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3 **RESOLUTION NO. 09-02**

4 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE  
5 VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO  
6 ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS  
7 FOR NAGIN GALLOP FIGUEREDO, P.A. IN THE AMOUNT OF  
8 \$25,913.24; PROVIDING AN EFFECTIVE DATE.

9 WHEREAS, the Village Council of the Village of Palmetto Bay approved resolution no.  
10 02-05, authorizing payment of Village Attorney non-retainer attorneys' fees and costs; and,  
11

12 WHEREAS, Nagin Gallop Figueredo, P.A., submitted its statements to the village for  
13 legal services rendered, and costs advanced, for the period ending  
14 December 23, 2008, in the amount of \$25,913.24; and,  
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16 WHEREAS, the amounts are reasonable and were necessarily incurred.  
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18 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE  
19 COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:  
20

21 Section 1. The statements for attorneys' fees and costs received from Nagin Gallop  
22 Figueredo, P.A., in the total amount of \$25,913.24, copies of which are attached, are approved  
23 for payment.  
24

25 Section 2. This resolution shall take effect immediately upon approval.  
26

27 PASSED and ADOPTED this 12<sup>th</sup> day of January, 2009.  
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29

30  
31 Attest:

Meighan Rader  
32 Meighan Rader  
33 Village Clerk  
34  
35  
36

Eugene P. Flinn, Jr.  
37 Eugene P. Flinn, Jr.  
38 Mayor  
39  
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41 APPROVED AS TO FORM:  
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Eve A. Boutsis  
44 Eve A. Boutsis,  
Nagin Gallop Figueredo, P.A., as Office  
of the Village Attorney

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FINAL VOTE AT ADOPTION:

Council Member Ed Feller	<u>YES</u>
Council Member Brian W. Pariser	<u>YES</u>
Council Member Shelley Stanczyk	<u>YES</u>
Vice-Mayor Howard Tendrich	<u>YES</u>
Mayor Eugene P. Flinn, Jr.	<u>YES</u>

# NAGIN GALLOP FIGUEREDO<sup>RA</sup>

*Attorneys & Counselors*

18001 Old Cutler Road - Fifth Floor  
Telephone: (305) 854-5353 Miami, Florida 33157-6417 Facsimile: (305) 854-5351

December 23, 2008

Ron Williams, Village Manager  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, FL 33157

Re: STATEMENTS FOR PROFESSIONAL SERVICES  
The Village of Palmetto Bay

Dear Mr. Williams:

Enclosed are our invoices for professional services rendered and for costs advanced for the period ending December 23, 2008, in the amount of \$ 25,913.24. I have tabulated the amounts *currently due* on each individual file as follows:

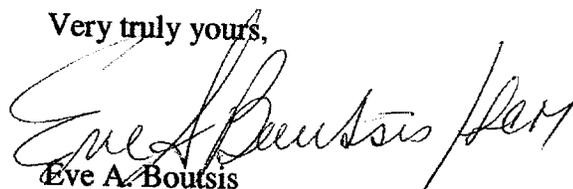
<b>Please deduct from Village Attorney Account No. 5143110, General Legal.</b>			
0293-001	Non-Retainer Legal Services <i>Invoice No. 19816 dated 12/23/08</i>	Prof'l Services	\$ 15,466.00
		Disbursements	344.88
		<b>Total Due</b>	<b>15,810.88</b>
	<b>Total</b>		<b>\$ 15,810.88</b>
<b>Please deduct from Village Attorney Account No. 5143120, Zoning Application.</b>			
0293-002	Zoning Applications <i>Invoice No. 19817 dated 12/23/08</i>	Prof'l Services	\$ 999.00
		Disbursements	19.98
		<b>Total Due</b>	<b>1,018.98</b>
	<b>Total</b>		<b>\$ 1,018.98</b>
<b>Please deduct from Village Attorney Account No. 5143140, Code Enforcement.</b>			
0293-004	Code Enforcement <i>Invoice No. 19818 dated 12/23/08</i>	Prof'l Services	\$ 536.50
		Disbursements	10.73
		<b>Total Due</b>	<b>547.23</b>
	<b>Total</b>		<b>\$ 547.23</b>

Ron Williams, Village Manager  
Village of Palmetto Bay  
December 23, 2008

<b>Please deduct from Village Attorney Account No. 5143150, Litigation Reserve.</b>			
0293-022	VPB Mitigation Suit Against County <i>Invoice No. 19819 dated 12/23/08</i>	Prof'l Services	\$ 426.00
		Disbursements	39.79
		<b>Total Due</b>	<b>465.79</b>
0293-027	Palmer Trinity v. VPB <i>Invoice No. 19820 dated 12/23/08</i>	Prof'l Services	\$ 7,918.00
		Disbursements	158.36
		<b>Total Due</b>	<b>8,070.36</b>
<b>Grand Total</b>			<b>\$ 25,913.24</b>

Do not hesitate to call me if you have any questions regarding these statements.

Very truly yours,



Eve A. Boutsis  
Office of the Village Attorney

EAB/lcm  
Enclosures  
cc: Mayor and Village Council

# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

*Attorneys & Counselors*

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, Florida 33157

December 23, 2008  
Matter ID: 0293-001  
General Municipal

Invoice Number 19816

			Hours	Amount
10/29/2008	LRF	Worked on condominium declaration reviewed interlocal agreement, conference with Ms. Eve Boutsis.	1.40	259.00
11/19/2008	EAB	Attention to pending items and COW agenda (1.); communications with Cutler Bay attorneys; revised IBUS agreement; communications with Ms. Clarice Patterson and Mr. Ron Williams relating to same; continued edits to draft agreement (1.5).	2.40	444.00
11/19/2008	EAB	Attended meeting with building official and Paradise Point property owner on c.o. issue (.7); attended meeting with Mr. Ed Silva relating to WA contract and payments; analyzed contract provisions and change orders; and drafted letter to WA (1); and attention to R.D.C. contract; punch list, Affordable Sprinklers letter; and drafted letter to surety (.8).	2.50	462.50
11/19/2008	EAB	Attended COW meeting.	3.00	555.00
11/20/2008	EAB	Drafted revisions to Tree Board Ordinance; drafted revisions to Slow speed Minimum Wake Zones for two year sunset; drafted resolution on Master Plan; drafted resolution on Legislative agenda; drafted updates to agenda memoranda; communications with state FWC and SFWMD; telephone conference with Ms. Meighan Rader; finalized Village Attorney report and shed amnesty ordinance; communications with VM Elect Brian Parriser on pending agenda items (.2 no charge).	2.50	462.50
11/24/2008	EAB	Communications with Cutler Bay attorneys on IBUS use agreement; communications with Ms. Patterson and Ms. Kristy Bada regarding same; finalized contract on same (.6); finalized Portland Construction contract (1.4); attention to Bid Protest and Groundskeepers contract (.4); attention to agenda items; communications with Ms. Rader and Ms. Olga Cadaval (.3).	2.70	499.50
11/25/2008	LRF	Reviewed letter to architect regarding change orders related to architectural design of library; and telephone conference with Ed Silva.	1.20	222.00
11/25/2008	EAB	Telephone conference with Mr. Desmond Chin on pending agenda	0.30	55.50

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

## CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Date	Code	Description	Rate	Total
		items.		
11/26/2008	EAB	Attention to public record issue; telephone conference with Mr. Williams and Ms. Rader.	0.40	74.00
12/1/2008	EAB	Attended staff meeting (2.5); reviewed agenda (1.8); meeting with PIO, Mr. Williams and Ms. Rader on public records (.5); meeting with Ms. Weintraub and reviewed zoning agenda (.5); telephone conference with CP Stanczyk, telephone conference with Mayor Flinn, telephone conference with Dr. Feller (1.2 no charge); revised shed ordinance (.4).	5.70	1,054.50
12/1/2008	EAB	Attended council meeting.	4.50	832.50
12/2/2008	EAB	Finalized bus agreement with Cutler Bay (.4); telephone conference with Ms. Weintraub on pending ordinances and procedures (.4); telephone conference with Mr. Silva on pending items (.2); communications with Mr. Heffernan and revised/edited use agreement (.4); telephone conference with Dr. Ed Feller (.3 no charge); telephone conference with Mr. Silva on R.D.C. matter and analyzed contract relating to same (.6); telephone conference with Ms. Donna Lipman on Tuscany Villas maintenance agreement; revised same; forwarded to Ms. Patterson for finalization (.7); attention to building related items and communications with Mr. Silva regarding same (.5); analyzed and provided comments on credit card contract and communications with Mr. Chin relating to same (.7).	3.90	721.50
12/2/2008	EAB	Attended attorney client session.	1.00	185.00
12/3/2008	EAB	Attention to DERM tree related issue (.3); attention to E-currents communication (.2); attention to contract with credit card company (.3); telephone conference with Mr. Silva and Ms. Cadaval regarding DERM meeting and results of same (.3); follow up on Broncos matter (.1); analyzed and provided comments on the Tyler Technologies, Inc. software agreement (38 pages reviewed and analyzed) (1.8); telephone conference with Mayor Flinn (.3 no charge re; defamation/slander); and provided staff with updated boiler plate language for all vendors, proposers, bidders to attach to all contracts going forward (.7).	3.70	684.50
12/3/2008	EAB	Attention to R.D.C. punch list.	0.30	55.50
12/5/2008	EAB	Telephone conference with Mayor Flinn on pending items.	0.40	0.00
12/6/2008	EAB	Telephone conference with Mayor Flinn on Sunshine matters.	0.30	0.00
12/7/2008	EAB	Telephone conference with Mayor Flinn.	0.40	0.00
12/8/2008	EAB	Attention to public records requests (.4); follow up on Broncos agreement; telephone conference with Mr. Heffernan (.3); follow up on special agenda meeting and items (.4); follow up on DERM matter (.2); follow up on Forman matter (.3); follow up on pending emails relating to pending items (.4); telephone conference with Mr. Williams (.2); telephone conference with Mr. John Hearn (.4); telephone conference with Ms. Cynthia Everette on public records	4.50	832.50

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items and code compliance (.4); attention to Tree City USA (.1); and attention to Cultural Council matter (.1); telephone conference with Mayor Flinn (.5 no charge); attention to VM Pariser's inquiry on County code violations/foreclosures as compared to Village's code; provided analysis of same and updated council on same (.4); and analyzed Institutional Use Zoning category and provided comments (1.0).

12/8/2008	EAB	Attended special council meeting.	0.10	18.50
12/9/2008	EAB	Drafted and finalized agreement with Portland for the Coral Reef Park Concession Stand; communications with Ms. Silva, the architect, and Ms. Cadaval regarding same (4.3); finalized Tuscan Villas use agreement (.3).	4.60	851.00
12/9/2008	EAB	Drafted 8 page letter to MD DERM relating to PBVC covenants and library - compliance with same (2.4); drafted claim to surety and reviewed decisional authorities regarding (1.0); attention to Tree City USA Application (.2).	3.60	666.00
12/10/2008	EAB	Revised and finalized letter to RDC and Surety(.2); attention to bus use interlocal agreement with Cutler Bay (.1); and Communications with FWC and SFWMD relating to signage and identification of areas applicable to signage for slow speed zones (.1).	0.40	74.00
12/10/2008	EAB	Communications with Cultural Council regarding contract for next year.	0.20	37.00
12/11/2008	EAB	Attention to use agreement (.2); communications with Mr. Heffernan (.1); and attention to building contracts (.4); and drafted Palmetto Bay Park softball use resolution (.3); communications with CP Shelley Stanczyk regarding same (no charge).	1.00	185.00
12/11/2008	EAB	Drafted January attorney update to council.	0.50	92.50
12/12/2008	EAB	Telephone conference with Ms. Patterson and attention to speed tables (.3); and attention to ballot language.	0.60	111.00
12/15/2008	EAB	Attention to contract and subcontractor payment item; communications with Mr. Silva regarding same (.2); telephone conference with police, Manager, and Mayor on communications to public and public safety (.5); attention to code compliance related items (1.0); communications with Mr. Heffernan (.3); attention to agenda items and revisions to shed ordinance (.7).	2.70	499.50
12/15/2008	EAB	Meeting with Ms. Patterson and PW staff regarding traffic tables (1.0); drafted interlocal agreement amendment, letter to residents relating to installation of speed tables.	2.00	370.00
12/16/2008	EAB	Attention to shed ordinance and communications with Vice Mayor regarding same (.3); attention to bid protest; attention to bid ordinance revisions (.4); revised use agreement during telephone conference with Mr. Heffernan and his client (.8) and forwarded same to Village staff for final review; and attention to Portland contract finalization (.3).	1.80	333.00
12/16/2008	EAB	Attended meeting relating to R.D.C. bond (.4); attended meeting	2.90	536.50

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		with Mr. Williams, Mr. Chin, Mr. Silva, Ms. Cadaval regarding village hall (.5); attention to Portland contract and finalizing same with Mr. Silva and Ms. Cadaval (.7); and follow up with Mr. Randy Pope regarding bid protest appeal to Village Council (.4); and follow up on Cultural Council matter (.2); drafted resolution and cover memorandum relating to uniform use agreement; analyzed software licensing agreement and revisions to same.		
12/17/2008	EAB	Attention to PBVC DERM related item; communications with Mr. Silva (.4); telephone conference with Mayor Flinn (.4 no charge); communications with Mr. Pope on bid protest appeal (.2); telephone conference with Ms. Patterson and attention to street sign contract matter (.2).	0.80	148.00
12/17/2008	EAB	Analyzed and commented on DEP grant agreement for recycling.	1.00	185.00
12/17/2008	EAB	Analyzed R.D.C. contract and correspondence in anticipation of meeting 12-18-08 with staff and R.D.C.	1.00	185.00
12/18/2008	EAB	Telephone conference with Mr. Silva on R.D.C; attended pre-contractor meeting with staff from parks and building; attended conference with R.D.C. and parks and building staff on close out items (3); meeting with VM Pariser on pending items and Mr. Williams; attention to Neighbors property; attention to EEL application by PBVC; attention to DERM matter (1.0).	4.00	740.00
12/18/2008	EAB	Research relating to notice/administrative hearings on quasi-judicial; proper notice, what is sufficient notice (in relation to application of shed ordinance).	1.50	277.50
12/19/2008	LRF	Conference with Ms Boutsis regarding procedural alternatives concerning rights of appeal for substantially affected parties relating to variances granted via proposed shed ordinance, and reviewed latest version of shed ordinance.	1.00	185.00
12/19/2008	EAB	Meeting with Ms. Fanny Carmona and Ms. Ana Garcia regarding Tip Top appeal and protest (1.2); final review of software contract and telephone conference with Ms. Rader and Mr. Chin on ratification (.6); attention to PBVC and covenants; communications with Mr. Silva and Mr. Silver regarding same; coordinated meeting regarding same (.4); Analyzed BID 2007-PW-101, award and contract; and drafted default letter re: signage installation (1.0).	3.20	592.00
12/19/2008	EAB	Continued legal research on due process, notice and administrative variances; follow up with Mr. Silva regarding same; communications with CP Stanczyk regarding same.	2.50	462.50
12/22/2008	EAB	Finalized research on due process and notice relating to shed ordinance and request by CP Stanczyk.	1.50	277.50
12/22/2008	EAB	Meeting with Ms. Cadaval, Mr. Silver, and Mr. Silva regarding covenants and pending items (1.); meeting with Mr. Silva, Ms. Weintraub and Mr. Williams on pending items (.6); and meeting with Ms. Weintraub on LDC items (1.4); and discussion with Mayor Flinn and Mr. Williams (.3 no charge).	3.00	555.00

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12/23/2008	EAB	Communications with Aztec and Tyler Communications and finalized contract (with input from VM Brian Pariser); telephone conference with Mr. Silva and Ms. Cadaval on DERM letter re: Library; meeting with Mr. Nunez and Ms. Weintraub regarding Comprehensive Plan, small scale amendements (possible) and finalizing LDC; telephone conference with Ms. Patricia Mazzei of Miami Herald on Shed Ordinance.	3.70	684.50
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Total Professional Services	15,466.00
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**Rate Summary**

Luis R. Figueredo	3.60 hours at \$185.00/hr	666.00
Eve A. Boutsis	1.10 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	80.00 hours at \$185.00/hr	14,800.00

	Total hours: 84.70	15,466.00
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**Disbursements**

10/27/2008	Mileage	0.96
10/30/2008	Mileage	4.90
11/7/2008	Parking Charge	12.00
11/11/2008	Mileage	4.90
11/14/2008	Mileage	4.80
11/20/2008	Parking Charge	8.00
12/23/2008	Disbursements incurred - 2.0%	309.32

**Payments and Credits**

12/15/2008	Check No.: 8344	12,416.80
	Sub-total Payments:	12,416.80

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	15,466.00
For Disbursements Incurred	344.88
Current Balance:	<u>15,810.88</u>
Previous Balance:	12,416.80
Payments - Thank you	12,416.80
<b>Total Due</b>	<b><u>15,810.88</u></b>

To be properly credited, please indicate Invoice Number on your remittance check.

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

**NAGIN GALLOP FIGUEREDO<sup>PA.</sup>**

*Attorneys & Counselors*

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
 Village of Palmetto Bay  
 8950 SW 152nd Street  
 Palmetto Bay, Florida 33157

December 23, 2008  
 Matter ID: 0293-002  
 Zoning Applications

Invoice Number 19817

			Hours	Amount
12/3/2008	EAB	Finalized zoning item; telephone conference with Ms. Weintraub on pending zoning item; and telephone conference with Mr. Ed Ludovici relating to pending zoning item.	0.40	74.00
12/8/2008	EAB	Analyzed zoning agenda; telephone conference with Mr. Ludovici; telephone conference with Dr. Ed Feller on agenda item; and telephone conference with Ms. Arleen Weintraub regarding agenda.	1.00	185.00
12/8/2008	EAB	Attended zoning hearing.	1.40	259.00
12/10/2008	EAB	Drafted and finalized zoning resolution; communications with staff and Mr. Ed Ludovici regarding same (1.); attention to KFC matter; and communications with Ms. Weintraub regarding same.	1.30	240.50
12/11/2008	EAB	Telephone conference with Ms. Rader and finalized zoning resolution on Nwadike property.	0.30	55.50
12/17/2008	EAB	Analyzed PBVC/BK declaration of restrictions; DERM communications relating to same; provided direction to staff on same.	1.00	185.00
<b>Total Professional Services</b>				<b>999.00</b>

**Rate Summary**

Eve A. Boutsis	5.40 hours at \$185.00/hr	999.00
<b>Total hours:</b>	<b>5.40</b>	<b>999.00</b>

12/23/2008 Disbursements incurred - 2.0% 19.98

**Payments and Credits**

12/15/2008 Check No.: 8344 169.83

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

Sub-total Payments: 169.83

For Professional Services	999.00
For Disbursements Incurred	19.98
Current Balance:	<u>1,018.98</u>
Previous Balance:	169.83
Payments - Thank you	169.83
<b>Total Due</b>	<u><b>1,018.98</b></u>

To be properly credited, please indicate Invoice Number on your remittance check.

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# NAGIN GALLOP FIGUEREDO<sup>RA</sup>

*Attorneys & Counselors*

Telephone: (305) 854-5353

Facsimile: (305) 854-5351

Eugene P. Flinn, Jr.  
 Village of Palmetto Bay  
 8950 SW 152nd Street  
 Palmetto Bay, Florida 33157

December 23, 2008  
 Matter ID: 0293-004  
 Code Enforcement  
 Invoice Number 19818

			Hours	Amount
12/12/2008	EAB	Communications with code compliance (.2); and attention to foreclosure matters (.4).	0.60	111.00
12/15/2008	EAB	Attention to Bolger property with Ms. Vanessa Bencomo; and attention to Mr. DeWitt's inquiry relating to foreclosure properties (.4); attention to alarm registration and communication with resident regarding same (.3).	0.70	129.50
12/16/2008	EAB	Attention to new lien foreclosure matter.	0.30	55.50
12/17/2008	EAB	Answer to Veronica James foreclosure and noncompliance with building permit.	0.60	111.00
12/18/2008	EAB	Attention to Watson title lien matter and building permit issues; communication with Watson Title.	0.30	55.50
12/23/2008	EAB	Attention to code compliance matters and foreclosures.	0.40	74.00
<b>Total Professional Services</b>				<b>536.50</b>

**Rate Summary**

Eve A. Boutsis	2.90 hours at \$185.00/hr	536.50
	Total hours:	2.90
		536.50

12/23/2008	Disbursements incurred - 2.0%	10.73
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**Payments and Credits**

12/15/2008	Check No.: 8344	1,037.85
<b>Sub-total Payments:</b>		<b>1,037.85</b>

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	536.50
For Disbursements Incurred	10.73
Current Balance:	<u>547.23</u>
Previous Balance:	1,037.85
Payments - Thank you	1,037.85
<b>Total Due</b>	<u><b>547.23</b></u>

To be properly credited, please indicate Invoice Number on your remittance check.

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**NAGIN GALLOP FIGUEREDO<sup>RA</sup>***Attorneys & Counselors*

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Eugene P. Flinn, Jr.  
 Village of Palmetto Bay  
 8950 SW 152nd Street  
 Palmetto Bay, Florida 33157

December 23, 2008  
 Matter ID: 0293-022  
 Village of Palmetto Bay -  
 Invoice Number 19819

			Hours	Amount
5/12/2008	REH	Comparison of VPB's Complaint and MDC's Answer and Amended Answer.	2.00	130.00
11/19/2008	EAB	Telephone conference with Ms. Nina Boniske.	0.50	92.50
11/20/2008	EAB	Telephone conferences with Mr. Ron Williams; telephone conferences with Mr. John Hearn; telephone conferences with Ms. Boniske; communications with Mr. Craig Collier; telephone conferences with Mr. Hearn; telephone conference with Mayor Eugene Flinn (.3 no charge).	0.80	148.00
12/23/2008	EAB	Attention to specialized police ballot language.	0.30	55.50
Total Professional Services				426.00

**Rate Summary**

Rose E. Henderson	2.00 hours at \$ 65.00/hr	130.00
Eve A. Boutsis	1.60 hours at \$185.00/hr	296.00
Total hours:	3.60	426.00

**Disbursements**

12/18/2008	Federal Express delivery Stephen Nagin	31.27
12/23/2008	Disbursements incurred - 2.0%	8.52

**Payments and Credits**

12/15/2008	Check No.: 8344	1,226.55
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Sub-total Payments: 1,226.55

Payment is due upon receipt. Please notify us within 10 days of any questions you have regarding this invoice. Interest at a rate of 1.5% per month will be charged if payment is not received within 30 days.

CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	426.00
For Disbursements Incurred	39.79
Current Balance:	<u>465.79</u>
Previous Balance:	1,226.55
Payments - Thank you	1,226.55
<b>Total Due</b>	<u><b>465.79</b></u>

To be properly credited, please indicate Invoice Number on your remittance check.

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# NAGIN GALLOP FIGUEREDO<sup>PA.</sup>

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Eugene P. Flinn, Jr.  
Village of Palmetto Bay  
8950 SW 152nd Street  
Palmetto Bay, Florida 33157

December 23, 2008  
Matter ID: 0293-027  
Palmer Trinity Private School,  
Invoice Number 19820

			Hours	Amount
11/13/2008	HJM	Received and reviewed communication that Village Council Member Neidhart, City Manager R. Williams and Mayor E. Flinn have no documents responsive to Plaintiff's Request for Production (0.1); Received and reviewed additional e-mail documents for Council Person Shelley Stanczyk responsive to Plaintiff's Request for Production (0.6); Received and reviewed Lindsey's and CCOC, Inc.'s responses and documents in response to Plaintiff's Request for Production (2.3).	3.00	555.00
11/17/2008	HJM	Received and reviewed mediation settlement proposal for Palmer Trinity's counsel Mr. Standley Widom (0.4); Prepared correspondence to mediator Mr. Joel Levine (0.3) Prepared e-mail correspondence to Ms. Amy Huber (0.1); and continued reviewing documents to be produced to Palmer Trinity in response to Plaintiff's Request for Production (1.0).	1.80	333.00
11/18/2008	HJM	Received and reviewed Palmer Trinity's response to Village's second set of interrogatories (1.0); prepared e-mail correspondence to Mr. Bills (0.2); prepared e-mail correspondence to Ms. Amy Hubner; reviewed file in preparation for pre-mediation conference with clients (2.5); received e-mail communication from mediator (0.2).	4.00	740.00
11/19/2008	HJM	Continued reviewing file, case law and pleadings in preparation for mediation (3.8); Conducted telephone conference with Village Manager and C.P. Stanczyk re: mediation (0.5); Prepared letter to Ms. Alex Deas re: providing better answers to second set of interrogatories; revised and edited same (0.4); Continued reviewing Stanczyk's e-mails (0.4); Received and reviewed notices of taking depositions of Mayor Flinn, Mr. Feller, Ms. Robinson, Mr. Neidhart and Ms. Stanczyk (0.2); and Received and reviewed Plaintiff's Motion for partial summary judgment and voluminous exhibits attached there. (2.0)	7.30	1,350.50
11/19/2008	EAB	Telephone conference with Mr. Williams, CP Stanczyk, and Mr. Montalvo regarding mediation.	0.50	92.50
11/20/2008	HJM	Communication with Mr. Tucker Gibbs (0.5); Conducted conference	2.40	444.00

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with Ms. Huber and Mr. Bass (0.4); Prepared e-mail correspondence to mediator (0.2); and Performed final review of file in preparation for mediation (1.3).

11/20/2008	EAB	Telephone conference with Mr. John Shubin and Ms. Amy Huber in anticipation of mediation; attention to summary judgment and notices of taking deposition; and informed council of same.	0.30	55.50
11/21/2008	HJM	Attendance at Mediation.	8.50	1,572.50
11/21/2008	EAB	Attended mediation.	8.50	1,572.50
11/24/2008	EAB	Communications with Mr. Gibbs and Mediator; and update to village council.	0.60	0.00
12/2/2008	EAB	Telephone conference with Mr. Gibbs; communications from Mr. Price; and communications with mediator.	0.30	55.50
12/3/2008	HJM	Conducted lengthy telephone conference with Mr. Tucker Bills and Ms. Boutsis and then had meeting with Ms. Boutsis (0.4); prepared e-mail correspondence to Mr. Gibbs, Mr. Bass, Ms. Huber and Mr. Shubin re: cancellation of deposition, hearing and attachments (0.2); received and reviewed Notice of Cancellations of deposition and hearing Motion for Partial Summary Judgment from Plaintiff's counsel (0.1); and received and reviewed several e-mail correspondence from mediator (0.3).	1.00	185.00
12/3/2008	EAB	Communications with Mr. Gibbs, Mr. Joel Levine, and PT (Mr. Mitch Widom, Mr. Carter MacDowell, Mr. Stan Price and Ms. Alex Deas) representatives (separate communications); telephone conference with Mr. Jeff Bass relating to mediation and discovery.	0.90	166.50
12/12/2008	HJM	Received and review length e-mail correspondence from Mr. Tucker Gibbs re: Mitchell Widom.	0.30	55.50
12/19/2008	HJM	Reviewed file and case law in preparation for oral argument.	3.80	703.00
12/22/2008	EAB	Telephone conference with Mr. Tucker Gibbs.	0.20	37.00
				7,918.00
Total Professional Services				7,918.00

**Rate Summary**

H. James Montalvo	32.10 hours at \$185.00/hr	5,938.50
Eve A. Boutsis	0.60 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	10.70 hours at \$185.00/hr	1,979.50
Total hours:	43.40	7,918.00
12/23/2008	Disbursements incurred - 2.0%	158.36

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**Payments and Credits**

11/13/2008	Check No.: 8220	10,508.16
12/15/2008	Check No.: 8344	4,441.94
	<b>Sub-total Payments:</b>	<u>14,950.10</u>

For Professional Services	7,918.00
For Disbursements Incurred	158.36
Current Balance:	<u>8,076.36</u>
Previous Balance:	14,944.10
Payments - Thank you	14,950.10
<b>Total Due</b>	<u><b>8,070.36</b></u>

To be properly credited, please indicate Invoice Number on your remittance check.

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