

2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751



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32-0242557

Jan 07, 2016

Jeaneen Witt, Town Manager
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

SUMMARY OF PROFESSIONAL SERVICES

Matter	Description	Fees	Disbs	Retainers	Total
080064	General	\$954.00	\$0.00		\$954.00
080075	Planning & Zoning	\$209.00	\$0.00		\$209.00
110006	Attendance at Public Meetings	\$495.00	\$0.00		\$495.00
150047	Pacetta Takings Appeal	\$33,413.72	\$2,033.73		\$35,447.45
150048	Pacetta Federal Case	\$510.00	\$0.00		\$510.00
Totals:		<u>\$35,581.72</u>	<u>\$2,033.73</u>	<u>\$0.00</u>	<u>\$37,615.45</u>

Reference List

Shepard, Smith & Cassady

CBS - Cliff Shepard \$190
DAS - Drew Smith \$190
VC - Virginia Cassady \$190
AJH - Andrew Hand \$150
KO - Kalanit Oded \$150

(Takings Appeal #150047)

Greenberg Traurig

BCS - Brigid F. Cech Samole \$396
DBW - David Weinsten \$590
EHS - Elliot Scherker \$615
JAY - Jay A. Yagoda \$252
KAM - Kim Mello \$490
RAC - Rachel Canfield \$260
TLB - Tatanisha Brown \$135
MAD - Michael A. Dyckman \$185
KC - Katherine Clemente \$320

Bryant Miller Olive

SHC - Susan H. Churuti \$300
ESW - Edmund S. Whitson \$300
JOL - James O. Long \$225
KRA - Kenneth R. Artin \$300
MSD - Michael S. Davis \$300

(Takings Appeal #150047)

McKinnon & McKinnon

ACM - Abe McKinnon \$190
NCM - Noah McKinnon \$190

David Macpherson

DM - David Macpherson \$300

Diskin Property Research

BAD - Barry A. Diskin \$325
JMS - Julie M. Story \$150
RMK - Rob M. Kissel \$225
SPR - Sean P. Ruane \$0

Morgenstern Phifer & Messina, P.A.

LJM - Lloyd J. Morgenstern \$275
SCP - Stephen C. Phifer \$240

J.B. Fries & Associates, Inc.

Flat Fees

**Fishback, Dominick, Bennet,
Ardaman, Ahlers, Langley & Geller**

AKA - Kurt A. Ardaman \$200
DL - Daniel W. Langley \$200

Suzanne Konchan AICP

SK - Suzanne Konchan \$150

Diversified Property Specialists

Set fees per engagement letters.
CLL - C. Lee Lobban \$150

Judge Charles M. Harris

CMH - Charles M. Harris \$250

Marcia Lippincott

Flat Fee

(Federal Case #150048)

King, Blackwell, Zehnder & Wermuth, P.A.

TFF - Taylor F. Ford \$320
DBK - David B. King \$500
KGK - Kaye King \$175
FSW - Frederick S. Wermuth \$395
TS - Tèa Sisic \$275
KH - Kimberly D. Healy \$285



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January 7, 2016

Jeaneen Witt, Town Manager
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

File #: 080064
Inv #: 8024

RE: General

PROFESSIONAL SERVICES

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-01-15	Receive, analyze and reply to e-mail from Ms. Witt re: VGMC; receive and analyze email from Town and Atty. Morris re: Inlet Harbor DA issues.	1.10	209.00	CBS
Dec-02-15	Telephone conference with Ms. Witt, Atty. Morris and Mr. Joulani re: Inlet Harbor issue.	0.50	95.00	CBS
Dec-16-15	Review Ponce Inlet code re: Boards size req't	0.50	75.00	AJH
	Conference w/ Ms. Clauss re: boards	0.20	30.00	AJH
Dec-22-15	Prepare 2015 audit letter.		350.00	CBS
	Review and analyze Social Media Policy	1.30	195.00	AJH
	Review Pacetta files; Draft and revise audit letter; conference w/ CBS re: same; emails to/from CBS re: same.	1.60	0.00	KO
	Totals	5.20	\$954.00	

Total Fee & Disbursements	\$954.00
Previous Balance	1,158.00
Payments Received	
12/22/15 Town of Ponce Inlet	\$1,158.00
On Account of Fees and Disbursements	
Payments Received	1,158.00
Balance Now Due	\$954.00

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January 7, 2016

Jeaneen Witt, Town Manager
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

File #: 080075
Inv #: 8025

RE: Planning & Zoning

PROFESSIONAL SERVICES

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-16-15	Revise maintenance agreement; research public records re: neighboring property	0.90	171.00	DAS
Dec-17-15	Send email to Mike Woods re: Maintenance Agreement	0.20	38.00	DAS
	Totals	1.10	\$209.00	

Total Fee & Disbursements

\$209.00

Previous Balance

672.00

Payments Received

12/22/15 Town of Ponce Inlet

\$672.00

On Account of Fees and Disbursements

Payments Received

672.00

Balance Now Due

\$209.00

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January 7, 2016

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4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

File #: 110006
Inv #: 8026

RE: Attendance at Public Meetings

PROFESSIONAL SERVICES

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-17-15	Prepare for and attend council meeting; prepare for and attend joint meeting of Planning Board and Council; travel time.	3.30	495.00	CBS
	Totals	3.30	<u>\$495.00</u>	

Total Fee & Disbursements		<u>\$495.00</u>
Previous Balance		1,275.00
Payments Received		
12/22/15 Town of Ponce Inlet	\$1,275.00	
On Account of Fees and Disbursements		
Payments Received		1,275.00
Balance Now Due		<u>\$495.00</u>



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January 7, 2016

Jeaneen Witt, Town Manager
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

File #: 150047
Inv #: 8027

RE: Pacetta Takings Appeal

PROFESSIONAL SERVICES

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Nov-02-15	(TLB) Review eBrief.	4.40	594.00	CBS
Nov-03-15	(TLB) Continue to review eBrief.	4.50	607.50	CBS
	(BCS) Continue to work on eBrief.	0.50	198.00	CBS
Nov-04-15	(TLB) Continue to review eBrief.	4.30	580.50	CBS
	(TLB) Review case law cited in Answer Brief of Pacetta; upload documents in preparation of eBrief; pull fees case papers in trial litigation.	6.50	877.50	CBS
Nov-05-15	(BCS) Analyze answer brief for reply; analyze fees motion for potential response; outline reply brief arguments; confer re: timeliness issue.	6.00	2,376.00	CBS
	(JAY) Review answer brief in preparation for drafting of reply; conduct preliminary research on fees issue.	2.70	680.40	CBS
Nov-06-15	(TLB) Review and upload documents in preparation of eBrief.	5.20	702.00	CBS
	(BCS) Continue to analyze and evaluate answer brief record and case law support in preparation for drafting reply brief; evaluate fees motion and potential response; review e-brief and address issues thus far.	1.80	712.80	CBS
Nov-09-15	(BCS) Work on fees issue; continue to work on analysis of answer brief; follow-up re: eBrief.	4.10	1,623.60	CBS
	(KC) Research whether the basis for recovery of attorneys' fees in Pacetta's Motion to Tax Appellate Attorneys' Fees are valid; confer with B. Cech Samole re: answer.	3.00	960.00	CBS
Nov-10-15	(TLB) Review and upload documents in preparation of eBrief; continue to review eBrief.	1.30	175.50	CBS
	(BCS) Review and respond to correspondence re: brief.	0.20	79.20	CBS

Nov-12-15	(TLB) Continue to review eBrief.	4.70	634.50	CBS
	(BCS) Continue to review and analyze record support and case law cited in answer brief in preparation of drafting reply brief.	1.10	435.60	CBS
	(KC) Review eBrief - Answer Brief.	1.00	320.00	CBS
Nov-13-15	(TLB) Continue to review eBrief.	1.90	256.50	CBS
	(BCS) Call with amicus re: filing of brief; confer with team re: same.	0.20	79.20	CBS
	(JAY) Confer with counsel for amicus re: position on motion to submit amicus brief.	0.10	25.20	CBS
Nov-16-15	(TLB) Continue to review eBrief.	2.90	391.50	CBS
	(BCS) Review amicus brief; confer and advise re: eBrief.	0.90	356.40	CBS
	(KC) Review Answer Brief.	0.50	160.00	CBS
Nov-17-15	(TLB) Continue to review eBrief.	3.60	486.00	CBS
	(BCS) Confer appellees' request to correct brief; respond to request to correct brief.	0.20	79.20	CBS
Nov-18-15	(TLB) continue to review eBrief; confer with B. Cech Samole re: same.	5.60	756.00	CBS
	(BCS) Strategize and address correspondence re: potential revised brief.	0.20	79.20	CBS
Nov-19-15	(TLB) Continue to review eBrief.	5.40	729.00	CBS
	(BCS) Review request from opposing counsel; review attachment; confer as to same; respond to correspondence re: corrected answer brief and additional filing.	0.70	277.20	CBS
Nov-20-15	(TLB) Continue to review eBrief.	3.80	513.00	CBS
	(KC) Research whether Town is entitled to attorneys' fees.	0.80	256.00	CBS
Nov-23-15	(TLB) Continue to review eBrief.	1.90	256.50	CBS
	(BCS) Prepare notice for extension; confer re: request of Appellee to correct brief.	0.30	118.80	CBS
	(KC) Review Answer Brief.	0.60	192.00	CBS
Nov-25-15	(KC) Review Answer Brief.	0.20	64.00	CBS
Nov-30-15	(BCS) Strategize re: reply brief and team meeting issues.	0.50	198.00	CBS
	(Greenberg Traurig) Courtesy Discount.		-1,683.08	CBS
Dec-01-15	(NCM) Review of Briefs; legal research, Court Order.	3.10	589.00	CBS
Dec-02-15	(NCM) Legal review of Amicus Curiae Brief; research.	3.70	703.00	CBS
Dec-03-15	(NCM) Preparation for Meeting with Mr. Scherker; review of documents.	5.80	1,102.00	CBS
Dec-04-15	(NCM) Legal review of Briefs; Record on Appeal; issues to be reviewed with Mr. Scherker.	3.50	665.00	CBS
Dec-07-15	(NCM) Preparation for meeting with Mr. Scherker; conference with Mr. Shepard; review of Record on Appeal; documents.	3.70	703.00	CBS
January 7, 2016	(NCM) Conference Mr. Shepard, legal research; review of Briefs and Orders.	5.40	1,026.00	CBS

January 7, 2016

Shepard, Smith & Cassidy, P.A.

Dec-09-15	Travel time to Miami; review briefs for preparation of reply.	6.00	1,140.00	CBS
	(NCM) Preparation for meeting with Mr. Scherker; travel to Miami for meeting with Mr. Scherker.	8.00	1,520.00	CBS
	Conference w/ CBS re: appeal brief.	0.80	120.00	KO
Dec-10-15	Conference with appellate counsel re: Reply Brief.	8.00	1,520.00	CBS
	(NCM) Meeting with Mr. Scherker in Miami.	8.00	1,520.00	CBS
	Phone conferences w/ CBS; review/research trial transcript; email to CBS re: same.	2.50	375.00	KO
Dec-20-15	Receive and analyze draft reply brief.	1.00	190.00	CBS
Dec-21-15	(NCM) Review of draft Reply Brief.	2.00	380.00	CBS
Dec-22-15	Review reply brief and prepare memo re: arguments.	3.00	570.00	CBS
	(NCM) Draft Reply Brief; legal research; review of Record; documents.	4.80	912.00	CBS
	Review, research and edit reply brief; conference w/ CBS re: same.	3.20	480.00	KO
Dec-23-15	Revise reply brief; telephone conferences with co-counsel re: issues for inclusion in reply brief.	4.00	760.00	CBS
	(NCM) Conferences with Mr. Shepard; memorandum prepared for Mr. Scherker; conference with all attorneys; legal research; review of documents.	6.00	1,140.00	CBS
	Phone conference w/ CBS re: reply brief; research re: same; email to CBS re: same.	2.70	405.00	KO
Dec-28-15	Review various Pacetta emails and motions.	1.00	190.00	CBS
	(NCM) Review of pleadings and documents; correspondence.	2.40	456.00	CBS
Dec-29-15	Review and revise motions; receive and analyze email to/from Atty. Boulris; telephone conference with Atty. McKinnon re: mock argument.	2.00	380.00	CBS
	(NCM) Review of pleadings; conferences Mr. Shepard; correspondence Mr. Scherker; review of pleadings.	2.50	475.00	CBS
	Review notice of correction of scrivener's error; conference w/ LS re: same.	0.20	30.00	KO
	Receive and review Motion for Leave to File Prior Statement of Fact; review attachment to motion; email to CBS re: same; review response to motion; review reply brief.	2.30	345.00	KO
Dec-30-15	(NCM) Legal research; review of Briefs; pleadings by Pacetta.	3.00	570.00	CBS
	Totals	180.20	\$33,413.72	

COSTS ADVANCED

DATE	DESCRIPTION	AMOUNT
Dec-08-15	Mileage @ 57.5 cents - Travel to/from Miami re: BJH	276.00
Dec-09-15	CBS - Mtg re: Pacetta	31.26
Dec-11-15	Lodging 12/9-12/10 meeting with Noah Mckinnon & Greenberg Traurig	419.03
Dec-15-15	Uber Technologies/Taxi Miami 12/10	22.81
Dec-22-15	Westlaw Research 11/05/2015	702.70
	Westlaw Research 11/09/2015	148.50
	Westlaw Research 11/10/2015	59.40
Dec-31-15	Hotel - attend meeting with Mr. Scherker 12/09/2015	374.03
	Totals	<u>\$2,033.73</u>
	Total Fee & Disbursements	<u>\$35,447.45</u>
	Previous Balance	13,286.00
	Payments Received	
	12/22/15 Town of Ponce Inlet	\$13,286.00
	On Account of Fees and Disbursements	
	Payments Received	13,286.00
	Balance Now Due	<u>\$35,447.45</u>



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January 7, 2016

Jeaneen Witt, Town Manager
Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127 USA

File #: 150048
Inv #: 8028

RE: Pacetta Federal Case

PROFESSIONAL SERVICES

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-23-15	Phone conference w/ Atty Ford; phone call/email to/from Atty Purdy.	0.40	60.00	KO
Dec-28-15	Review file; emails to/from Atty Purdy re: status report; phone conference w/ Atty Purdy re: conference report; draft and edit conference report.	3.00	450.00	KO
Totals		3.40	\$510.00	

Total Fee & Disbursements	\$510.00
Previous Balance	1,472.60
Payments Received	
12/22/15 Town of Ponce Inlet	\$1,472.60
On Account of Fees and Disbursements	
Payments Received	1,472.60
Balance Now Due	\$510.00