

**GRANT F. LANGLEY**  
City Attorney

**RUDOLPH M. KONRAD**  
**LINDA ULISS BURKE**  
**VINCENT D. MOSCHELLA**  
Deputy City Attorneys



**THOMAS O. GARTNER**  
**BRUCE D. SCHRIMPF**  
**ROXANE L. CRAWFORD**  
**SUSAN D. BICKERT**  
**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**  
**KATHRYN M. ZALEWSKI**  
**MEGAN T. CRUMP**  
**ELOISA DE LEÓN**  
**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

February 23, 2007

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

Re: Communication from Attorney Laurie Eggert, Eggert & Cermele  
for legal fees for Police Officer James Johnson  
C.I. File No. 04-S-98; EC No. 2007

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officer James Johnson. This is an amended claim in which the attorneys have removed from their billing any request for payment for services for Police Officer Greg Koesting. The amended claim is in the amount of \$363.00 for 3.30 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.

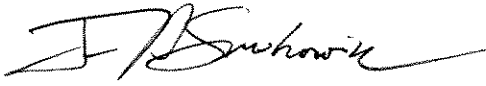
We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. A criminal investigation was initiated against the police officer on whose behalf this claim was filed, but he was ultimately not charged.

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). The Common Council continues to have discretion with regard to this claim because the fees were incurred prior to the effective date of 2005 Wisconsin Act 73 (effective June 7, 2006) which now makes such payment mandatory except in certain, statutorily-defined circumstances.

Very truly yours,

  
GRANT F. LANGLEY  
City Attorney

Honorable Common Council  
February 23, 2007  
Page 2

A handwritten signature in black ink, appearing to read "J. Smokowicz", with a long, sweeping underline.

JAN A. SMOKOWICZ  
Assistant City Attorney  
JAS:enm  
Enc.  
1032-2004-1087.009/116048

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

JONATHAN CERMELE  
LAURIE A. EGGERT  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

6310 WEST BLUEMOUND ROAD  
SUITE 200  
MILWAUKEE, WISCONSIN 53213  
(414) 276-8750  
FAX (414) 276-8906

October 19, 2006

Mr. Jan Smokowicz  
Milwaukee City Attorneys Office  
200 East Wells Street, #800  
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of PO James Johnson  
Allegations Regarding Mr. Tommy Lopez, Jr.  
Date of Incident: July 10, 2003  
Location of Incident: 1143 East Kane Place  
CA No.: 2007**

Dear Mr. Smokowicz

I am submitting the amended claim for the above-referenced matter. All reference and time associated with Police Officer Koestering has been removed. This includes:

1. 1.00 hours on 11/14/2003; and,
2. 1.50 hours on 11/20/2003.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

2/19/07  
O.K.

JC/kjs  
Letter 2277  
Enclosure

# CERMELE & ASSOCIATES, S.C.

ATTORNEYS AT LAW

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FAX (414) 276-8906

October 19, 2006

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

RE: MPD Criminal Investigation re: Tommy Lopez, Jr.  
Regarding: PO James Johnson  
Date of Incident: July 10, 2003  
Location of Incident: 1143 East Kane Place  
Professional services

	<u>Hours</u>
11/17/2003 Open file; telephone call to PO Johnson.	0.20
11/18/2003 Telephone call from Johnson; memo to file; telephone call to and from IAD; memo to file; preparation for and attendance at Johnson's PI-21; travel.	2.50
12/19/2003 Review of file; Fax to IAD.	0.20
1/13/2004 Receive and review correspondence from IAD confirming investigation cleared as unfounded; correspondence to client; close file.	0.40

	<u>Amount</u>
For professional services rendered	3.30 \$363.00
Balance due	<u>\$363.00</u>

**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

March 23, 2004

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

**RE: MPD Criminal Investigation of POs Greg Koestering and James Johnson  
Allegations Regarding Mr. Tommy Lopez, Jr.  
Date of Incident: July 10, 2003  
Location of Incident: 1143 East Kane Place  
EC No.: 2007**

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 Greg Koestering and James Johnson to give statements concerning the incident after issuing PI-21s. Later, the MPD concluded that no criminal charges would issue. Attached is a copy of a status report from Commander Settingsgaard of IAD, and an itemization of the time and services rendered.

~~11/9/07  
O.K.  
JWS  
E 2277  
Lo [unclear]~~

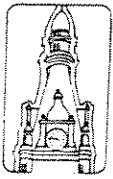
Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert  
Attorney at Law

JC/RLS/ldl  
attachment  
KOESJOHN

2004 MAR 23 10:00 AM  
MILWAUKEE, WI 53202



City  
of  
Milwaukee

RECEIVED

JAN 13 2004

EGGERT & CERMELE, S.C.

Nannette H. Hegerty  
Chief of Police

Police Department

Tuesday, December 23, 2003

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

Dear Mr. CERMELE:

This letter is in response to your inquiry of December 19, 2003, regarding the status of CIU Investigatory Files.

Attached please find the requested information. If further assistance is needed Lieutenant of Detectives Jeffery Micklitz can be contacted at 935-3540.

Sincerely,

STEVEN M. SETTINGSGAARD  
POLICE COMMANDER

CIU FILE NO.	IAD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 03-241	03-0927	WRIGHT, COLEMAN	BATTERY	PENDING
2. 03-246	03-0975	WINSTON, THOMAS	BATTERY	BASELESS
3. 03-180	03-0606	TERRY, OMAR	THEFT	WARRANT REFUSED
4. 03-270	03-1032	PEAKE, SAVANNAH	THEFT	PENDING
5. 03-162	03-0656	HINDS, MARIO	BATTERY	WARRANT REFUSED
6. 03-187	03-0706	LOPEZ, TOMMY JR.	BATTERY	UNFOUNDED
7. 03-186	03-0697	BROWN, DERRICK	BATTERY	UNFOUNDED
8. 03-216	03-0833	McNEIL, BOBBY	THEFT/CDTP	PENDING
9. 03-009	03-0026	SONSTHAGEN, DANIEL	BATTERY	WARRANT REFUSED
10. 03-156	03-0635	EYRE, KEVIN	THREATENING PHONE CALLS	WARRANT REFUSED

**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

March 23, 2004

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

RE: MPD Criminal Investigation re: Tommy Lopez, Jr.  
Regarding: POs Greg Koestering and James Johnson  
Date of Incident: July 10, 2003  
Location of Incident: 1143 East Kane Place  
Professional services

	<u>Hours</u>	
11/14/2003 Telephone call from Koestering; open file; memo to file.	1.00	
11/17/2003 Review of file; telephone call to Johnson.	0.20	
11/18/2003 Telephone call from Johnson; memo to file; telephone call to and from IAD; memo to file; preparation for and attendance at Johnson's PI-21; travel.	2.50	
11/20/2003 Review of file; preparation for and appearance at Koestering's PI-21; travel; memo to file.	1.50	
12/19/2003 Review of file; Fax to IAD.	0.20	
1/13/2004 Receive and review correspondence from IAD confirming investigation cleared as unfounded; correspondence to clients; close file.	0.40	
		<u>Amount</u>
For professional services rendered	5.80	\$638.00
Balance due		<u>\$638.00</u>



MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. GREG KOESTERING  
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 JULY 10, 2003
- 2) A citizen's complaint made by TOMMY LOPEZ, JR.
- 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: Greg Koesterling

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

  
Steven M. Settingsgaard  
INSPECTOR OF POLICE  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

APRIL 12, 2004

TO: P.O. JAMES JOHNSON  
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 JULY 10, 2003
- 2) A citizen's complaint made by TOMMY LOPEZ, JR.
- 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: \_\_\_\_\_

*James JOHNSON*

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  
INSPECTOR OF POLICE  
Internal Affairs Division

SMS:kjs

MILWAUKEE POLICE  
INTERNAL AFFAIRS

04 APR 15 AM 9:33

RECEIVED