

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
Deputy City Attorney

THOMAS E. HAYES
PATRICK B. McDONNELL
LINDA ULISS BURKE
Special Deputy City Attorneys



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MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY

Assistant City Attorneys

November 13, 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 Christopher Ederesinghe and Richard Litwin C.I. File No. 01-S-272-1; ELO No. 1652**

Dear Council Members:

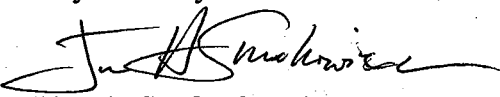
Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers Christopher Ederesinghe and Richard Litwin. The claim is in the amount of \$871.97, including \$13.97 in disbursements, for 7.80 hours of service billed at the rate of \$110.00 per hour. 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. 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
2001 AUG - 6 PM 2:38
RONALD D. LEONHARDT
CITY CLERK

RE: MPD Criminal Investigation of POs Christopher
Ederesinghe and Richard Litwin
Allegations Regarding Mr. Manuel Rueda
Date of Incident: December 31, 2000
Location of Incident: 1004 South 34th Street
ELO No.: 1652

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 motor vehicle accident.

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 Ederesinghe and Litwin to give a statement concerning the incident after issuing a PI-21.

Later, the MPD decided not to issue criminal charges 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

11/13/2002
v.k.
JAS
Letter 2276

CITY OF MILWAUKEE
RECEIVED
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CITY ATTORNEY
2001 AUG - 6 PM 3

Hours

| | |
|---|------|
| 03/01/01 Telephone call to PO Ederesinghe; review of file; review MPD's rules; meeting with POs Ederesinghe and Litwin at IAD; attend PO Ederesinghe's PI-21; attend PO Litwin's PI-21; travel; memo to file. | 2.50 |
| 03/05/01 Review of correspondence from DA; correspondence to MPD Open Records; correspondence to clients. | 0.40 |
| 04/23/01 Review of correspondence from MPD Open Records; correspondence to clients; close file. | 0.40 |

Amount

| | | |
|------------------------------------|------|------------------------|
| For professional services rendered | 7.80 | \$858.00 |
| Additional charges: | | |
| 02/28/01 Parking | | 8.00 |
| 04/23/01 MPD Open Records request | | 5.97 |
| Total costs | | <u>\$13.97</u> |
| Total amount of this bill | | <u>\$871.97</u> |
| Balance due | | <u><u>\$871.97</u></u> |

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

RE: CIU# 01-048 - THEFT OF MONEY
PAGE 2

fact that he did not have insurance. RUEDA states that P.O. EDERESINGHE did remove \$40.00 from his pockets and gave the money to the driver of the other vehicle involved in the accident. No other reports or investigation was done in regards to the accident.

The driver of the other vehicle was a Mr. Oscar ALVARADO, who states that he did in deed receive \$40.00 from Officer EDERESINGHE in regards to this incident. Both ALVARADO and RUEDA state that they did not speak English.

The officers involved in this incident were interviewed but refused to make a statement.

CONCLUSION:

This case was reviewed at the District Attorney's office by Deputy District Attorney Jon REDDIN who declined to issue charges after speaking with P.O. EDERESINGHE and his partner. Based on the fact that we are unable to prove with any certainty that Officer EDERESINGHE did not have the permission of RUEDA to give the money to the driver of the other vehicle that there would be prosecutable merit issues with this case. Based on the sole information provided by RUEDA with no other witnesses or evidence to support his allegation we will be unable to reach all of the elements needed for the statute of Theft. He denied any type of prosecution; warrant is refused.

Respectfully submitted:

Mary K. Hoerig

Mary K. HOERIG
Lieutenant of Detective s
CIU/IAD, Early Shift

E/P

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. RICHARD LITWIN DISTRICT SIX

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 DECEMBER 31, 2000
- 2) A citizen's complaint made by MANUEL RUEDA
- 3) ~~A police shooting incident occurring on~~

RL

Is this information correct?

YES NO

Did you receive legal representation in this matter?

YES NO

Your signature: *Richard Litwin*

Print your name: RICHARD LITWIN

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

SR:

⊛ THE CONCLUSION AUTHORED BY LT. DET. HUEZIG INDICATES THAT I REFUSED TO MAKE A STATEMENT. I MADE IT CLEAR THAT I DECLINED TO SPEAK TO (AD) WITHOUT FIRST CONSULTING WITH AN ATTORNEY. THERE IS A DIFFERENCE.

Sts Satterjogal
 STEVEN M. SETTINGSGAARD
 POLICE COMMANDER
 Internal Affairs Division

DTS:dnp

RECEIVED
 01 SEP 24 AM 10:12
 MILWAUKEE POLICE
 INTERNAL AFFAIRS
 DIVISION

EIP

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 18, 2001

TO: P.O. CHRISTOPHER EDERESINGHE
DISTRICT SIX

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 DECEMBER 31, 2000
- 2) A citizen's complaint made by MANUEL RUEDA
- 3) ~~A police shooting incident occurring on~~ THIS IS N/A

Is this information correct? YES _____ NO

Did you receive legal representation
in this matter? YES NO _____

Your signature: CHRIS EDERESINGHE
Print your name: CHRIS EDERESINGHE

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

*CORRECTION TO LAST PAGE WHICH IS MISSING PAGE 1.
WE DID MAKE A STATEMENT, WE REQUESTED AN ATTORNEY
FIRST, HENCE THIS BILL. I WAS NOT INVOLVED IN
A SHOOTING*

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
01 SEP 25 AM 10:23
RECEIVED