

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 286-2025
FAX (414) 286-8550

May 13, 2005

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officers Nicholas Ince and Dan Masarik
C.I. File No. 04-S-19; EC No. 1978

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Nicholas Ince and Dan Masarik. The claim is in the amount of \$946.00 for 8.60 hours of service billed at the rate of \$110 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. A criminal investigation was initiated against the police officers on whose behalf this claim was filed, but they were ultimately not charged.

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.

93154/ 1032-2004-228.007

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
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
VINCENT J. BOBOT
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM STEPHENS

Assistant City Attorneys

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

January 16, 2004

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

**RE: MPD Criminal Investigation of POs Nicholas Ince and Dan Masarik
Allegations Regarding Ms. Darlene Bonner
Date of Incident: June 25, 2003
Location of Incident: 2752 North 7th Street
IAD File No.: 03-0659
EC No.: 1978**

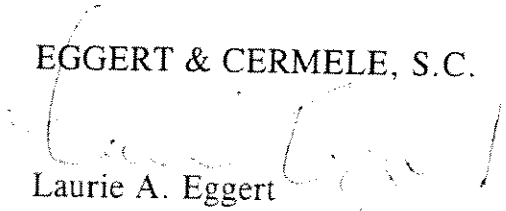
Dear Mr. Leonhardt:

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.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled POs Ince and Masarik to give statements concerning the incident after issuing PI-21s. Later, the MPD concluded that the investigation was unfounded. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

5/11/05
O.K.
JAS
Letter 2277

JC/ldl
attachment
INCE MASARIK

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Schneider

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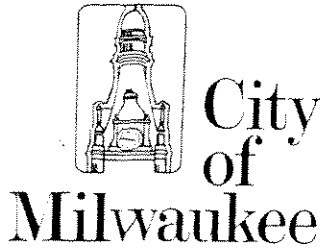
RE: MPD Criminal Investigation re: Ms. Darlene Bonner
Regarding: POs Nicholas Ince and Dan Masarik
Date of Incident: June 25, 2003
Location of Incident: 2752 North 7th Street
Professional services

	<u>Hours</u>
7/8/2003 Telephone call from PO Ince regarding new criminal investigation; open file; memo to file; telephone call from PO Masarik; memo to file.	0.90
7/9/2003 Telephone call to and from PO Masarik; memo to file.	0.70
7/11/2003 Review of file.	0.20
7/15/2003 Several discussions with IAD.	0.40
7/16/2003 Telephone call to and from PO Ince; telephone call to PO Masarik; telephone call to IAD.	0.40
7/17/2003 Telephone call from PO Ince; memo to file.	0.20
7/21/2003 Discussion with IAD; telephone call from PO Masarik.	0.50
7/23/2003 Review of file; meeting with PO Ince at IAD; attend PO Ince's PI-21; travel; memo to file.	1.90
7/24/2003 Review of file; meeting with PO Masarik at IAD; attend PO Masarik's PI-21; travel; memo to file.	2.40
9/25/2003 Telephone call to DDA Reddin; Fax to IAD.	0.30
10/21/2003 Review file; Fax to Commander Settingsgaard.	0.20
11/18/2003 Telephone call to IAD.	0.10

Mr. Ronald D. Leonhardt

Page 2

	<u>Hours</u>	
11/24/2003 Receive and review correspondence from IAD confirming investigation was unfounded and the investigation is closed; correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	8.60	\$946.00
Balance due		<u>\$946.00</u>



Police Department

Nannette H. Hegerty
Chief of Police

November 20, 2003

Jonathan Cermele
Attorney At Law
1840 North Farwell Avenue
Suit 303
Milwaukee, WI 53202

NOV 24 2003

Dear Mr. Cermele:

This letter is in response to your inquiry of October 21, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Commander Steven Settingsgaard can be contacted at 935.7940.

Sincerely,

Steven M. Settingsgaard
Police Commander

STATUS OF CIU INVESTIGATORY FILES

NOV 24 2003,

ROBERT & CERVELLE, P.C.

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 99-069	99-0366	FAYMOND BROWN	BATTERY	PENDING IN DA'S OFFICE SINCE APRIL 1999
2. 99-194	99-1102	DERRICK ARRINGTON JR.	BATTERY	PENDING IN DA'S OFFICE SINCE APRIL 2000
3. 99-307	99-1735	PAULA BURKS	ILLEGAL TRANSMISSION OF COMPUTER MATERIAL	WARRANT REFUSED
4. 00-339	00-0728	ALEX LOPEZ	MISCONDUCT IN PUBLIC OFFICE	UNFOUNDED
5. 01-231	01-1007	RADONTAY L. JONES	BATTERY	UNFOUNDED
6. 01-253	01-1003	RYAN ZUEHLKE	BATTERY	UNFOUNDED
7. 02-264	02-1110	TRACEY EATON	BATTERY	UNFOUNDED
8. 02-290	02-1226	MPD - DET. RICHARD JAEGER	CRIMINAL DAMAGE TO PROPERTY	SUSPENDED
9. 02-304	02-1243	CARLOS TEJEDA	BATTERY	UNFOUNDED
10. 02-312	02-1291	KEVIN WILLIAMS	BATTERY	UNFOUNDED
11. 02-320	02-1329	MELVIN GREEN	BATTERY	WARRANT REFUSED
12. 02-331	02-1302	DIEDRE KELLY-BALDWIN	BATTERY/ THEFT & CRIMINAL DAMAGE	UNFOUNDED
13. 03-015	03-0051	PEREZ DAVIS	BATTERY	BASELESS
14. 03-047	03-0210	JAMES NAULT	BATTERY/ STOLE MONEY	WARRANT REFUSED
15. 03-058	03-0240	WALTER CHAMLEY	BATTERY	UNFOUNDED
16. 03-059	03-0273	TROY LEISTON	BATTERY	BASELESS
17. 03-060	03-0278	DONALD HARRIS	THEFT OF MONEY	UNFOUNDED

18. 03-086	03-0335	ANTOINE C. WATKINS (AKA ANTHONY L. WATKINS)	BATTERY	WARRANT REFUSED
19. 03-124	03-0484	JESSE WARD	BATTERY	UNFOUNDED
20. 03-150	03-0610	LARRY MOORE	BATTERY/ MOORE	UNFOUNDED
21. 03-151	03-0621	CHRISTOPHER M. SCHWARTZ	BATTERY	CLOSED
22. 03-163	03-0659	DARLENE BONNER	BATTERY/ STOLEN MONEY	UNFOUNDED
23. 03-181	NONE	TRUEMAN MCGEE	BATTERY	WARRANT REFUSED
24. N/A	03-0800	TYRONE BROWN	PURSUIT	NOT CRIMINAL
25. N/A	03-0821	ANTHONY ROOSEVELT VEASLEY	PURSUIT	NOT CRIMINAL

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRAURY 17, 2004

TO: P.O. NICHOLAS INCE
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 JUNE 25, 2003
- 2) A citizen's complaint made by DARLENE BONNER
- 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: *NICI*

Print your name: Nicholas C. Ince

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

St. Settingsgaard
Steven M. Settingsgaard
Police Commander
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

FEBRAURY 17, 2004

TO: P.O. DAN MASARIK
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 JUNE 25, 2003
- 2) A citizen's complaint made by DARLENE BONNER
- 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: _____

Daniel Masarik
DANIEL MASARIK

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
Police Commander
Internal Affairs Division

SMS:kjs