

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

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HAZEL MOSLEY
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THOMAS J. BEAMISH
MAURITA F. HOUREN
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DAVID J. STANOSZ
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KURT A. BEHLING
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EDWARD M. EHRlich
CHRISTOPHER J. CHERELLA
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

April 27, 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 Officers Tim Koestering and Kevin Clark
C.I. File No. 00-S-293/ELO 1485**

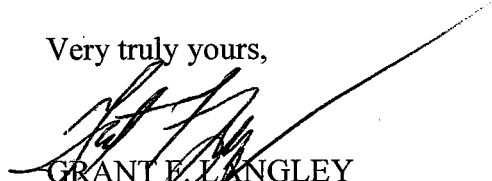
Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Tim Koestering and Kevin Clark. The claim is in the amount of \$1,581.96 including \$8.96 in disbursements for 14.30 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 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

CITY OF MILWAUKEE

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September 5, 2000

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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Assistant City Attorneys

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-293
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 Albanese, et al., albanese/Anderer, Anderer/Meister, Buddenhagen/Trczinski, Charles, Ederesinnnghe, Grant, et al., Hainzl, Hines, et al., Johnson/lopez/luebbe, Koesting/Clark, Lazo, Lelinski, Lintonen/Finley, Meister, Newport/Doyne, Raap, etal, Robinson/Gagliano, Timmerman/Jenkins and Walton/Stein.

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

00 SEP 25 AM 10:11
INTERNAL AFFAIRS
DIVISION

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 23, 2000

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

**RE: MPD Criminal Investigation of POs Tim Koestering and
Kevin Clark
Allegations Regarding Mr. Robert T. Henning
Date of Incident: April 3, 2000
Location of Incident: 2740 N. 24th St.
ELO No.: 1485**

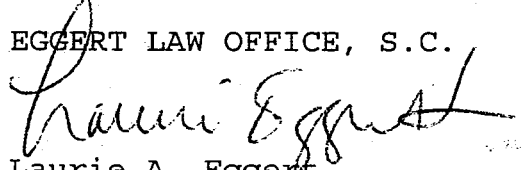
Dear Mr. Leonhardt:

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 traffic stop resulting in a chase by vehicle and on foot. Charges will not be issued 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

4/26/2001

O.K.

JAS

E Letter # 2276

MILWAUKEE
JUL 28 PM 3:33
CITY ATTORNEY
JC/101
KOESTERING.2

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 23, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Tim Koesterling and Kevin Clark
Date of Incident: April 3, 2000
Location of Incident: 2740 North 24th Street

Professional services

	<u>Hours</u>
4/3/00 Several telephone calls from PO Koesterling; several telephone calls from PO Clark; open file.	0.60
Telephone call from clients.	0.20
4/4/00 Several telephone calls from and office conference with PO Koesterling; memo to file; telephone call from PO Clark.	1.00
4/7/00 Conference with PO Koesterling; office conference with PO Clark; memo to file.	1.80
4/10/00 Telephone call to witness; telephone call to and from PO Koesterling.	0.40
4/11/00 Conference with PO Koesterling; telephone call to IAD; telephone call to, and conference with, witness..	2.20
4/12/00 Telephone call to witness; telephone call to IAD; review of file; meeting with PO Clark at IAD; attend PO Clark's statement to IAD; travel.	2.30

	<u>Hours</u>	
4/13/00 Telephone call to IAD.	0.20	
4/14/00 Review of file; meeting with witness at IAD; attend witness' statement to IAD; travel.	1.70	
4/26/00 Review of file; meeting with PO Koestering at IAD; attend PO Koestering's statement to IAD; travel.	2.60	
5/5/00 Telephone call to IAD.	0.10	
5/8/00 Telephone call to IAD.	0.20	
5/9/00 Telephone call to IAD.		
5/10/00 Telephone call to IAD; correspondence to MPD Open Records; correspondence to client.	0.50	
8/4/00 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	14.30	\$1,573.00
Additional charges:		
8/4/00 MPD Open Records request		8.96
Total costs		<u>\$8.96</u>
Total amount of this bill		<u>\$1,581.96</u>
Balance due		<u><u>\$1,581.96</u></u>

Mr. Ronald D. Leonhardt

Page 3

(Rate: \$110.00 per hour)

pursuit at which time complainant HENNING pulled the auto over in the area of the 2600 block of N. 24th Street and jumped out of the auto and began running. Complainant HENNING then was pursued on foot through an open yard where Mr. HENNING encountered a chain link fence. Officer CLARK states as HENNING was climbing over the fence he (P.O. CLARK) managed to grab his jacket sleeve. HENNING then fell off the fence at which point he believed HENNING'S head then struck the fence. Officer CLARK further adds that HENNING fell face forward onto a wood pile next to the fence. Both Officers CLARK and KOESTERING deny kicking, punching or otherwise striking complainant HENNING. Further they maintain they did not observe any other officer kick or strike the complainant.

Upon interview of Officer Jay GRANT he offered on the date of this incident that he was assigned radar and while conducting radar enforcement did become aware of the chase involving Officers CLARK and KOESTERING. Officer GRANT reports that he did engage in the foot pursuit at which point he observed HENNING climbing over a chain link fence. He states he observed Officer CLARK grab HENNING by his jacket but as HENNING struggled to break free his head then made contact with the chain link fence. Officer GRANT states at no time did he nor other officers who he had observed strike or kick Mr. HENNING. Officer GRANT states after HENNING was taken into custody he (P.O. GRANT) did tow the complainant's auto. He states at this time he did observe a cell phone on the front seat of the auto and that the phone remained in the auto at the time of it's towing.

All officers interview denied observing any U.S. currency, specifically the \$41.00 Mr. HENNING alleges that was in his possession prior to being taken into police custody.

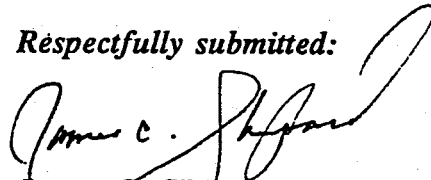
CONCLUSION:

Complainant HENNING alleged that prior fleeing from the police he had on his person

\$41.00 in U.S. currency. He could not state however if the officers took the money from him or not. He reports once he arrived at the district station and was undergoing the booking process he then discovered the money to be missing suggesting that it was possible he lost the money while attempting to flee the police officers. The complainant further alleged that the officers battered him but when questioned as to how he suffered his injuries he stated, "I don't know. I think they jumped me," suggesting that it was possible that he sustained the injuries when attempting to allude the police by jumping over a chain link fence. It should be noted that Mr. HENNING'S cell phone was confirmed to be listed on the tow lot's inventory as being present on the front seat of his vehicle.

Due to the cited reasons this incident will be cleared as baseless.

Respectfully submitted:



James C. SHEPARD
Captain of Police
CIU/IAD, Day Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 26, 2000

TO: PO TIM KOESTERING
DISTRICT THREE

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 APRIL 3, 2000
- 2) A citizen's complaint made by
- 3) A police shooting incident occurring on

Is this information correct?

YES TWK NO _____

Did you receive legal representation
in this matter?

YES TWK NO _____

Your signature: P.O. Tim Koesting

Print your name: Tim Koesting

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 *JS*
Commander of Police
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 26, 2000

TO: PO KEVIN CLARK
DISTRICT THREE

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 APRIL 3, 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: *Kevin Clark* ^{KEVIN CLARK}

Print your name: Kevin Clark

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 *JS*
Commander of Police
Internal Affairs Division

DTS:dnp