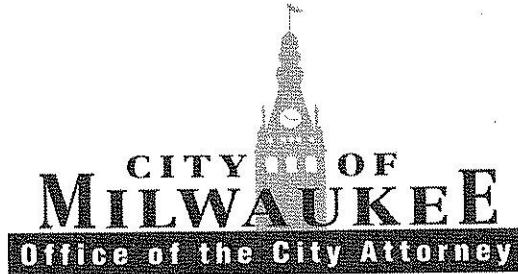


GRANT F. LANGLEY
City Attorney

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
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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
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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
DANIELLE M. BERGNER
Assistant City Attorneys

February 2, 2010

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 Officers Javier Cornejo, Todd Johnson, Anthony
Knox, Kurt Kezeske, John Schott, Alan Schlieff, Sonthana Rajaphoumi
EC 2758

Dear Council Members:


Returned herewith is a document filed by Attorney Jon Cermele for attorney's fees for representing Police Officers Javier Cornejo, Todd Johnson, Anthony Knox, Kurt Kezeske, John Schott, Alan Schlieff, Sonthana Rajaphoumi. The claim is in the amount of \$1,895.86 including \$25.86 in disbursements for 17.00 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 officers 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.

1032-2009-2832.002:124771v1

OFFICE OF THE CITY ATTORNEY

06-0-2009-0070

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -
WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

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

September 22, 2009

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

RE: Citizen Complaint of Mr. Karl Edwards ^{Anthony}
Against PO's Javier Cornejo, Tony Knox, Sam Rajaphoumi, Alan Schleif, ^{scott}
Todd Johnson, Kurt Kezeske and John Schott
Complaint No.: 07-18
Date of Incident: March 15, 2007

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 narcotics-related search warrant.

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

CORNEJO, et al

CERMELE & ASSOCIATES, S.C.

- ATTORNEYS AT LAW -

WWW.CERMELELAW.COM

JONATHAN CERMELE
SCOTT J. JESS

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

September 22, 2009

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

RE: Citizen Complaint of Mr. Karl Edwards
Against PO's Javier Cornejo, Tony Knox, Sam Rajaphoumi, Alan Schleif,
Todd Johnson, Kurt Kezeske and John Schott
FPC No: 07-18
Date of Incident: March 15, 2007
Professional services

		<u>Hours</u>	<u>Amount</u>
7/12/2007	RLP Office conference with PO Cornejo regarding new citizen complaint; open file; review complaint; Open Records request.	0.90	99.00
7/13/2007	MG Conference with PO Rajaphoumi; review documents from same; conference with PO Knox; review documents from same; Open Records request for PO's Rajaphoumi and Knox.	1.50	165.00
7/18/2007	MG Conference with PO Alan Schleif; Open Records request; CCAP research.	0.80	88.00
7/19/2007	RLP Conference with PO Todd Johnson; memo to file; review and sign correspondence to FPC advising of representation, vacation dates and requesting other complaints by citizen.	0.50	55.00
7/26/2007	RLP Receive and review correspondence from FPC regarding other complaints filed by citizen.	0.10	11.00

		<u>Hours</u>	<u>Amount</u>
7/30/2007	RLP Telephone call from PO Cornejo.	0.20	22.00
8/10/2007	RLP Receive and review Open Records request response.	0.50	55.00
8/24/2007	MG Review records from MPD.	0.50	55.00
8/27/2007	MG Review file for officers who have not yet sought representation.	0.10	11.00
8/29/2007	MG Office conference with PO Kezeske.	0.60	66.00
3/7/2008	MG Telephone call from PO Johnson regarding conciliation and vacation dates for 2008; telephone call to PO Cornejo regarding same; telephone call to PO Knox regarding same; telephone call to PO Rajaphoumi regarding same; telephone call from PO Schleif regarding same; telephone call from PO Kezeske regarding same; memo to file; telephone calls from and to FPC regarding dates for conciliation.	0.60	66.00
3/10/2008	RLP Prepare paperwork for PO Schott to join file.	0.20	22.00
3/11/2008	MG Telephone call from PO Rajaphoumi regarding conciliation scheduling; telephone call to FPC regarding same; telephone call to and from PO Knox regarding same; memo to file.	0.50	55.00
3/13/2008	MG Telephone call to FPC.	0.10	11.00
4/14/2008	MG Telephone call from FPC; memo to file.	0.20	22.00
7/21/2008	MG Receive and review correspondence from FPC dismissing all officers other than PO Schott from complaint; office conference with Balcerzak regarding same; review file;	1.00	110.00

		<u>Hours</u>	<u>Amount</u>
	correspondence to PO's Cornejo, Knox, Rajaphoumi, Schleif, Johnson and Kezeske indicating their removal from FPC complaint.		
7/23/2008 MG	Receive and review correspondence from FPC.	0.20	22.00
9/25/2008 MG	Telephone call to FPC.	0.10	11.00
10/21/2008 MG	Several telephone calls to and from FPC regarding mediation; review file; memo to file.	0.50	55.00
10/22/2008 MG	Receive and review correspondence from FPC reinstating PO's Smölen, Schleif, Johnson and Kezeske and dismissing PO's Cornejo, Knox, Rajaphoumi and Schott; telephone call to FPC; intra-office conference with Cermele; review file; correspondence to FPC.	1.10	121.00
11/25/2008 MG	E-mail from Mediator; review file; correspondence to FPC.	0.40	44.00
12/8/2008 MG	Receive and review correspondence from FPC explaining dismissal and reinstatement of officers; intra-office conference with Cermele; memo to file.	0.60	66.00
1/5/2009 MG	Telephone call from Mediation Center.	0.10	11.00
1/12/2009 MG	Review file; instruction to KS regarding mediation.	0.30	33.00
1/13/2009 MG	Telephone call and e-mail from Mediation Center; e-mail in response.	0.30	33.00
1/15/2009 MG	E-mail regarding mediation status.	0.10	11.00

		<u>Hours</u>	<u>Amount</u>
1/20/2009	MG E-mails regarding clients' availability for mediation.	0.10	11.00
1/21/2009	MG Telephone call from Mediation Center.	0.10	11.00
1/23/2009	MG Telephone call from PO Johnson regarding mediation availability; e-mail regarding same; correspondence to clients confirming mediation date; calendar same; review file in preparation for Mediation.	1.50	165.00
1/26/2009	MG E-mail to Milwaukee Mediation center seeking confirmation that 01/29/09 mediation is still going; telephone call from Mediation Center.	0.20	22.00
1/27/2009	MG Telephone call from PO Kezeske.	0.20	22.00
1/28/2009	MG Prepare for mediation; receive and review correspondence from Mediation Center; receive and review message from FPC; telephone call to FPC; meeting with MPA regarding case status; telephone call from and to Mediation Center; instruction to KS regarding notifying clients that mediation has been cancelled.	1.50	165.00
1/29/2009	MG Meeting with MPA regarding FPC authority concerning citizen complaint investigations.	0.20	22.00
1/30/2009	MG Telephone call to FPC.	0.10	11.00
2/10/2009	MG Review file.	0.10	11.00
8/17/2009	SJJ Review file; correspondence to clients regarding same.	0.30	33.00

Mr. Ronald Leonhardt

Page 5

	<u>Hours</u>	<u>Amount</u>
9/16/2009 SJJ Telephone call to FPC regarding status; receive and review correspondence from FPC regarding dismissal of complaint in its entirety and against all officers / clients.	0.30	33.00
9/20/2009 SJJ Correspondence to clients regarding dismissal of complaint and closure of file; close file.	0.40	44.00
For professional services rendered	<u>✓ 17.00</u>	<u>\$1,870.00</u>
Additional charges:		
8/17/2007 RLP MPD Open Records request		<u>✓ 25.86</u>
Total costs		<u>\$25.86</u>
Total amount of this bill		<u>✓ \$1,895.86</u>
Balance due		<u><u>\$1,895.86</u></u>

(Rate: \$110.00 per hour)



RECEIVED

JUL 22 2008

Fire and Police Commission

Michael G. Tobin
Executive Director

Leonard J. Sobczak
Chairman
Ernesto A. Baca
Vice-Chairman
Earl A. Buford
Richard C. Cox
Kathryn A. Hein
Commissioners

July 18, 2008

Matthew L. Granitz, Esq.
Cermele & Associates, S.C.
6310 West Bluemound Road
Suite 200
Milwaukee, WI 53213

RE: Complaint of Karl Edwards
FPC Complaint No. 07-18

Dear Mr. Granitz:

Upon further investigation of the police officers involved with this complaint, I have been able to eliminate the following from their involvement:

1. Police Officer Javier Comejo.
2. Police Officer Torrey Lea.
3. Police Officer Sonthana Rajaphoumi.
4. Police Officer Anthony Knox.
5. Police Officer Todd Smolen.
6. Police Officer Alan Schleif.
7. Police Officer Todd Johnson.
8. Police Officer Kurt Kezeske.
9. Sergeant Daniel Wesolowski.

Police Officer John Schott, who was the arresting officer and Sergeant Joel Kujawa are the only officers being requested to participate in mediation with Mr. Edwards. If you have any questions, please contact me at (414) 286-5055.

Sincerely,

Cynthia M. Janusz
Paralegal

cc: Chief Edward A. Flynn
Lt. Alan Johnson
Karl Edwards
All police officers involved



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OCT 22 2008

CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair

Carolina M. Stark
Vice-Chair

Leonard J. Sobczak

Ernesto A. Baca

Earl A. Buford

Kathryn A. Hein

Carolina M. Stark

Paol X. Lor

Commissioners

October 21, 2008

Matthew L. Granitz, Esq.
Cermele & Associates, S.C.
6310 West Bluemound Road, Suite 200
Milwaukee, WI 53213

RE: Complaint of Karl Edwards
FPC Complaint No. 07-18

Dear Mr. Granitz:

The complainant, Karl Edwards, came into our office today to view photos of the 12 officers involved in his complaint to determine which officers were the ones he is complaining of. Upon his viewing of the photos, the following officers will be requested to participate in mediation:

1. Police Officer Todd Smolen.
2. Police Officer Alan Schleif.
3. Police Officer Todd Johnson.
4. Police Officer Kurt Kezeske.

The following officers are being dismissed from the complaint:

1. Sergeant Daniel Wesolowski.
2. Sergeant Joel Kujawa.
3. Police Officer Javier Cornejo.
4. Police Officer Torrey Lea.
5. Police Officer Sonthana Rajaphoumi.
6. Police Officer Anthony Knox.
7. Police Officer John Schott.
8. Police Officer Jason Kane (resigned).

If you have any questions, please contact me at (414) 286-5055.

Sincerely,

Cynthia M. Janusz
Paralegal

cc: Chief Edward A. Flynn
Lt. Alan Johnson
Karl Edwards
All police officers involved



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DEC 09 2008
CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair
Carolina M. Stark
Vice-Chair
Leonard J. Sobczak
Ernesto A. Baca
Earl A. Buford
Kathryn A. Hein
Paol X. Lor
Commissioners

December 3, 2008

Matthew L. Granitz, Esq.
Cermele & Associates, S.C.
6310 West Bluemound Road, Suite 200
Milwaukee, WI 53213

RE: Complaint of Karl Edwards
FPC Complaint No. 07-18

Dear Mr. Granitz:

In response to your recent inquiries as to the above-referenced complaint, the Fire and Police Commission does maintain jurisdiction over the officers involved in the incident that occurred on March 15, 2007. In an effort to save the taxpayers from having to pay twelve officers overtime and the expense that it would take to mediate with all twelve officers, only to determine which two officers were involved, it made sense to eliminate the uninvolved officers from the process.

As you will recall, Cindy Janusz informed you on April 15, 2008 that Mr. Edwards described the officers over the telephone to her as both being white males, with the main officer being 6'6" tall, 230 lbs. and in his mid forties. The other officer involved was described as being 5'9" tall, 170 lbs. and in his mid twenties. From those descriptions and information she received from you, or officers she spoke with, she eliminated all officers that were not white males, and those that were not in the area of Mr. Edwards' arrest. Upon eliminating those officers, Ms. Janusz sent a letter to you and copied Mr. Edwards. Upon Mr. Edwards' receipt of the letter, he contacted Ms. Janusz and informed her that he knows Officer John Schott and Sgt. Joel Kujawa, and neither one was involved. With that information, it was decided that it would be best to get photographs of all of the officers that were involved in the incident for Mr. Edwards to view and pick out the correct officers.

On October 21, 2008, Mr. Edwards came to the Fire and Police Commission to view the photographs. Mr. Edwards narrowed down the officers to four—Officer Kurt Kezeske, Officer Todd Smolen, Officer Alan Schlieff and Officer Todd Johnson. Mr. Edwards advised her that because they were in their tactical uniforms, which included their heads being somewhat covered, he could not make a positive identification from photographs which only included their faces. At this point, it was determined that it would be best if these four officers were requested to participate in mediation and the two that were not involved to be eliminated at that time.

If you have any questions regarding this decision, please contact me.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj



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SEP 17 2009

CERMELE & ASSOCIATES, S.C.

Fire and Police Commission

Michael G. Tobin
Executive Director

Richard C. Cox
Chair

Carolina M. Stark
Vice-Chair

Ernesto A. Baca
Kathryn A. Hein
Paol X. Lor
Sarah W. Morgan
Commissioners

September 15, 2009

Mr. Karl Edwards
3626 North 40th Street
Milwaukee, WI 53216

RE: Fire and Police Commission Complaint No. 07-18
Karl Edwards v. Milwaukee Police Department Police Officers

Dear Mr. Edwards:

You filed a complaint dated March 23, 2007 with the Fire and Police Commission. You indicated that two police officers injured you while taking you into custody, but that you did not know who they were. Our initial investigation determined that there were twelve officers present during the incident in your complaint. Upon Cindy Janusz of our office speaking with you and you viewing photos of the 12 officers, you were able to pick out two officers that you believed were involved, but were not positive. Due to your inability to positively identify the police officers, we are dismissing your complaint.

If you have any questions regarding our decision, please call Cindy Janusz at (414) 286-5055.

Sincerely,

Michael G. Tobin
Executive Director

MGT:cj

cc: Police Chief Edward A. Flynn
Professional Performance Division
Scott J. Jess, Esq.
Lt. Alan Johnson
All involved police officers