

GRANT F. Langley
City Attorney

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

**CITY OF
MILWAUKEE**
Office of the City Attorney

THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
STUART S. MUKAMAL
THOMAS J. BEAMISH
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MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
Assistant City Attorneys

November 15, 2007

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

Re: Communication from Attorney Laurie A. Eggert for legal fees for
Police Officers Melissa Pettke, Dena Martinez, Randy Bruso, and Mark
Kruschke
C.I. File No. 04-S-457; EC 2242

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie A. Eggert for attorney's fees for representing Police Officers Melissa Pettke, Dena Martinez, Randy Bruso, and Mark Kruschke. The claim is in the amount of \$902.00 for 8.20 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. No criminal charges were brought against the 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,

Rudolph M. Konrad
GRANT F. Langley
City Attorney

J. Smokowicz
JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.
1032-2004-3292:124731v1

OFFICE OF THE CITY ATTORNEY

Milwaukee City Hall Suite 800 • 200 East Wells Street • Milwaukee, Wisconsin 53202-3551 • Telephone: 414.286.2601 • TDD: 414.286.2025 • Fax: 414.286.8550

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 9, 2005

TO: SGT. MELISSA PETTKE
DISTRICT: SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 MARCH 23, 2005
- 2) A citizen's complaint made by CHRISTOPHER NOVOTNY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO _____

Did you receive legal representation
in this matter?

YES NO _____

Your signature: Melissa A. Pettke

Print your name: Sgt. Melissa A. PETTKE

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

Mary K. Hoerig KJS
MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 9, 2005

TO: P.O. DENA MARTINEZ
DISTRICT: PPS

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 MARCH 23, 2005
- 2) A citizen's complaint made by CHRISTOPHER NOVOTNY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: DENA Martinez

Print your name: DENA MARTINEZ

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


MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 9, 2005

TO: P.O. RANDY BRUSO
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 MARCH 23, 2005
- 2) A citizen's complaint made by CHRISTOPHER NOVOTNY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

Did you receive legal representation
in this matter?

YES NO

Your signature: P.O. Randy Bruso

Print your name: Randy Bruso

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

Mary K. Hoerig
MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

November 9, 2005

TO: P.O. MARK KRUSCHKE
DISTRICT: FIVE

RE: Receipt of Legal Services from Law Firm of
Attorney Laurie Eggert

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 MARCH 23, 2005
- 2) A citizen's complaint made by CHRISTOPHER NOVOTNY
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES NO

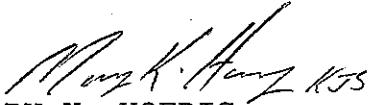
Did you receive legal representation
in this matter?

YES NO

Your signature: Mark Kruschke

Print your name: Mark Kruschke

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


MARY K. HOERIG
Captain of Police
Professional Performance Division

MKH:kjs

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermelé
Rachel L. Pings
Timothy J. Walther

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

October 10, 2005

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

RE: MPD Criminal Investigation re: Mr. Christopher Novotny
Regarding PO's Melissa Pettke, Dena Martinez, Randy Bruso and Mark
Kruschke
Date of Incident: March 23, 2005
Location of Incident: Brady Street

Dear Mr. Leonhardt:

The above-named police officer has retained us to represent her in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

Deputy District Attorney Jon Reddin reviewed the matter and did not issue charges against the officer. Attached is a copy of Deputy District Attorney Reddin's letter and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.

Jon Cermelé

JC/kjs
attachment
PETTKE, ET AL

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele
Rachel L. Pings
Timothy J. Walther

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

October 10, 2005

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

RE: MPD Criminal Investigation re: Mr. Christopher Novotny
Regarding: POs Melissa Pettke, Dena Martinez, Randy Bruso and Mark
Kruschke
Date of Incident: March 23, 2005
Location of Incident: Brady Street
Professional services

	<u>Hours</u>
8/3/2005 Telephone call from DDA Reddin regarding criminal investigation; open file; memo to file; telephone call to PO Pettke; telephone call to PO Martinez.	1.10
8/4/2005 Lengthy telephone call to PO Pettke; memo to file; lengthy telephone calls to and from PO Kruschke; memo to file.	1.20
8/8/2005 Telephone call to PO Martinez.	0.10
8/9/2005 Telephone call from DDA Reddin; telephone call to PO Kruschke and PO Bruso.	0.50
8/10/2005 Telephone call to PO Kruschke; telephone call to PO Bruso.	0.20
8/11/2005 Telephone call to DDA Reddin.	0.20
8/12/2005 Telephone call from PO Bruso - confirm statement with DDA Reddin; telephone call to PO Pettke.	0.40
8/15/2005 Telephone call to Pettke; telephone call from Pettke; telephone call to DDA Reddin.	0.50

	<u>Hours</u>
8/17/2005 Telephone call from DDA Reddin; telephone call to PO Kruschke.	0.30
8/18/2005 Confirm statements.	0.20
8/19/2005 Review of file; travel; meeting with DDA Reddin; attend Pettke and Bruso's statements to DDA Reddin.	3.00
8/29/2005 Receive and review letter from DDA Reddin confirming that case was cleared; close file.	0.50

	<u>Amount</u>
For professional services rendered	8.20
	\$902.00
Balance due	<u><u>\$902.00</u></u>

(Rate: \$110.00 per hour)



OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

August 19, 2005

AM 9:57

Mr. Michael J. Knoeller
610 W. Lincoln Avenue
Milwaukee, WI 53215-3220

**Re: State of Wisconsin vs. Christopher Novotny
Case No: 2005CM001221**

Dear Mr. Knoeller:

I have finished my review of Mr. Novotny's complaint that City of Milwaukee Police officers beat him during an incident on March 23, 2005. I have concluded that, while officers used force to effectuate Mr. Novotny's arrest, the force used was reasonable in light of his resistance to their attempts to take him into custody for interfering with an arrest. The force consisted of "decentralizing" Mr. Novotny, which essentially means that they took him to the ground. The ground where they did this was a sidewalk, and he apparently struck his face and knees when he fell. Those injuries were not intentionally inflicted. I do not believe that they beat him, nor do I believe they used any additional force.

I am particularly disturbed by the affidavit you obtained from Mr. Flippin. We interviewed Mr. Flippin and he told us that large portions of that affidavit were false. You told me that you drafted that affidavit. I urge you to be more cognizant of factual accuracy should you draft affidavits in the future.

The state intends to proceed with its prosecution of Mr. Novotny. Nothing I found during my investigation casts doubt on its validity.

Very truly yours,

A handwritten signature of Jon N. Reddin in black ink.

Jon N. Reddin
Deputy District Attorney

JNR:jr

cc/ Nancy Ettenheim
Sarah Helwig
Attorney Tim Walter, Eggert & Cermele, 1840 N. Farwell Ave., Suite 303

Jon N. Reddin
Carol Lynn White
Patrick J. Kenney
James J. Martin
Thomas A. Schulz
Alexander G. Skienarz
William J. Molitor
Donald S. Jackson
Gale G. Shelton
Terry Magowan
Gary D. Mahkorn
David Robles

Douglas J. Simpson
Cynthia G. Brown
Norman A. Gahn
Stephanie Gineris Rothstein
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Rachael Stencel
Patti Wabitsch
Kent L. Lovem
Paul R. Sander
Joy Bertrand
Bruce W. Becker
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David Maas
Jeremy L. Resar
Daniel J. Gabler
Sara P. Scullen
Gensis M. LaSpisa
T. Christopher Dee
Katharine Kucharski
Lisa P. Fricker
Tiffany J. Harris
Daniel R. Humble
Jacob D. Corr
Joy Hammond
Trevor A. Sisk
Andrew J. Maier
Heidi E. Galvan
Nancy A. Noet
Elisabeth Mueller
Megan J. Thomas
Grant I. Huebner
Calle Lacy
Stephan Eduard Nolten
John Rusch
Eric D. D'Elfort
Christine M. Quinn
Mary C. Theisen
Michelle A. Ackerman
Adam J. Levin
Scott A. Mielke
Jennifer K. Rhodes
Clark Starling
Zach Whitney
Rebecca A. Kieler
Matthew J. Torbenson
Katyina L. Childs
Jason M. Kieckelar