawanda Johnson

Dear Lt. Young:

You recently requested that I review a charge against City
of Milwaukee Police Officer Steve Wesolowski for a
November 6, 1996 incident that happened near 2341 South
Chase Street wherein Ms. Shawanda Johnson claims that
Officer Wesolowski pointed his gun at her face and made
threatening remarks.

For the following reasons, I have decided no criminal charge
is appropriate. First, there is no corroboration to Ms.
Johnson's story. No other witness exist and the store clerk
did not see anything. Second, Ms. Johnson inaccurately
describes the holster Officer Wesolowski's gun was allegedly
in. Third, you mentioned to me that Ms. Johnson has filed
complaints against police officers before which were not
proven. Fourth, Officer Wesolowski denied the incident took
place. Fifth, Officer Wesolowski, although off-duty was
breaking up a dispute in a convenience store between Ms.
Shawanda and another woman in which it appears that Ms.
Johnson was at least partially the aggressor.

If you have any questions or comments, feel free to contact
me. Thank you for your time and attention.

Sincerely,

[Handwritten signature of Thomas J. McAdams]

Thomas J. McAdams
Assistant District Attorney

TJM:tea5

cc: Robert D. Donohoo, Deputy District Attorney

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the matter of the complaint of

SHAWANDA JOHNSON

DECISION OF THE BOARD

against

P.O. STEVEN WESOLOWSKI

Complaint No. 97-11

Commissioners August G. Erdmann, Robert J. Welch and Carla Y. Cross met on May 11, 1999, for the purpose of conducting deliberations in this matter. Each Commissioner had been provided with copies of transcripts, exhibits and other documents relative to the proceedings before the Hearing Examiner, and had reviewed those documents prior to this meeting. As a result of the deliberations, this Commission has reached the following unanimous decision:

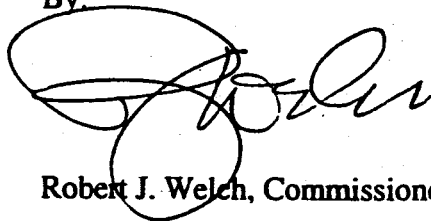
We adopt the Recommendation and the proposed Findings of the Hearing Examiner as attached hereto and made a part hereof by reference. The testimony in this case is contradictory in essentially all respects, and neither the version of the incident as offered by the Complainant nor that of Officer Wesolowski is entirely convincing. We are faced with a situation where the truth would appear to lie somewhere in between. Given the lack of corroborating testimony from any independent witness, we are unable and unwilling to guess at which version of the "truth" is the more accurate of the two.

The Complainant has the burden of proving, by a preponderance of the evidence, that the officer violated departmental rules and/or procedures. In this case that burden has not been met. We accordingly dismiss this complaint.

Signed and dated at Milwaukee, Wisconsin this 17th day of May, 1999.

Board of Fire and Police Commissioners
Of the City of Milwaukee

By:



Robert J. Welch, Commissioner

RECEIVED

MAY 22 1999

EGGERT LAW OFFICE, S.C.

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

JULY 22, 1999

TO: PO STEVEN WESOLOWSKI
DISTRICT SIX

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 NOVEMBER 6, 1996
- 2) A citizen's complaint made by SHAWANDA JOHNSON
- 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: Steven Wesolowski 50968

Print your name: STEVEN WESOLOWSKI

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 JH
Deputy Inspector of Police
Internal Affairs Division

DTS:dnp