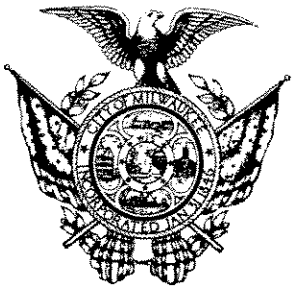
CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



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DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

January 12, 2004

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

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Shawn Lauda
C.I. File No. 02-S-263; EC No. 1778

Dear Council Members:

Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Shawn Lauda. The claim is in the amount of $835.57 including $10.57 in disbursements for 7.50 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 a criminal investigation. No criminal charges were brought against the police officer 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
City Attorney

JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.
2276

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

August 1, 2002

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

CITY OF MILWAUKEE
RECEIVED
'02 AUG -5 PM 3:50
CITY ATTORNEY

RE: MPD Criminal Investigation of PO Shawn Lauda
Allegations Regarding ~~a juvenile~~ *adult*
Date of Incident: December 11, 2001
Location of Incident: 2925 West Hampton Avenue
EC No.: 1778

Dear Mr. Leonhardt:

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, the claim is hereby made on his behalf for the indicated legal fees. This incident involved a traffic stop.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Lauda to give a statement concerning the incident after issuing a PI-21.

Later, the MPD decided not to issue criminal charges against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

CITY OF MILWAUKEE
'02 AUG -5 AM 11:47
RONALD D. LEONHARDT
CITY CLERK

1/9/04
O.K.
JAS
Letter 2276

Sincerely,

EGGERT & CERMELE, S.C.

Laurie A. Eggert
Attorney at Law

JC/ldl
LAUDA

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

August 1, 2002

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

RE: MPD Criminal Investigation re: a juvenile
Regarding: PO Shawn Lauda
Date of Incident: December 11, 2001
Location of Incident: 2925 West Hampton Avenue

Professional services

		Hours
01/29/02	Telephone call from client; open file; memo to file.	0.60
01/30/02	Telephone call from and to client; memo to file.	0.30
02/08/02	Review of file; meeting with PO Lauda at IAD; telephone call to and from witness; attend PO Lauda's PI-21 statement; travel; memo to file	2.30
03/20/02	Telephone call from DA; review of file; telephone call to client.	0.40
03/25/02	Telephone call from DA; telephone call to and from client; telephone call to DA; review of file; review partner's statement; meeting with client at DA's office; attend client's statement to DA; travel.	2.50
03/26/02	Discussion with DA; correspondence to client; correspondence to MPD Open Records.	0.50
06/19/02	Several telephone calls to and from MPD Open Records regarding request.	0.40

		Hours	
06/20/02	Review of correspondence from MPD Open Records; correspondence to client; close file.	0.50	
			Amount
	For professional services rendered	7.50	$825.00
	Additional charges:		
03/25/02	Parking		6.00
06/20/02	MPD Open Records request		4.57
	Total costs		$10.57
	Total amount of this bill		$835.57
	Balance due		$835.57

(Rate: $110.00 per hour)

REASONS FOR DELETION OF PORTIONS OF THIS REPORT

#20 THIS PORTION WHICH HAS BEEN DELETED CONTAINS NAME, ADDRESS, PHONE NUMBER AND PROVIDES DETAILS OF A SENSITIVE NATURE WHICH, IF RELEASED TO THE GENERAL PUBLIC IN THE ABSENCE OF A WAIVER FROM THE VICTIM, WOULD CONSTITUTE AN INVASION OF THE VICTIMS RIGHT OF PRIVACY AND COULD, THEREFORE, CAUSE EMOTIONAL DISTRESS AND DAMAGE TO HIS/HER PERSONAL REPUTATION.

(3/95) CLEARANCE REPORT
WAUKEE POLICE DEPARTMENT

PAGE 1 OF 2

INCIDENT # 01-346-3112

INCIDENT INFORMATION	INCIDENT 4TH DEGREE SEXUAL ASSAULT SS#940.225(3)	DATE OF INCIDENT 12-11-01	DATE OF REPORT 03/27/02	REP CON#
	VICTIM #20	LOCATION OF INCIDENT (ADDRESS) 4780 NORTH 30TH STREET		DIST. 7
	VICTIM'S ADDRESS #20	REPORTED BY SAME		

PROPERTY CODES --- LIST CODE FOR EACH ITEM OF PROPERTY IN "CODE #" COLUMN---

01-AIRCRAFT	09-CREDIT CARDS	15-HEAVY EQUIPMENT	21-NEGOTIABLE INSTRUMENT	27-RECORD/AUDIO VISUAL	34-STRUCT-STORAGE
02-ALCOHOL	10-DRUGS/NARCOTICS	16-HOUSEHOLD GOODS	22-NONNEGOT INSTRUMENT	29-STRUCT-SINGLE DWL	35-STRUCT-OTHER
04-BICYCLES	11-DRUG/NARC EQUIP	17-JEWELRY/PREC METAL	23-OFFICE EQUIPMENT	30-STRUCT-OTHER DWL	36-TOOLS
06--CLOTHES/FURS	12-FARM EQUIPMENT	18-LIVESTOCK	77-OTHER	31-STRUCT-OTHER COMM	38-VEH/PART/ACC
07-COMPUTER WARES	13-FIREARMS	19-MERCHANDISE	25-PURSE/BAG/WALLET	32-STRUCT-INDUST MFG	39-WATERCRAFT
08-CONSUMABLES	14-GAMBLING EQUIP	20-MONEY	26-RADIO/TV/VCR	33-STRUCT-PUBLIC	99-

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	INVENTORY #	CODE #	VALUE

RELATED INCIDENT #'S	EVIDENCE INVENTORY #'S	ADDED PROPERTY ATTACHED PO-14	TOTAL VALUE RECOVERED PROPERTY $

ONE FOR WEAPONS IN POSSESSION OF PRISONER AT TIME OF ARREST -- CHECK ALL APPLICABLE ITEMS

1	2		1	2		1	2		1	2		1	2	
O	O	ALTERED STOCK	O	O	CHROME/NICKEL	O	O	HANDGUN	O	O	OTHER	O	O	REVOLVER	O	O	SHOTGUN
O	O	AUTOMATIC	O	O	DOUBLE BBL	O	O	IMPLIED WEAPON	O	O	OTHER FIREARM	O	O	RIFLE	O	O	SIMULATED WEAPON
O	O	BOLT ACTION	O	O	DRUG/NARCOTIC	O	O	KNIFE/CUTTING INSTR	O	O	PERSONAL WEAPON	O	O	SAWED OFF	O	O	SINGLE BBL
O	O	BLUE STEEL	O	O	EXPLOSIVES	O	O	LIQUID GAS	O	O	POISON	O	O	SEMI AUTO	O	O	THROWN OBJECT
O	O	BLUNT OBJECT	O	O	FIRE/INCENDIARY	O	O	MOTOR VEHICLE	O	O	PUMP ACTION	O	O	SHORT/SNUB BBL	O	O	UNKNOWN

ARRESTED #1 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN O HISPANIC O NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						
I.D. DIV #		SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1				
RESIDENT OF COUNTY Y O N O	GANG RELATED Y O N O DRUG RELATED Y O N O	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST O ORDERED IN/CITED O W/WARR/SUSP CARD O ALL OTHER ARRESTS			
CHARGES				POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y O N O			

ARRESTED #2 LAST NAME	FIRST NAME	MID	RACE	SEX	DATE OF BIRTH	AGE	ETHNIC ORIGIN O HISPANIC O NON-HISPANIC
ADDRESS	CITY	STATE	HEIGHT	WEIGHT	BUILD	HAIR	EYES
ALIAS	SCARS, MARKS, MOLES, DEFORMITIES, AMPUTATIONS, FACIAL HAIR, SKINTONE, TATTOOS, PECULIARITIES ETC.						
I.D. DIV #		SOC. SEC. #	ADDED WEAPON INFO ARRESTED #1				
RESIDENT OF COUNTY Y O N O	GANG RELATED Y O N O DRUG RELATED Y O N O	LOCATION OF ARREST	DATE/TIME OF ARREST	TYPE OF ARREST O ORDERED IN/CITED O W/WARR/SUSP CARD O ALL OTHER ARRESTS			
CHARGES				POSSESSED SUSPECTED DRUGS AT TIME OF ARREST Y O N O			

VEH	VEHICLE USED	MAKE	MODEL	TYPE	COLOR	STATE	EXP	TYPE	V.I.N. #

REPORTING OFFICER	PAYROLL #	LOC #	ASSISTING OFFICER	SUPERVISOR	TOTAL ARRESTS
Michele Harrison DET. MICHELE HARRISON	60822	04		Det Raymond E. Schaab 50/04	0

...NCE REPORT
...2

...ESTIGATIVE NARRATIVE:

This report was dictated by Det. Michele HARRISON, of the Criminal Investigation Unit/Internal Affairs ivision (CIU/IAD), early shift.

On Wednesday, March 13, 2002, I, Detective Michele HARRISON, appeared in the District Attorney's ffice for a charging conference pertaining to this incident. Reviewing this case was Deputy District Attorney on REDDIN. During the course of this conference, Deputy District Attorney REDDIN pended this conference, ecause he wanted to interview both #20 and the police officer involved, Police Officer Shawn AUDA.

On Thursday, March 21, 2002, I, Detective Michele HARRISON along with Lieutenant Raynard E. ICHARDS appeared in the District Attorney's office for a charging conference pertaining to the above llegation. During the course of this incident, Deputy District Attorney REDDIN did interview #20 #20 Deputy District Attorney REDDIN then pended this case to speak with Police Officer Shawn AUDA.

On Tuesday, March 26, 2002, I, Detective HARRISON was advised by Deputy District Attorney Jon REDDIN that he did interview Police Officer Shawn LAUDA, payroll number 61189, at which time he made his decision not to issue any type of criminal charges. Deputy District Attorney based his decision on the fact that here was no outside witnesses, and could not prove by a reasonable doubt this incident occurred. Deputy District Attorney REDDIN also advised me that the other officer present Police Officer John SPENCE did not observe any type of sexual allegation or hear any sexual allegation made.

This case is cleared as warrant refused.

MH:tls
01-376/01-1628 Clearance

REVIEWING D.A. DEPUTY DISTRICT ATTORNEY JON REDDIN	P.O./DET. ASSIGNED Detective Michele HARRISON	COURT CASE NUMBER
FINAL CHARGE	DISPOSITION/DATE	VICTIM NOTIFIED BY

INCIDENT STATUS
- O CLEARED BY ARREST 18 OR OVER
- O PARTIAL CLEARANCE BY ARREST
- O UNFOUNDED/BASELESS
- O NO PROSECUTION DESIRED
- O PROPERTY RECOVERED
- X WARRANT REFUSED
- O ARREST UNDER 18
- O A. Detained at MCCC
- O B. Ordered in to MCCC DATE: _____
- O WAIVED AS AN ADULT

----- C.I.B. ADMINISTRATIVE USE ONLY -----

CLEARED EXCEPTIONALLY
- O A. Death of Offender
- O B. Prosecution Declined
- O C. Extradition Denied
- O D. Refused to Cooperate
- O E. Juvenile, no custody
- O F. Not Applicable

JUSTIFIABLE HOMICIDE
- O A. SUSP ATTCKD PO AND SAME PO KILLED SUSP
- O B. SUSP ATTCKD PO AND OTHER PO KILLED SUSP
- O C. SUSP ATTCKD CIVILIAN
- O E. SUSP KILLED IN COMMISSION OF CRIME
- O F. SUSP RESISTED ARREST
- O G. UNABLE TO DETERMINE/NOT ENOUGH

INFORMATION
- O D. SUSP ATTEMPTED FLIGHT FROM CRIME
- O H. SUSPECT KILLED BY PRIVATE CITIZEN

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

September 24, 2002

TO: P.O. SHAWN LAUDA
SOB INTEL

RE: Receipt of Legal Services from Law Firm of Attorney

Attorney 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 DECEMBER 11, 2001
2) A citizen's complaint made by A JUVENILE
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: [signature]

Print your name: Shawn LAUDA

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

[signature]
STEVEN SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

SMS:kjs

RECEIVED
02 SEP 26 PM 12:42
MILWAUKEE
INTERNAL AFFAIRS
DIVISION