

# CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY  
City Attorney

RUDOLPH M. KONRAD  
PATRICK B. McDONNELL  
LINDA ULISS BURKE  
Deputy City Attorneys



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DAWN M. BOLAND  
KATHRYN M. ZALEWSKI

Assistant City Attorneys

April 5, 2005

To the Honorable Common Council  
of the City of Milwaukee  
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.  
for legal fees for Police Officers Denise Clark, Paul Garhart and William Feely  
C.I. File No. 03-S-382; EC 1937

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Denise Clark, Paul Garhart and William Feely. The claim is in the amount of \$1,763.00 including \$14.00 in disbursements for 15.90 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. Wis. Stat. § 895.35, *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,

Handwritten signature of Grant F. Langley in cursive.

GRANT F. LANGLEY  
City Attorney

Handwritten signature of Jan A. Smokowicz in cursive.

JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:enm

Enc.

91784/ 1032-2003-3155

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

Laurie A. Eggert  
Jonathan Cermele  
Rachel L. Schneider

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

September 24, 2003

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

**RE: MPD Criminal Investigation of POs Denise Clark, Paul Garhart and William Feely  
Allegations Regarding Mr. Rodric Stewart  
Date of Incident: May 26, 2003  
Location of Incident: Froedtert Memorial Lutheran Hospital  
EC No.: 1937**

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 an on-duty officer-involved shooting.

The MPD conducted a criminal investigation and investigated the shooting as a critical incident. IAD compelled POs Clark, Garhart and Feely to give statements after issuing PI-21s. Later, the DA concluded that no charges would issue against any officer. Attached is a copy of the DA's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

*Laurie A. Eggert*  
Laurie A. Eggert  
Attorney at Law

*4/3/05*

*O.K.*

*JAS*

*Letter 2276*

JC/ldl  
attachment  
CLARK

03 SEP 26 09 3 12  
CITY OF MILWAUKEE  
RECEIVED  
CLERK OF COURSE  
ELECTRONIC MAIL

**EGGERT & CERMELE, S.C.**

*Attorneys at Law*

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Jonathan Cermele  
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1840 North Farwell Avenue  
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Milwaukee, Wisconsin 53202  
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FAX (414) 276-8906

September 24, 2003

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

RE: MPD Criminal Investigation re: Mr. Rodric Stewart  
Regarding: POs Denise Clark, Paul Garhart and William Feely  
Date of Incident: May 26, 2003  
Location of Incident: Froedtert Memorial Lutheran Hospital  
Professional services

	<u>Hours</u>
5/27/2003 Several telephone calls from officers regarding officer-involved shooting; meeting with Detectives at Froedtert Memorial Lutheran Hospital; meeting with PO Clark; meeting with PO Garhart; travel; meeting with PO's Garhart and Feely at PAB; attend PO Garhart's PI-21; attend PO Feely's PI-21; attend PO Garhart's statement to Detectives; travel; several telephone calls to and from CIB.	8.90
5/28/2003 Intra-office conference; discussion with DA.	0.40
5/29/2003 Intra-office conference; discussion with DA; telephone call to and from CIB.	0.60
5/30/2003 Review of file; meeting with PO Clark at DA's office; attend PO Clark's statement to DA; travel; Fax to DA McCann.	2.00
6/10/2003 Telephone call to McCann's office; telephone call from PO Clark regarding PI-21; review of file; meeting with PO Clark at IAD; attend PO Clark's PI-21; travel; memo to file.	1.90
6/25/2003 Review of file; Fax to DA McCann.	0.30
7/8/2003 Discussion with IAD.	0.20
7/14/2003 Telephone call to client; telephone call to DA McCann.	0.30

	<u>Hours</u>	
8/15/2003 Telephone call to client; memo to file; Fax to DA McCann.	0.40	
8/26/2003 Telephone call and Fax to DA McCann.	0.20	
9/4/2003 Telephone call from DA McCann.	0.20	
9/5/2003 Review of correspondence from DA McCann; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	15.90	\$1,749.00
Additional charges:		
5/27/2003 Parking		8.00
5/30/2003 Parking		6.00
Total costs		<u>\$14.00</u>
Total amount of this bill		<u>\$1,763.00</u>
Balance due		<u><u>\$1,763.00</u></u>



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

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Carol Lynn White
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EGGERT & CERMELE S.C.
RECEIVED
SEP 5 2003

September 4, 2003

Attorney Jonathan Cermele
Eggert & Cermele SC
1840 N. Farwell Ave. #303
Milwaukee, WI 53202-1716

RE: P.O. Denise Clark

Dear Attorney Cermele:

You have asked me to advise you as to our perception of the conduct of City of Milwaukee Police Officer Denise Clark on May 26, 2003.

On May 26, 2003, Police Officer Denise Clark assisted in conveying Rodric Stewart, d.o.b. 11-30-1976, to the Froedtert Hospital. At a point when Mr. Stewart was about to be scanned by a diagnostic machine at the hospital, he attempted to seize the firearm being carried in her holster by Officer Clark. In the ensuing struggle, Officer Clark discharged her firearm, injuring her own finger.

I have reviewed this matter with the medical technician who witnessed the incident, and Assistant District Attorney Thomas Potter, who is prosecuting Mr. Stewart, has reviewed the matter with Officer Clark. I am satisfied that Officer Clark committed no criminal offense, and Mr. Potter is of the opinion that she conducted herself in an heroic manner.

Sincerely yours,

E. Michael McCann (handwritten signature)

E. Michael McCann
District Attorney

EMM:ss

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 24, 2003

TO: P.O. DENISE CLARK  
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 MAY 26, 2003
- 2) A citizen's complaint made by ON RODRIC STEWART
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO \_\_\_\_\_

Did you receive legal representation  
in this matter?

YES X NO \_\_\_\_\_

Your signature: Denise Clark

Print your name: Denise Clark

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

Steven M. Settingsgaard  
Steven M. Settingsgaard *KJS*  
Police Commander  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 6, 2003

TO: P.O. PAUL GARHART  
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 MAY 26, 2003
- 2) A citizen's complaint made by RODRIC STEWART
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO \_\_\_\_\_


Did you receive legal representation  
in this matter?

YES X NO \_\_\_\_\_

Your signature: \_\_\_\_\_

Print your name: \_\_\_\_\_

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

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

OCTOBER 6, 2003

TO: P.O. WILLIAM FEELY  
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 MAY 26, 2003
- 2) A citizen's complaint made by RODRIC STEWART
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES   K   NO           


Did you receive legal representation  
in this matter?

YES   K   NO           

Your signature:   P.O. William Feely  

Print your name:   P.O. William Feely  

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

SMS:kjs