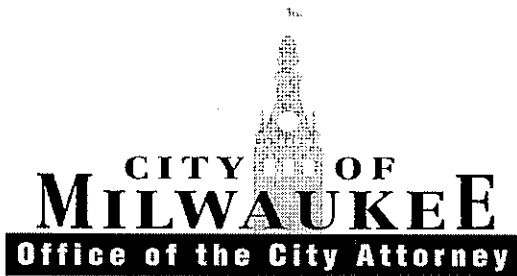


**GRANT F. LANGLEY**  
City Attorney

**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  
DAVID J. STANOSZ  
SUSAN E. LAPPEN  
JAN A. SMOKOWICZ  
PATRICIA A. FRICKER  
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LEONARD A. TOKUS  
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MIRIAM R. HORWITZ  
MARYNELL REGAN  
G. O'SULLIVAN-CROWLEY  
KATHRYN Z. BLOCK  
MEGAN T. CRUMP  
ELOISA DE LEÓN  
ADAM B. STEPHENS  
KEVIN P. SULLIVAN  
BETH CONRADSON CLEARY  
THOMAS D. MILLER  
HEIDI E. GALVÁN  
Assistant City Attorneys

July 16, 2008

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

Re: Communication from Attorney Jon Cermele, Cermele & Associates, S.C.  
for legal fees for Police Officer Thomas Johnson; EC 2569

Dear Council Members:

Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officer Thomas Johnson. The claim is in the amount of \$1,794.87 including \$89.87 in disbursements for 15.50 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 the filing of a citizen's complaint against the officer with the Fire and Police Commission. The complaint was dismissed by the Commission.

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,

  
GRANT F. LANGLEY  
City Attorney

  
JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp  
Enc.

1032-2008-921.008:124771v1

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. THOMAS JOHNSON

DISTRICT: FOUR

RE: Receipt of Legal Services from Law Firm of  
Attorney Jonathan Cermele

Attorney Jonathan Cermele 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: OCTOBER 16, 2004
- 2) A citizen complaint made by: WILLIE LEWIS
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES ☒ NO ☐

Did you receive legal representation  
in this matter?

YES ☒ NO ☐

Your signature: \_\_\_\_\_

*TL z/L*

Print your name: \_\_\_\_\_

*THOMAS C Johnson*

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

KURT R. LEIBOLD  
Acting Captain of Police  
Professional Performance Division

KRL: kjs

**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**  
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**ADAM B. STEPHENS**  
**KEVIN P. SULLIVAN**  
**BETH CONRADSON CLEARY**  
**THOMAS D. MILLER**  
Assistant City Attorneys

May 1, 2008

Acting Captain Kurt Leibold  
Milwaukee Police Department  
Professional Performance Division  
6680 North Teutonia Avenue, Rm. 325  
Milwaukee, WI 53209

Re: Communication from CERMELE & ASSOCIATES, S.C.  
EC No: 2569; Our File No. 1032-2008-921.008

Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officer Thomas Johnson.

Please determine whether this officer was in fact involved in the matter described in Mr. Cermele's claim, and have this officer verify Mr. Cermele's representation. Please return the claims and verification forms to our office at your earliest convenience to Angelique M. Pettigrew, Paralegal.

Thank you for your anticipated cooperation in this matter.

Very truly yours,



JAN A. SMOKOWICZ  
Assistant City Attorney

JAS:amp

Enclosure

1032-2008-921.008:130254

OFFICE OF THE CITY ATTORNEY

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

LAURIE A. EGGERT  
- OF COUNSEL -

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

April 3, 2008

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

**RE: Citizen Complaint of Mr. Willie Lewis  
Against PO Thomas Johnson  
Complaint No.: 04-73  
Date of Incident: October 16, 2004**

CITY OF MILWAUKEE  
2008 APR - 7 PM 2:25  
RONALD D. LEONHARDT  
CITY CLERK

Dear Mr. Leonhardt:

Pursuant to Article 58 of the 2007-2009 Collective Bargaining Agreement between the City and the Milwaukee Police Association, the City should request that this claim be placed on the Common Council Committee agenda within 180 days of its receipt.

The above-named police officer has retained us to represent him 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, this claim is hereby made on his behalf for the indicated legal fees. This incident involved the investigation of an auto accident.

The Fire and Police Commission dismissed the complaint. Attached is a copy of the dismissal notice and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs  
Attachments  
JOHNSON

# CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -  
WWW.CERMELELAW.COM

JONATHAN CERMELE  
RACHEL L. PINGS  
MATTHEW L. GRANITZ

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

LAURIE A. EGGERT  
- OF COUNSEL -

April 03, 2008

Mr. Ronald Leonhardt  
Milwaukee City Clerk  
City Hall, Room 205  
200 East Wells Street  
Milwaukee WI 53202

RE: Citizen Complaint of Mr. Willie E. Lewis  
Against PO Thomas Johnson  
FPC No: 04-73  
Date of Incident: October 16, 2004  
Professional services

	<u>Hours</u>
2/7/2005 Office conference PO Lewis; intra-office conference with Eggert; open file; memo to file; review and sign correspondence to FPC; calendar conciliation.	1.30
2/10/2005 Open records request.	0.20
2/17/2005 Telephone call from FPC.	0.10
2/18/2005 Travel to City Hall to perform conciliation; memo to file.	1.70
3/15/2005 Review Complaint and Appeal Report regarding status.	0.10
3/23/2005 Receive and review correspondence from FPC; file same.	0.10
5/3/2005 Receive and review Open Records response; file same.	0.10
10/11/2005 Receive and review correspondence from FPC; calendar Witness and Exhibit List deadline.	0.10
10/27/2005 Review of file.	0.40

	<u>Hours</u>
10/28/2005 Telephone call to client.	0.20
10/31/2005 Prepare Witness and Exhibit List; telephone call from client; memo to file; telephone call from potential witnesses.	0.50
11/1/2005 Telephone call from client; telephone call to witness; finalize Witness and Exhibit List.	0.50
5/22/2006 Telephone call from Fronk; review file; telephone call to client; telephone call to witness.	0.50
5/23/2006 Telephone call from Fronk regarding citizen's Witness and Exhibit List; receive and review Fax from Fronk.	0.30
5/24/2006 Intra-office conference with Pings.	0.20
5/25/2006 Telephone call to witness; telephone call to Fronk.	0.30
1/2/2007 Receive and review Notice of Hearing; correspondence to Fronk regarding adjournment request; telephone call from client.	0.40
1/5/2007 Receive and review message from Fronk regarding rescheduling hearing; review file; telephone call to and subpoena for citizen witness; correspondence to client.	0.50
1/8/2007 Receive and review Notice of Cancellation of Hearing; intra-office conference with KS regarding citizen witness subpoena; correspondence to client.	0.30
1/15/2007 Telephone call from citizen witness; memo to file.	0.30
6/29/2007 Telephone call from Fronk requesting hearing dates; correspondence to client regarding updated vacation information; correspondence to witness advising of hearing and requesting availability.	0.40

	<u>Hours</u>
7/10/2007 Receive and review correspondence from client.	0.10
8/29/2007 Review file; e-mail Fronk regarding scheduling hearing.	0.20
9/25/2007 Telephone call from Fronk regarding scheduling hearing; review file; telephone call to and from witness; memo to file; correspondence to witness.	0.50
10/3/2007 Telephone call from witness; memo to file; e-mail to and from Fronk regarding scheduling hearing.	0.40
10/10/2007 Receive and review correspondence from FPC regarding scheduling hearing.	0.10
10/19/2007 Receive and review correspondence from FPC; correspondence to citizen witness.	0.30
10/23/2007 Telephone call from witness.	0.10
11/19/2007 Telephone call to and from witness; e-mails to Fronk.	0.30
12/3/2007 E-mails to and from Fronk regarding hearing.	0.20
12/7/2007 Receive and review Notice of Hearing; calendar same; correspondence to witness and client.	0.30
1/4/2008 Telephone call to client; conference with KS regarding service of witness subpoena; memo to file.	0.40
1/7/2008 Telephone call from and to client; schedule and calendar office conference with client.	0.20
1/9/2008 Receive and review reminder of Notice of Hearing.	0.10



	<u>Hours</u>
1/18/2008 Receive and review Affidavit of Service of witness subpoena; telephone call to and from FPC to confirm complainant intends to appear at 01/19/08 trial; office conference with client to prepare for trial.	2.00
1/19/2008 Travel; attend hearing; return travel.	1.50
3/24/2008 Receive and review Order of Dismissal; correspondence to client; close file.	0.30

	<u>Amount</u>
For professional services rendered	15.50
Additional charges:	\$1,705.00
2/18/2005 Parking	4.00
4/28/2005 MPD Open Records request	1.87
1/4/2007 Subpoena	6.00
2/9/2007 Investigator - Svc. of Subpoena	35.00
1/11/2008 Process server - Service of subpoena on Ms. Tina Speed	35.00
1/19/2008 Parking	8.00

Total costs	<u>\$89.87</u>
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Total amount of this bill	<u>\$1,794.87</u>
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Balance due	<u><u>\$1,794.87</u></u>
-------------	--------------------------

(Rate: \$110.00 per hour)

RECEIVED

MAR 18 2008

BOARD OF FIRE AND  
POLICE COMMISSIONERS

CITY OF MILWAUKEE

COUNTY OF MILWAUKEE

The Charges of WILLIE E. LEWIS  
Against POLICE OFFICER THOMAS JOHNSON

Complaint No. 2004-73

### ORDER OF DISMISSAL

WHEREAS, this matter was scheduled for final hearing before Hearing Examiner Roy B. Evans on January 19, 2008;

WHEREAS, Willie E. Lewis failed to appear on January 19, 2008 regarding the incident which served as the basis for this complaint; and

WHEREAS, Willie E. Lewis did not make any contact with the Fire and Police Commission after January 19, 2008 to explain his absence from the hearing.

THEREFORE, it is ordered that the complaint against Police Officer Thomas Johnson be and is hereby dismissed for lack of cooperation of Willie E. Lewis.

DATED at Milwaukee, Wisconsin, this 17<sup>th</sup> day of March, 2008.

MILWAUKEE BOARD OF FIRE  
AND POLICE COMMISSIONERS

LEONARD J. SOBCZAK, CHAIRMAN

BY:



MICHAEL G. TOBIN  
EXECUTIVE DIRECTOR

c: Willie E. Lewis  
Thomas Johnson  
Chief Edward A. Flynn  
MPD Professional Performance Division  
Rachel L. Pings, Esq.