

GRANT F. LANGLEY
City Attorney

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



THOMAS O. GARTNER
BRUCE D. SCHRIMPF
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
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
KATHRYN Z. BLOCK
MEGAN T. CRUMP
ELOISA DE LEÓN
ADAM B. STEPHENS
KEVIN P. SULLIVAN
BETH CONRADSON CLEARY
THOMAS D. MILLER
HEIDI E. GALVÁN
JARELY M. RUIZ
ROBIN A. PEDERSON
Assistant City Attorneys

July 16, 2008

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

Re: Communication from Attorney Jonathan Cermele, Cermele & Associates,
S.C. for legal fees for Police Officers Jason DeWitt, Thomas Multhauf,
Jeff Lepianka, and Scott Schmitz; EC 2563

Dear Council Members:

Returned herewith is a document filed by Attorney Jonathan Cermele for attorney's fees for representing Police Officers Jason DeWitt, Thomas Multhauf, Jeff Lepianka, and Scott Schmitz. The claim is in the amount of \$759.00 for 6.90 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. 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,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:amp
Enc.

1032-208-921.002:124731v4

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

May 26, 2008

TO: P.O. JASON DEWITT
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: AUGUST 15, 2007
- 2) A citizen complaint made by: RUBEN ANDERSON
- 3) A police shooting incident occurring at: NA

Is this information correct?

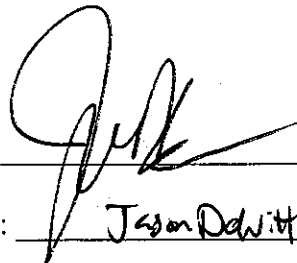
YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: _____

Print your name: _____


Jason Dewitt 017083

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: P.O. THOMAS MULTHAUF
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: AUGUST 15, 2007
- 2) A citizen complaint made by: RUBEN ANDERSON
- 3) A police shooting incident occurring at: NA

Is this information correct?

YES A NO

Did you receive legal representation
in this matter?

YES K NO

Your signature:

P.O. Thomas Multhauf

Print your name:

P.O. Thomas MULTHAUF

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

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

May 26, 2008

TO: DET. SCOTT SCHMITZ
DISTRICT: CIB

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: AUGUST 15, 2007
- 2) A citizen complaint made by: RUBEN ANDERSON
- 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: Det. Scott Schmitz

Print your name: Det Scott Schmitz

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

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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: 2563; Our File No. 1032-2008-921.002

Dear Captain Leibold:

Enclosed please find a claim filed by attorney Jonathan Cermele for Attorney's fees incurred during his representation of Police Officers Jason DeWitt, Thomas Multhauf, Jeff Lepianka, and Scott Schmitz.

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

1032-2008-921.002:130254

RECEIVED
MAY 1 2008
PROFESSIONAL PERFORMANCE
DIVISION

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

APR 3 2008

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

CITY OF MILWAUKEE
2008 APR -7 PM 3:25
RONALD D. LEONHARDT
CITY CLERK

RE: MPD Criminal Investigation of PO's Jason Dewitt, Thomas Mutha, Jeff Lepianka and Scott Schmitz
Allegations Regarding Mr. Ruben Anderson
Date of Incident: August 15, 2007
Location of Incident: 92nd Street and Sheridan Street

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 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, this claim is hereby made on their behalf for the indicated legal fees. This incident involved a field interview.

According to correspondence from Acting MPD Captain Leibold, the allegation is unfounded. As such, no charges were issued against the officers. Attached is a copy of the letter along with status of the CIS Investigatory file, and an itemization of the time and services rendered.

Thank you.

Sincerely,

CERMELE & ASSOCIATES, S.C.

Jon Cermele

/kjs

Attachments
DEWITT, et al

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: MPD Criminal Investigation of PO's Jason Dewitt, Thomas Multhauf, Jeff
Lepianka and Scott Schmitz
Allegations Regarding Mr. Ruben Anderson
Date of Incident: August 15, 2007
Location of Incident: 92nd Street and Sheridan Street
Professional services

	<u>Hours</u>
8/28/2007 Office conference with PO's Dewitt, Lepianka and Multhauf regarding new criminal investigation; open file; telephone call to PPD seeking additional case information; intra-office conference with Pings regarding case status.	1.50
8/29/2007 Telephone call to PPD; memo to file.	0.20
9/5/2007 Telephone call to PPD; memo to file.	0.20
9/6/2007 Telephone call to and from PO Lepianka; telephone call to PO Schmitz regarding office conference; calendar same; memo to file.	0.50
9/7/2007 Office conference with PO Schmitz; CCAP research for complainant case information.	1.00
9/10/2007 Telephone call to PO's Dewitt and Multhauf regarding scheduling statement; memo to file.	0.30
9/11/2007 Telephone call to PO's Multhauf, Dewitt, Lepianka and Schmitz regarding scheduling PPD statements; memo to file.	0.30

	<u>Hours</u>
9/12/2007 Telephone calls to witnesses; telephone call to PPD; memo to file.	0.40
9/14/2007 Telephone call to PPD; memo to file.	0.20
9/20/2007 Telephone call to PPD regarding scheduling statement; telephone call from and to PO Schmitz regarding same; memo to file.	0.30
9/25/2007 Intra-office conference with Pings regarding status of case.	0.10
Telephone call to PO's Dewitt, Multhauf, Schmitz and Lepianka informing of status; telephone call to PPD; memo to file.	0.50
10/26/2007 Telephone call to PPD; fax to PPD confirming clearance of investigation.	0.20
1/23/2008 Follow-up with PPD regarding written confirmation of clearance.	0.10
3/5/2008 Fax to PPD seeking written confirmation of clearance.	0.10
3/11/2008 Receive and review PPD clearance letter; correspondence to clients; close file.	1.00

	<u>Amount</u>
For professional services rendered	6.90 \$759.00
Balance due	<u>\$759.00</u>

(Rate: \$110.00 per hour)



Police Department

Nannette H. Hegerty
Chief of Police

Tuesday, March 11, 2008

Rachel L. Pings
Attorney At Law
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

Dear Ms. PINGS:

This letter is in response to your inquiries of March 5, 2008, March 7, 2008, and January 23, 2008 regarding the status of CIS Investigatory Files.

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

Sincerely,

KURT LEIBOLD
ACTING CAPTAIN OF POLICE

CIS FILE NO.	PPD FILE NO.	COMPLAINANT	ALLEGATION	DISPOSITION
1. 07-174	07-0797	STEELE, Robert	BATTERY	UNFOUNDED
2. 07-128	07-0567	TRAYLOR, Allan	THEFT	SUSPENDED PENDING NEW INFORMATION
3. 07-051	07-0203	VALENTIN, ZELLYBETH	PHYSICAL ABUSE OF CHILD	BASELESS
4. 07-049	07-0201	FOX, John	ILLEGAL STRIP SEARCH/ BATTERY	WARRANT REFUSED
5. 07-069	07-0270	BENNETT, Timothy	BATTERY	WARRANT REFUSED
6. 07-176	07-0818	HOFFMAN, Richard	PHYSICAL ABUSE OF CHILD	UNFOUNDED
7. 07-141	07-0658	WASHINGTON, Jamaral	THEFT	UNFOUNDED
8. 07-125	07-0555	JOHNSON, Deonta	THEFT	UNFOUNDED
9. 07-133	07-0596	ANDERSON, RUBEN	BATTERY	UNFOUNDED