

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
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LINDA ULISS BURKE
Special Deputy City Attorneys



OFFICE OF CITY ATTORNEY
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DAVID R. HALBROOKS
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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 Kurt Lacina and David Salazar
C.I. File No. 01-S-272-5; ELO No. 1638

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Kurt Lacina and David Salazar. The claim is in the amount of \$398.55 including \$2.55 in disbursements for 3.60 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
RONALD D. LEONHARDT
CITY CLERK
AUG - 6 PM 2:34

**RE: MPD Criminal Investigation of POs Kurt Lacina and
David Salazar
Allegations Regarding Mr. Clifton Davis
Date of Incident: January 17, 2001
Location of Incident: 5040 North 39th Street
ELO No.: 1638**

Dear Mr. Leonhardt:

The above-named police officers have retained us to represent them in connection with the above-referenced matter. Officers Lacina and Salazar are the "two different police officers" who are accused of holding the complainant's legs while he was allegedly beaten.

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. 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 Eggert
Laurie A. Eggert
Attorney at Law

11/14/02
O.K.
JAS
Letter

JC/ldl
LACSAL

2276

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
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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. Clifton Davis
Regarding: POs Kurt Lacina and David Salazar
Date of Incident: January 17, 2001
Location of Incident: 5040 N. 39th St.

Professional services

	<u>Hours</u>
01/18/01 Telephone calls from POs Lacina and Salazar; open file; telephone call to and from IAD; memos to file; brief meeting with IAD.	1.20
01/19/01 Follow-up call to IAD; telephone call to POs Lacina and Salazar; correspondence to POs Lacina, Salazar and Elm.	0.90
02/27/01 Discussion with DA; telephone call to IAD.	0.30
03/01/01 Telephone call to DA; telephone call to IAD.	0.20
03/05/01 Review of correspondence from IAD; correspondence to MPD Open Records; correspondence to clients.	0.50
03/26/01 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50

Mr. Ronald D. Leonhardt

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	<u>Hours</u>	<u>Amount</u>
For professional services rendered	3.60	\$396.00
Additional charges:		
03/26/01 MPD Open Records request		2.55
Total costs		<u>\$2.55</u>
Total amount of this bill		<u>\$398.55</u>
Balance due		<u><u>\$398.55</u></u>

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

MILWAUKEE POLICE DEPARTMENT

CIU/Internal Affairs Division

SUMMARY

Friday, January 26, 2001

IN THE MATTER OF: CIU#01-017 - BATTERY
 P.O. PATRICK ELM, PR#65156
 P.O. DAVID JANKOWSKI, PR#56495
 BOTH OF DISTRICT SEVEN, EARLY SHIFT

TO: DALE T. SCHUNK
 POLICE COMMANDER

SIR:

This report was dictated by Detective Michele HARRISON, assigned to the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), early shift.

ALLEGATION:

The complainant, Clifton DAVIS, states after an auto and foot chase he was hiding in the bushes when the police found him. Mr. DAVIS alleges the first police officer struck him several times with a closed fist to his nose and face and a second police officer struck him with a flashlight to the back of his head and left knee causing pain.

INVESTIGATION:

In an interview with Det. Michele HARRISON, Mr. DAVIS stated he was driving and the police came behind him and attempted to stop him. He stated he continued to drive and drove down a dead end street and parked and ran southbound through a field and gangway and hid in some bushes. He indicated the police found him and started beating on him. He states the police officer who was originally chasing him, P.O. ELM, struck him several times with a closed fist to his nose and face area, as he partner, P.O. JANKOWSKI, struck him with his flashlight to the head and the left knee. Mr. DAVIS states there were two different police officers and they were also holding his legs. He was then subsequently arrested and handcuffed and put into the van. Mr. DAVIS indicated he

RE: CIU#01-017 - BATTERY
PAGE 2

never resisted with the police and denied attempting to disarm any police officer. Mr. DAVIS was arrested for Disarming a Police Officer, Resisting an Officer, OAR, Fleeing, Possession of Controlled Substance (marijuana) and Unregistered Auto.

CONCLUSION:

On Thursday, January 18, 2001, Det. Bradley KUST took this case to the District Attorney's office and it was reviewed by Assistant District Attorney Ken BERG. The defendant, Clifton DAVIS, was in custody at the time and was charged with Resisting an Officer, Fleeing and State OAR. Based on this information gathered throughout this investigation there are currently no sufficient findings to indicate any officer acted criminally while conducting their investigation. Based on Assistant DA Ken BERG'S disposition, this case will be cleared as unfounded.

Respectfully submitted:

Michele Harrison
Michele HARRISON
Police Detective, 60822
CIU/IAD, Early Shift

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. KURT LACINA
DISTRICT SEVEN

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 JANUARY 17, 2001
- 2) A citizen's complaint made by CLIFTON DAVIS
- 3) A police shooting incident occurring on

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: PO Kurt Lacina

Print your name: KURT LACINA

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

St. L. H. Gaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

RECEIVED
01 SEP 31 AM 10:44
MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: DETECTIVE DAVID SALAZAR
CIB

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 JANUARY 17, 2001
- 2) A citizen's complaint made by CLIFTON DAVIS
- 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: DE. DAVID SALAZAR

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