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

SUSAN E. LAPPEN DAVID R. HALBROOKS

PATRICIA A. FRICKER HEIDI WICK SPOERL KURT A. BEHLING GREGG C. HAGOPIAN

ELLEN H. TANGEN MELANIE R. SWANK JAY A. UNORA

JAY A. UNORA
DONALD L. SCHRIEFER
EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ

CITY OF MILWAUKEE

GRANT F. LANGLEY City Attorney

RUDOLPH M. KONRAD Deputy City Attorney

PATRICK B. McDONNELL LINDA ULISS BURKE Special 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

March 19, 2003

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

Assistant City Attorneys

DAWN M. BOLAND

MARYNELL REGAN G. O'SULLIVAN-CROWLEY

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C. for legal fees for Police Officers David Martinez, Alex Mantay, Alex Lopez, Jr., Nick Povolo and Eric Dillman; C.I. File No. 00-S-356; ELO No. 1698

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officers David Martinez, Alex Mantay, Alex Lopez, Jr., Nick Povolo and Eric Dillman. The claim is in the amount of \$2,618.93 including \$22.93 in disbursements for 23.60 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

Rudolph m. Konrad, por

un llows c Z

City Attorney

JAN A. SMOKOWICZ Assistant City Attorney

JAS:enm Enc.

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

October 8, 2001

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

> RE: MPD Criminal Investigation of POs Gary Post, Eric Neitman, David Martinez, Alex Mantay, Alex Lopez, Jr., Nick Povolo and Eric Dillman Allegations Regarding Ernest Harris and Laquita Wilks Date of Incident: May 22, 2001 Location of Incident: 6119 West Keefe Avenue ELO No.: 1698

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 arrest of a subject with outstanding warrants.

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 Post, Neitman, Martinez Lopez, Povolo and Dillman to give statements concerning the incident after issuing PI-21s.

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.

3/5/03

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J /#3

Lether 2276

Sincerely,

EGGERT & CERMELETTS.C.

Laurie A. Eggert

Attorney at Law

JC/LAE/ldl

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

October 8, 2001

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

RE: MPD Criminal Investigation re: Ernest Harris/Laquita Wilks Regarding: POs Gary Post, Eric Neitman, David Martinez, Alex Mantay, Alex Lopez, Jr., Nick Povolo and Eric Dillman Date of Incident: May 22, 2001
Location of Incident: 6119 West Keefe Avenue

Professional services

•		Hours
06/04/01	Telephone call from PO Post regarding new criminal investigation; open file; memo to file; telephone call from PO Povolo; memo to file; telephone call from PO Knightman; memo to file; telephone call from PO Martinez; memo to file; telephone call from PO Mantay; memo to file; telephone call to and from PO Lopez; memo to file.	2.20
06/05/01	Telephone call to IAD; telephone call to PO Post; memo to file; meeting with PO Post at IAD; attend PO Posts' PI-21 statement; travel; memo to file; telephone call to and from PO Mantay; memo to file; attend PO Mantay's PI-21 at IAD; travel.	2.80
06/06/01	Telephone call to IAD; telephone call to PO Neitman; memo to file; meeting with PO Neitman at IAD; review of file; attend PO Neitman's PI-21; travel; file.	1.80

3

		Hours	
07/27/01	Review of file; meeting with PO Neitman at DA; attend PO Neitman's statement to DA; meeting with PO Post; attend PO	4.40	
	Post's statement to DA; meeting with PO Martinez; attend PO Martinez's statement to DA; meeting with PO Mantay; attend PO Mantay's statement to DA.		
07/30/01	Receive and review radio transmissions regarding incident; discussion with DA; correspondence to client; correspondence to MPD Open Records.	0.40	: :
09/24/01	Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		 	Amount
	For professional services rendered	23.60	\$2,596.00
	Additional charges:		
07/26/01	Parking		2.00
07/27/01	Parking		6.00
09/24/01	MPD Open Records request		14.93
	Total costs		\$22.93
	Total amount of this bill		\$2,618.93
	Balance due		\$2,618.93

Mr. Ronald D. Leonhardt

(Rate: \$110.00 per hour)

Page 4

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·	VICTIM'S ADDRESS					TED B		NUE_					7
	6119 W. KEEFE AVEN	MIE			SAME								
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"NVESTIGATIVE NARRATIVE:

This report is being dictated by Detective Michael CARLSON, of the Criminal Investigation Unit/Internal Affairs Division (CIU/IAD), day shift.

On Wednesday, May 23, 2001, I interviewed the complainant and she stated that she had been struck in the left eye with a closed fist by an unknown Milwaukee police officer while standing on the porch at her residence. At the time of the reporting I could not see any injuries to her eye and she stated to me that there none at this time. Upon further investigation it was learned that on the early morning hours of 05-23-01, Sgt. DAVID MUEHL of District #7 interviewed the complainant, regarding her complaint.

At this time Sgt. MUEHL reports that she initially stated that she was struck in the eye by a metal baton wheeled by an officer. When Sgt. MUEHL questioned her regarding her injuries and the fact that there were none she then changed her story to that she was struck in the eye with a fist. Sgt. MUEHL subsequently had photos taken of her. On 06-14-01, I did obtain these photos from the Milwaukee Police Department photo lab and upon viewing them could not see any injuries to the complainant's left eye.

Given the fact that the complainant has no injuries and made two different statements as to what occurred, I am unable to prove that a battery occurred to her. Due to these facts this complaint will be cleared as unfounded.

REVIEWING D.A.	P.O./DET. ASSIGNED	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY
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C.I.B. ADMIN	SISTRATIVE USE ONLY	
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	O D. SUSP ATTEMPTED FLIGHT FROM CRIME	O H. SUSPECT KILLED BY PRIVATE CITIZEN O I. SUSPECT KILLED BY POLICE OFFICER

MEM		

NOVEMBER 13, 2001

P.O. ADAM LOPEZ DISTRICT SIX

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:

An incident occurring on MAY 22, 2001 A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS

3) A police shooting incident occurring on

District/Bureau _

Did you in this	receive matter?	legal	representation	

Is this information correct?

YES

YES

NO

RECEIVED

notes on action taken.

VAUKEE POLICE DEPARTMENT

PM-11 Rev. 4/97

ML	Ga ter	DEPARTMENTAL MEMORANDUM	
To: INTERNAL OF	FARS	NOV 17 20 District/Bureau Date:	D1
Subject: PO B	OBM	LUPEZ ON 1-00. INDEFINITELY	
For immediate action For investigation	_	Remarks:	
For comment For recommendation	-	P.O. ADAM LOPEZ WAS JUST	
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Make corrections noted	-		
Furnish requested information		Signed: Phillip Tuozynsh. Title: L+	

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MILWAUKEE POLICE DEPARTMENT

MILIANDE POLICE INTERNAL AFFAIRS 2001 DIVISION

MEMORANDUM

NOVEMBER 13,

TO: P.O. DAVID MARTINEZ DISTRICT TWO

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:

An incident occurring on MAY 22, 2001 1)

A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS 2)

3), A police shooting incident occurring on

		_	•
Is this	information correct?	YES	NO
Did you in this	receive legal representation matter?	YES_	NO
	Your signature: P.o	l Mot	
	Print your name: Po. David	MARTINEZ	

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

> STEVEN SETTINGSGAARD POLICE COMMANDER Internal Affairs Division

DTS:dnp

TO P. ITT

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MEMORANDUM

NOVEMBER 15, 2001

TO: P.

P.O. ALEX LOPEZ Jr.

DISTRICT SEVEN

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 MAY 22, 2001

2) A citizen's complaint of EARNEST HARRIS AND LAQUITA WILKS

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:

ny Lopez 65797

Print your name:

ALex Lopez

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

DI NOV 20 AM 10: 18

MEMO	RAN	MIICH

NOVEMBER 13, 2001

TO: P.O. ERIC NEITMAN DISTRICT SEVEN

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 MAY 22, 2001

A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS

3) A police shooting incident occurring on

Is	this	information	correct?
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YES_____NO____

Did you receive legal representation in this matter?

Your signature:	mc 1	atm	
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Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

STEVEN SETTINGSGAARD POLICE COMMANDER Internal Affairs Division

DTS:dnp

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MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. NICK POVOLO DISTRICT SEVEN

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 MAY 22, 2001

A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS

3) A police shooting incident occurring on

Is this information correct?

YES	<u> </u>	NO
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Did you receive legal representation in this matter?

YES_	 МО	
1	 _ / _	

Your signature:

Print your name: Nichouns Forbio

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

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MEMORANDUM

NOVEMBER 13, 2001

TO: P.O. GARY POST DISTRICT FOUR

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 MAY 22, 2001

2) A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS

3) A police shooting incident occurring on

İs	this	information	correct?
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YES_____NO____

Did you receive legal representation in this matter?

YES___NO__

Your signature:

Print your name:

Gary L. POST

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

STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS: dnp

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	HILLMIOIGE FOR	ICE DEPARTMENT		
MEMORANDUM		NOVEMBER 13	, 2001	
TO: P.O. ERIC DI	LLMAN			•
DISTRICT FOU	R	M. Comment Control Control	in the state of th	
RE: Receipt of L Attorney	egal Services from	Law Firm of		
Attorney LAU the attached was the following sit	RIE EGGERT has mad provided with lega uations:	e a claim with l services aris	the City, sing out of	indicating one of
2) A citizen's	occurring on MAY 2 complaint made by oting incident occ	EARNEST HARRIS	AND LAQUIT	A WILKS
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en e	Print your name	: ERIC DI	CLAN	
Upon complet Affairs Division	ion, please return at the Police Acad	this memorandu emy (Room 325)	m to the In	nternal possible.
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STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

DTS:dnp

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01 80 82 NO 10

MEMORANDUM

NOVEMBER 13, 2001

P.O. ALEX MANTAY DISTRICT SEVEN

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:

An incident occurring on MAY 22, 2001

A citizen's complaint made by EARNEST HARRIS AND LAQUITA WILKS 2)

3) Apolice shooting incident occurring on

Is this	information	correct?
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Did you receive legal representation in this matter?

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YES_	Δ	ИО	

Your signature: 10 alex Man

Print your name: P.O. Alex MANTA

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

> STEVEN SETTINGSGAARD POLICE COMMANDER Internal Affairs Division

DTS:dnp

The Party Acts

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- A.J. 110

Av. To

NOISIAIO BAIATA JAHABTMI

01 NOV 26 PM 5: 26