

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
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OFFICE OF CITY ATTORNEY

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MILWAUKEE, WISCONSIN 53202-3551
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December 10, 2003

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

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele, S.C. for legal fees for
Police Officers Montell Carter and Christopher Heidemann
C.I. File No. 01-S-311; ELO No. 1668

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Montell Carter and Christopher Heidemann. The claim is in the amount of \$429.00 for 3.90 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. 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.
2277

EGGERT & CERMELE, 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

September 5, 2001

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

**RE: MPD Criminal Investigation of POs Montell Carter and
Christopher Heidemann
Allegations Regarding Mr. Lorenzo Stanley
Date of Incident: November 15, 2000
Location of Incident: 2013 North 32nd Street
ELO No.: 1668**

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 foot chase resulting in a suspect being taken into custody.

The MPD initiated a criminal investigation in which the officers initially declined to give a statement without counsel. When they requested counsel, IAD compelled PO Heidemann to give a statement concerning the incident after issuing a PI-21.

Later, the MPD decided not to issue criminal charges against the officers. The MPD did not create a clearance report regarding the officers. Attached is an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Laurie A. Eggert
Attorney at Law

12/9/03

O.K.

JHS

Letter 2277

EGGERT & CERMELE, 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

September 5, 2001

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

RE: MPD Criminal Investigation re: Mr. Lorenzo Stanley
Regarding: POs Montell Carter and Christopher Heidemann
Date of Incident: November 15, 2000
Location of Incident: 2013 North 32nd Street

Professional services

	<u>Hours</u>	
03/08/01 Telephone call from PO Carter; open file; telephone call to and from CIU; memo to file; telephone call from PO Heidemann; office conference with PO Heidemann; memo to file.	1.60	
03/15/01 Review of file; meeting with PO Heidemann at IAD; attend PO Heidemann's PI-21; travel; memo to file	1.90	
05/07/01 Telephone call to and from IAD; correspondence to clients; close file.	0.40	
	<u>3.90</u>	<u>Amount</u>
For professional services rendered	3.90	\$429.00
Balance due		<u>\$429.00</u>

(Rate: \$110.00 per hour)

Cate Power

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. MONTELL CARTER
DISTRICT THREE

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 NOVEMBER 15, 2000
- 2) A citizen's complaint made by LORENZO STANLEY
- 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: *Montell Carter*

Print your name: MONTPELL CARTER

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

STEVEN SETTINGSGARRD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

01 NOV 27 AM 10:19
INTERNAL AFFAIRS
DIVISION

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. CHRISTOPHER HEIDEMANN
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 NOVEMBER 15, 2000
- 2) A citizen's complaint made by LORENZO STANLEY
- ~~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: P.O. Chris Heidemann

Print your name: P.O. Chris HEIDEMANN 11-21-01

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

STEVEN SETTINGSGARRD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

NOV 26 2001
11:51 AM
POLICE ACADEMY
ROOM 325