

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

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



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

September 17, 2004

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 Jose Luna and Elisco Medina
C.I. File No. 00-S-57-12; EC No. 1367

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Jose Luna and Elisco Medina. The claim is in the amount of \$916.77 including \$3.77 in disbursements for 8.80 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,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney
JAS:enm
Enc.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
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
JAN A. SMOKOWICZ
PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRlich
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings

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

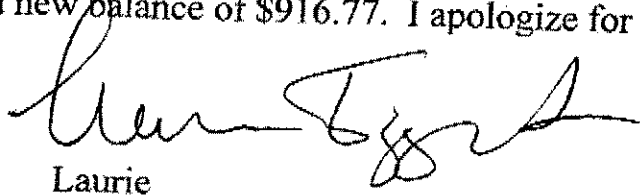
FAX

TO: Jan Smokowicz
FROM: Laurie Eggert
RE: Claim re Jose Luna ELO 1367 / *Our File #*
DATE: September 17, 2004 *00-S-57-12*

Jan,

The MPD has informed me that the criminal investigation was concluded and that it was "no processed." As a result, no charges were issued against Officer Luna.

You did, however, notice that there was an error on the statement we submitted. It appears that the final entry for January 27, 2000 is a repeat of the entry for January 26, 2000. Please accept this as a modification of the claim, and reduce the amount by \$55.00, for a new balance of \$916.77. I apologize for the error.


Laurie

9/19/04
O.K.
for 916.77
only
JAS Letter 2276

The information contained in this message is confidential for the named recipient only. If you have received this message in error, or have had transmission problems in receiving it, please contact this office immediately at (414) 276-8750.

EGGERT LAW OFFICE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

CITY OF MILWAUKEE

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

'00 FEB 23 PM 12:59
RONALD D. LEONHARDT
CITY CLERK

February 18, 2000

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

RE: MPD Criminal Investigation of POs Jose Luna and Elisco Medina
Allegations Regarding Mr. Richard Schuerman
Date of Incident: June 12, 1999
Location of Incident: 6810 W. Howard
ELO No.: 1367

Dear Mr. Leonhardt:

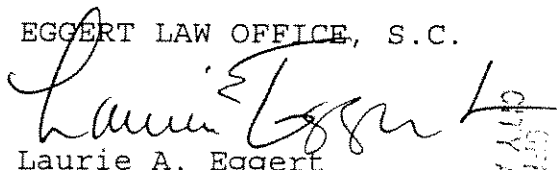
The above-named police officers have retained us to represent them in connection with the above-referenced matter.

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 the investigation of a battery complaint. Charges will not be issued against the officers; attached is a copy of the clearance report.

The attached is an itemization of the time and services rendered.

Sincerely,

EGGERT LAW OFFICE, S.C.



Laurie A. Eggert
Attorney at Law

CITY OF MILWAUKEE
RECEIVED
'00 FEB 23 PM 3:09
OFFICE OF
CITY ATTORNEY

JC/ld1
LUNA

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

February 18, 2000

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

RE: MPD Criminal Investigation
Regarding: POs Jose Luna and Elisco Medina
Date of Incident: June 12, 1999
Location of Incident: 6810 W. Howard

Professional services

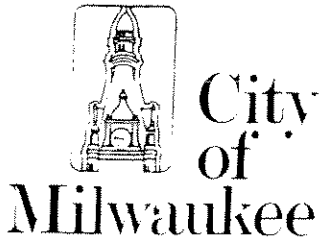
| | <u>Hours</u> |
|---|--------------|
| 6/29/99 Telephone call from PO Luna; meeting with client; open file; telephone call to IAD. | 1.40 |
| 7/1/99 Telephone call from IAD. | 0.10 |
| 7/6/99 Telephone call from IAD. | 0.20 |
| 7/21/99 Telephone call from IAD; several telephone calls to and from client. | 0.40 |
| 7/23/99 Telephone call from IAD; telephone call to client. | 0.20 |
| 7/26/99 Telephone call to client. | 0.20 |
| 7/28/99 Review of file; telephone call to client; telephone call to IAD. | 0.30 |
| 7/29/99 Telephone call to and from client; office conference with client; telephone call to PO Medina; telephone call to IAD. | 1.30 |

| | <u>Hours</u> | |
|---|--------------|------------------------|
| 7/30/99 Telephone call to and from IAD. | 0.20 | |
| 8/2/99 Telephone call to client and PO Medina; meeting with client and PO Medina at IAD; attend client's statement to IAD; travel. | 1.80 | |
| 8/12/99 Telephone call from IAD; meeting with PO Medina at IAD; review of file; attend PO Medina's statement to IAD; travel. | 1.60 | |
| 8/30/99 Telephone call to IAD. | 0.10 | |
| 1/26/00 Review of correspondence from MPD Open Records; correspondence to client; close file. | 0.50 | |
| 1/27/00 Review of correspondence from MPD Open Records; correspondence to clients; close file. | 0.50 | |
| | <u>8.80</u> | <u>Amount</u> |
| For professional services rendered | | \$968.00 |
| Additional charges: | | |
| 1/28/00 MPD Open Records request | | 3.77 |
| Total costs | | <u>\$3.77</u> |
| Total amount of this bill | | <u>\$971.77</u> |
| Balance due | | <u><u>\$971.77</u></u> |

Mr. Ronald D. Leonhardt

Page 3

(Rate: \$110.00 per hour)



Police Department
JANUARY 24, 2000

Arthur L. Jones
Chief of Police

EGGERT LAW OFFICE
ATTN: JONATHAN CERMELE
1840 N FARWELL AVE #303
MILWAUKEE WI 53202

JAN 25 2000
EGGERT LAW OFFICE, S.C.

Dear Mr. Cermele:

This is in response to your request for information pursuant to the Wisconsin Open Records Law. In your letter dated September 24, 1999, you requested all non-privileged departmental records, including the clearance report related to the closed criminal investigation of Police Officer Jose Luna as a result of the complaint made by Mr. Richard Schuerman.

Enclosed is a deleted copy of incident 99-163-3116 Battery D.V. filed by Dara Schuerman which occurred on June 12, 1999.


With regards to the closed criminal investigation be advised that your request for a copy of the complete report is denied. This is a pending INVESTIGATION and request is denied per Wisconsin Statutes 905.09, and Wisconsin Supreme Court decision Newspapers, Inc. v. Breier, 89 Wis. 2d 417 (1979).

For your convenience I am providing the incident number 99-165-3162 for the criminal investigation please refer to that number for further inquiries.

Further be advised that in the event that all or part of your request is denied, that this determination is subject to review by mandamus, Wisconsin Statutes 19.37(1), or upon application to the District Attorney or Attorney General.

Very truly yours,

ARTHUR L. JONES
CHIEF OF POLICE


SUSAN M. EDMAN
CAPTAIN OF POLICE

AJ:SME:jlh
K21286