

2300 Maitland Center Parkway, Suite 100  
Maitland, FL 32751



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tel: 407-622-1772  
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www.shepardsmithcassady.com  
32-0242557

Feb 05, 2016

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

**SUMMARY OF PROFESSIONAL SERVICES**

<b>Matter</b>	<b>Description</b>	<b>Fees</b>	<b>Disbs</b>	<b>Retainers</b>	<b>Total</b>
080064	General	\$822.00	\$0.00		\$822.00
080067	Code Enforcement	\$1,235.00	\$0.00		\$1,235.00
110006	Attendance at Public Meetings	\$855.00	\$0.00		\$855.00
150047	Pacetta Takings Appeal	\$97,276.50	\$1,218.30		\$98,494.80
150048	Pacetta Federal Case	\$2,606.00	\$13.80		\$2,619.80
	Totals:	<u>\$102,794.50</u>	<u>\$1,232.10</u>	<u>\$0.00</u>	<u>\$104,026.60</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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February 5, 2016

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

File #: 080064  
Inv #: 8132

RE: General

**PROFESSIONAL SERVICES**

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-21-16	Receive and review correspondence re: HB 7059; emails from/to CBS re: same.	0.40	60.00	KO
Jan-25-16	Conference with KO re: election law issue	0.30	57.00	CBS
	Receive and review emails and attachments re: HB 7059 and resolution re: 5 member boards; phone conference w/ Jeaneen Witt; legal research.	2.70	405.00	KO
Jan-26-16	Legal research; Phone conference w/ Jeaneen Witt re: HB 7059.	0.70	105.00	KO
Jan-28-16	Draft five-member board resolution.	0.90	135.00	KO
Jan-29-16	Emails to/from Atty Ardaman re: HB 7059.	0.40	60.00	KO
	Totals	5.40	\$822.00	

<b>Total Fee &amp; Disbursements</b>	<b>\$822.00</b>
Previous Balance	954.00
Payments Received	
01/26/16 Town of Ponce Inlet	\$954.00
On Account of Fees and Disbursements	
Payments Received	954.00
<b>Balance Now Due</b>	<b>\$822.00</b>

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February 5, 2016

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

File #: 080067  
Inv #: 8133

**RE:** Code Enforcement

**PROFESSIONAL SERVICES**

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-04-16	Receive and review Code Enforcement memos	0.70	133.00	DAS
Jan-05-16	Receive and review correspondence from David Hooker re: multiple drives case; telephone conference with David Hooker re: same	1.00	190.00	DAS
Jan-15-16	Receive and review revisions to maintenance agreement from Mike Woods	0.80	152.00	DAS
Jan-19-16	Receive and review Code Enforcement Board agenda packet	1.50	285.00	DAS
Jan-25-16	Conference with Aref Joulani and David Hooker re: Beckman property	0.60	114.00	DAS
Jan-26-16	Draft Orders from Code Enforcement Board hearings	1.20	228.00	DAS
Jan-28-16	Review and analyze Notice of Violation re: Beckman case; review Code re: violations cited	0.70	133.00	DAS
Totals		6.50	\$1,235.00	

**Total Fee & Disbursements**

**\$1,235.00**

Previous Balance

437.00

Payments Received

12/22/15 Town of Ponce Inlet

\$437.00

On Account of Fees and Disbursements

Payments Received

437.00

**Balance Now Due**

**\$1,235.00**

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February 5, 2016

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

File #: 110006  
Inv #: 8134

RE: Attendance at Public Meetings

**PROFESSIONAL SERVICES**

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Jan-21-16	Prepare for and attend council meeting; Travel time	3.00	450.00	CBS
Jan-25-16	Prepare for and attend Code Enforcement hearings; travel to and from (1/2 time) Ponce Inlet for hearings	2.70	405.00	DAS
	Totals	5.70	\$855.00	

<b>Total Fee &amp; Disbursements</b>	<b>\$855.00</b>
Previous Balance	495.00
Payments Received	
01/26/16 Town of Ponce Inlet	\$495.00
On Account of Fees and Disbursements	
Payments Received	495.00
<b>Balance Now Due</b>	<b>\$855.00</b>

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February 5, 2016

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

File #: 150047  
Inv #: 8135

**RE:** Pacetta Takings Appeal

**PROFESSIONAL SERVICES**

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Dec-01-15	(KC) Review and analyze all cases and record pages cited in Answer Brief.	0.50	160.00	CBS
Dec-02-15	(KC) Review and analyze all cases and record pages cited in Answer Brief.	0.70	224.00	CBS
Dec-03-15	(KC) Review and analyze all cases and record pages cited in Answer Brief.	2.40	768.00	CBS
Dec-04-15	(KC) Review and analyze all cases and record pages cited in Answer Brief.	3.10	992.00	CBS
Dec-06-15	(KC) Review and analyze all cases and record pages cited in Answer Brief.	2.30	736.00	CBS
Dec-07-15	(TB) Review case law cited in Answer Brief.	2.60	351.00	CBS
	(BCS) Prepare for client and trial counsel meeting.	0.20	79.20	CBS
	(KC) Review and analyze all cases and record pages cited in Answer Brief.	0.30	96.00	CBS
	(EHS) Work on reply brief.	2.10	1,291.50	CBS
Dec-08-15	(BCS) Confer and prepare for meeting with client and trial counsel.	0.30	118.80	CBS
	(KC) Review and analyze all cases and record pages cited in Answer Brief.	0.90	288.00	CBS
	(EHS) Work on reply brief.	1.90	1,168.50	CBS
Dec-09-15	(TB) Review and coordinate electronic brief materials in preparation for meeting.	2.10	283.50	CBS
	(TB) Continue to review case law cited in Answer Brief.	1.10	148.50	CBS
	(BCS) Continue to work on preparations for strategy session; continue to work on reply brief.	2.60	1,029.60	CBS
	(KC) Review and analyze all cases and record pages cited in Answer Brief.	2.10	672.00	CBS

	(KC) Confer with B. Cech Samole, E. Scherker and J. Yagoda re: Reply Brief.	0.60	192.00	CBS
	(EHS) Work on reply brief.	7.80	4,797.00	CBS
	(JAY) Analyze legal issues in preparation for preparing reply brief arguments.	0.90	226.80	CBS
Dec-10-15	(TB) Assist and organize materials to be used in meeting; review record on appeal for appellate briefs.	2.80	378.00	CBS
	(BCS) Work on reply brief and strategy related to legal issues.	7.80	3,088.80	CBS
	(KC) Review and analyze all cases and record pages cited in Answer Brief.	3.30	1,056.00	CBS
	(EHS) Work on reply brief.	8.70	5,350.50	CBS
	(JAY) Continue to analyze legal issues in preparation for drafting of reply brief.	4.20	1,058.40	CBS
Dec-11-15	(BCS) Follow-up on legal strategy for reply brief; continue to work on legal arguments for reply brief.	3.10	1,227.60	CBS
	(KC) Review cases and record pages cited in answer Brief; confer with B. Cech Samole re: analysis; confer with E. Scherker and B. Cech Samole re: Reply Brief.	2.80	896.00	CBS
	(EHS) Work on reply brief.	6.40	3,936.00	CBS
Dec-14-15	(BCS) Continue to work on legal issues and reply brief.	2.70	1,069.20	CBS
	(KC) Research whether the Town is entitled to attorneys' fees; research Palazzolo v. Rhode Island issue- whether subsequent purchasers with notice can claim a taking; prepare Request for Oral Argument.	4.00	1,280.00	CBS
	(EHS) Continue preparing reply brief.	8.00	4,920.00	CBS
Dec-15-15	(BCS) Review request for oral argument; confer re legal issues for reply brief.	0.90	356.40	CBS
	(KC) Research Palazzolo v. Rhode Island issue-whether subsequent purchasers with notice can claim a taking; prepare Motion for Leave to File eBrief.	4.70	1,504.00	CBS
Dec-16-15	(TB) Review eBrief.	3.30	445.50	CBS
	(KC) Prepare Motion for Leave to File Electronic Brief; research whether money damages can be obtained in actions under the Florida and federal constitutions.	5.20	1,664.00	CBS
	(EHS) Continue preparing reply brief.	8.40	5,166.00	CBS
	(JAY) Review and analyze case law on tipsy coachman doctrine in support of reply brief; review and analyze case law on third prong of Penn Central test for "government action" in support of reply brief.	7.20	1,814.40	CBS
Dec-17-15	(TB) Continue to review eBrief; upload documents in preparation of eBrief; telephone conference with C. Falcicchio re: same.	5.60	756.00	CBS

	(BCS) Continue to work on reply brief, including revisions and supplements to brief; continue to work on eBrief issues.	3.80	1,504.80	CBS
	(KC) Confer with B. Cech Samole re: motion to File eBrief; revise eBrief Motion; confer with B. Cech Samole and T. Brown re eBrief edits; confer with B. Cech Samole re: constitutional law research; conduct additional research on Florida/federal constitutions and money damages availability.	2.90	928.00	CBS
	(EHS) Continue preparing reply brief.	3.40	2,091.00	CBS
	(JAY) Continue to review and analyze case law on third prong of Penn Central test for "government action" in support of reply brief.	4.40	1,108.80	CBS
Dec-18-15	(TB) Review revised eBrief.	4.20	567.00	CBS
	(BCS) Revise and supplement reply brief.	6.90	2,732.40	CBS
	(KC) Research availability of actions for money damages under the Florida Constitution; read and analyze all "comprehensive plan amendment" cases cited in footnote 21 of the Answer Brief; confer and strategize with B. Cech Samole, E. Scherker and J. Yagoda re: Reply Brief; prepare footnote re: "comprehensive plan amendment" cases for inclusion in Reply Brief.	6.90	2,208.00	CBS
	(EHS) Continue preparing reply brief.	4.50	2,767.50	CBS
	(JAY) Continue to review and analyze case law on third prong of Penn Central test for "government action" in support of reply brief.	3.10	781.20	CBS
Dec-20-15	(JAY) Review and revise reply brief.	1.90	478.80	CBS
Dec-21-15	(TB) Review case law cited in PLF Amicus Brief; review revised eBrief; review and upload documents in preparation of the same.	6.40	864.00	CBS
	(KC) Review revised eBrief.	0.60	192.00	CBS
Dec-22-15	(BCS) Continue to work on reply brief; confer re: outstanding issues for inclusion.	3.90	1,544.40	CBS
	(KC) Continue to work on reply brief; confer re: outstanding issues for inclusion.	0.50	160.00	CBS
Dec-23-15	(BCS) Review comments to brief; evaluate potential supplements for brief; participate on client call; call with internal appellate team; revise and finalize draft.	2.70	1,069.20	CBS
	(EHS) Work on revisions to reply brief.	4.20	2,583.00	CBS
	(JAY) Continue to assist in reviewing and revising reply brief in preparation for filing.	0.90	226.80	CBS
Dec-24-15	(TB) Continue to review revised eBrief.	4.50	607.50	CBS
	(EHS) Work on revisions to reply brief.	1.10	676.50	CBS
	(JAY) Review and revise reply brief to incorporate client commentary; record check of reply brief to confirm accuracy of record citations used in preparation for filing.	4.20	1,058.40	CBS

Dec-27-15	(JAY) Continue record check of reply brief to confirm accuracy of record citations used in preparation for filing.	1.90	478.80	CBS
Dec-28-15	(TB) Review and upload documents in preparation of revised eBrief.	6.50	877.50	CBS
	(BCS) Continue to work on reply brief; correspond with appellate team and opposing counsel re e-brief, notice of correction and motion to file non-final brief by Pacetta; revise motion for leave to file e-Brief.	8.10	3,207.60	CBS
	(KC) Proofread Reply Brief; revise eBrief Motion; confer and strategize with B. Cech Samole, E. Scherker and J. Yagoda re: opposing counsel's potential opposition to eBrief Motion; confer with B. Cech Samole and T. Brown re: eBrief revisions; research secondary sources from Amicus Brief in Support of Appellees for eBrief edits.	4.20	1,344.00	CBS
	(EHS) Revise draft motion for leave to submit electronic brief.	0.30	184.50	CBS
	(JAY) Complete record and cite check of reply brief to confirm accuracy of record and case law propositions cited in preparation for filing.	8.50	2,142.00	CBS
Dec-29-15	(TB) Review and gather documents in preparation of revised eBrief.	3.20	432.00	CBS
	(BCS) Finalize reply brief for filing; finalize motion and request for oral argument for filing; review motion for leave filed by Appellee and revise response to motion for leave; review additional case law to be used in the reply brief.	5.70	2,257.20	CBS
	(KC) Confer with J. Yagoda re: Reply Brief edits.	0.40	128.00	CBS
	(EHS) Final edits to reply brief; review motion for leave to file a statement of facts from prior appeal; analyze issues for response; prepare response.	2.60	1,599.00	CBS
	(JAY) Review, revise and finalize reply brief in preparation for filing; review and revise motion for leave to file e-brief; review and revise response to motion for leave to file prior statement of facts.	5.70	1,436.40	CBS
Dec-30-15	(TB) Review and upload documents in preparation of revise eBrief.	7.20	972.00	CBS
Dec-31-15	(TB) Review revised eBrief.	4.20	567.00	CBS
Jan-05-16	Telephone conference with Ms. Witt re: reply brief and mock oral argument; telephone conference with Atty. McKinnon re: mock oral argument.	0.70	133.00	CBS
	(NCM) Conference Mr. Shepard; preparation for Oral Argument.	3.20	608.00	CBS
Jan-06-16	(NCM) Conference with co-counsel;	2.90	551.00	CBS
February 5, 2016	consultant; legal research; preparation for appeal.			

	(ACM) Attend telephone conference with Judge Harris.	0.40	76.00	CBS
	Organize appeal briefs; conference w/LS re: same.	0.20	30.00	KO
Jan-07-16	(NCM) Legal research; preparation for appeal and argument.	3.50	665.00	CBS
Jan-08-16	Telephone conference with Atty. Scherker re: mock panel; telephone conference with Judge Pleus re: service on mock panel; prepare email to counsel re: mock panel.	1.00	190.00	CBS
	(NCM) Preparation for appeal.	1.50	285.00	CBS
Jan-11-16	Telephone conference with Atty. McKinnon re: mock argument; prepare correspondence to Judges Cope, Harris and Pleus re: mock panel.	1.70	323.00	CBS
	(NCM) Conference with Mr. Shepard; preparation for appeal and oral argument.	2.30	437.00	CBS
Jan-12-16	Telephone conference with Atty. McKinnon re: mock argument issues.	0.30	57.00	CBS
	(NCM) Conference with Mr. Shepard; preparation for appeal and oral argument.	2.90	551.00	CBS
Jan-13-16	(NCM) Conference with Mr. Shepard; preparation for appeal; legal research.	1.70	323.00	CBS
Jan-15-16	(NCM) Preparation for appeal; conference with Mr. Shepard.	3.60	684.00	CBS
Jan-19-16	(NCM) Preparation for appeal; review of briefs; legal research.	3.10	589.00	CBS
Jan-25-16	Telephone conference with Atty. McKinnon re: various issues	0.30	57.00	CBS
	(NCM) Conference with Mr. Shepard; defense of Town; research.	1.50	285.00	CBS
	Review Mootry case; correspondence w/ CBS re: same.	0.70	105.00	KO
Jan-27-16	Receive and analyze order on motions; Receive, analyze and reply to e-mails from Atty. Scherker and McKinnon re: panel	0.60	114.00	CBS
	Telephone conference with Atty. McKinnon re: panel selection; Conference with KO re: panel; Exchange emails with Atty. Scherker re: panel and mock OA	0.70	133.00	CBS
	(NCM) Receipt and review of Court Order; correspondence; conferences; conference Mr. Shepard; legal research.	3.90	741.00	CBS
	Receive and review order. Research re: panel of judges; emails from/to CBS re: same; conference w/ CBS re: same.	0.80	120.00	KO
Jan-28-16	(NCM) Legal research; conference with Mr. Shepard; review of documents.	2.40	456.00	CBS
Jan-29-16	(NCM) Conference with Mr. Shepard; preparation for Oral Argument; legal research.	2.10	399.00	CBS
	Totals	295.10	\$97,276.50	

**COSTS ADVANCED**

DATE	DESCRIPTION	AMOUNT
Jan-25-16	Westlaw Research 12/16/2015	595.60
	Westlaw Research 12/17/2015	19.60
	Westlaw Research 12/18/2015	128.60
	Westlaw Research 12/21/2015	59.40
	Westlaw Research 12/28/2015	59.40
	Westlaw Research 12/29/2015	306.20
	Lexis Research 12/29/2015 - Expert Witness Service	49.50
	Totals	<u>\$1,218.30</u>
	<b>Total Fee &amp; Disbursements</b>	<u><b>\$98,494.80</b></u>
	Previous Balance	35,447.45
	Payments Received	
	01/26/16 Town of Ponce Inlet	\$35,447.45
	On Account of Fees and Disbursements	
	Payments Received	35,447.45
	<b>Balance Now Due</b>	<u><b>\$98,494.80</b></u>

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February 5, 2016

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

File #: 150048  
Inv #: 8136

RE: Pacetta Federal Case

**PROFESSIONAL SERVICES**

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Nov-03-15	(TFF) Research, strategize and review.	0.20	64.00	CBS
Nov-06-15	(TFF) Research, strategize and review.	1.40	448.00	CBS
	(DBK) Review issues re: discovery.	0.20	110.00	CBS
Nov-23-15	(TFF) Research, strategize and review.	1.10	352.00	CBS
Nov-24-15	(TFF) Research, strategize and review.	0.30	96.00	CBS
Nov-30-15	(TFF) Research, strategize and review.	0.50	160.00	CBS
Dec-03-15	(TFF) Research, strategize and review.	1.40	448.00	CBS
Dec-08-15	(TFF) Research, strategize and review.	0.10	32.00	CBS
Dec-09-15	(TFF) Research, strategize and review.	0.10	32.00	CBS
Dec-22-15	(TFF) Research, strategize and review.	0.30	96.00	CBS
Dec-23-15	(TFF) Research, strategize and review.	1.70	544.00	CBS
Dec-28-15	(TFF) Research, strategize and review.	0.10	32.00	CBS
Dec-29-15	(TFF) Research, strategize and review.	0.60	192.00	CBS
	Totals	8.00	\$2,606.00	

**COSTS ADVANCED**

DATE	DESCRIPTION	AMOUNT
Dec-31-15	Photocopies	13.80
	Totals	\$13.80

**Total Fee & Disbursements**

**\$2,619.80**

Previous Balance

510.00

Payments Received

01/26/16 Town of Ponce Inlet \$510.00  
On Account of Fees and Disbursements

Payments Received 510.00

**Balance Now Due** \$2,619.80