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RESOLUTION NO. 09-41

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW OFFICES IN THE AMOUNT OF \$42,610.33; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending March 25, 2009, in the amount of \$42,610.33; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

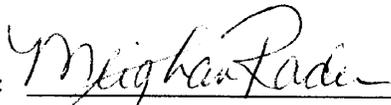
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from FBM LAW OFFICES, in the total amount of \$42,610.33, copies of which are attached, are approved for payment.

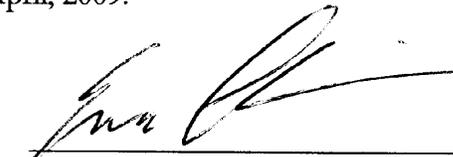
Section 2. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 16th day of April, 2009.

Attest:



Meighan Rader
Village Clerk



Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:



Eye A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney

FBM LAW OFFICES

Attorneys & Counselors

18001 Old Cutler Road - Fifth Floor

Telephone: (305) 854-5353

Miami, Florida 33157-6417

Facsimile: (305) 854-5351

April 13, 2009

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

Re: AMENDED 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 March 25, 2009, in the amount of \$ 42,610.33. I have tabulated the amounts *currently due* on each individual file as follows:

Please deduct from Village Attorney Account No. 5143110, General Legal.			
0293-001	Non-Retainer Legal Services <i>Invoice No. 19898 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$ 15,503.00 468.06 15,971.06
	Total		\$ 15,971.06
Please deduct from Village Attorney Account No. 5143140, Code Enforcement.			
0293-002	Zoning Application <i>Invoice No. 19899 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$ 943.50 18.87 962.37
	Total		\$ 962.37
0293-004	Code Enforcement <i>Invoice No. 19900 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$ 629.00 12.58 641.58
	Total		\$ 641.58

0293-005	<i>Code Enforcement Invoice No. 19901 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$	3,570.50 71.41 3,641.91
	Total		\$	3,641.91
0293-022	<i>VPB Mitigation Suit Against County Invoice No. 19902 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$	1,646.50 395.93 2,042.43
0293-027	<i>Palmer Trinity v. VPB Invoice No. 19922 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$	16,280.00 442.43 16,702.08
0293-029	<i>Palmer Trinity v. VPB (Appeal) Invoice No. 19904 dated 3/25/09</i>	Prof'l Services Disbursements Total Due	\$	2,553.00 95.90 2,648.90
	Grand Total		\$	42,610.33

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

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO ATTORNEYS' FEES; APPROVING ATTORNEYS' FEES AND COSTS FOR FBM LAW OFFICES IN THE AMOUNT OF \$42,610.33; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, FBM LAW OFFICES, submitted its statements to the village for legal services rendered, and costs advanced, for the period ending March 25, 2009, in the amount of \$42,610.33; and,

WHEREAS, the amounts are reasonable and were necessarily incurred.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The statements for attorneys' fees and costs received from FBM LAW OFFICES, in the total amount of \$42,610.33, copies of which are attached, are approved for payment.

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

PASSED and ADOPTED this _____ day of April, 2009.

Attest: _____
Meighan Rader
Village Clerk

Eugene P. Flinn, Jr.
Mayor

APPROVED AS TO FORM:



Eye A. Boutsis,
FBM LAW OFFICES, as Office
of the Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Ed Feller _____

Council Member Howard J. Tendrich _____

Council Member Shelley Stanczyk _____

Vice-Mayor Brian W. Pariser _____

Mayor Eugene P. Flinn, Jr. _____

FBM LAW OFFICES

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

March 25, 2009
 Matter ID: 0293-001
 General Municipal

Invoice Number 19898

			Hours	Amount
2/18/2009	LRF	Conference with Ms Eve Boutsis regarding JFTA contract.	1.00	185.00
2/25/2009	EAB	Revised agenda items; revised shed ordinance explanation to residents; telephone conference with Ms. Arleen Weintraub; drafted moratorium ordinance; communications with Mr. Ed Silva, Mr. Ron Williams and Ms. Weintraub regarding same; analyzed caselaw; telephone conference with Mayor Flinn on pending items items (.4 no charge).	4.50	832.50
2/26/2009	EAB	Revised lawn maintenance agreement (.5); analyzed Corradino contract and finalized resolution (.4); finalized agenda items (.3); telephone conference with Ms. Meighan Rader adn Mr. Williams relating to public record request (.3); and drafted letter to JFTA (.2); and drafted letter to Safeco surety for reviewed decisional authorities regarding (.6); telephone conference with Mayor Eugene Flinn (.3 no charge).	2.30	425.50
2/27/2009	EAB	Attended budget staff meeting (3.); attention to Forman matter and public record request; telephone conference with Mr. Williams and Ms. Rader relating to same (.4); telephone conference with Mr. Goldstein of MetLife regarding permitting and approved letter relating to same (.3); telephone conference with VM Brian Pariser (.4 no charge); and telephone conference with CP Shelley Stanczyk (.2 no charge); telephone conference with Mayor Flinn (.2 no charge).	3.70	684.50
2/28/2009	EAB	Meeting with Mr. Silva on pending items and finalized shed amnesty brochure, and special events ordinance (2.0); and telephone conferences with Mr. Williams, telephone conference with Mayor Flinn (1.0 no charge).	2.00	370.00
3/2/2009	EAB	Finalized add on agenda item (.3); and drafted response to public record request (JFTA) and began collecting responsive documents (1.); and telephone conference with Mr. Williams (.3); drafted opinion relating to Daily Business Review and papers of general circulation (ch. 50 and 166, F.S.).	2.00	370.00
3/2/2009	EAB	Updated personnel manual relating to drug policy, military leave,	2.40	444.00

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charter violations procedures, etc. (2.); meeting with Ms. Fanny Carmona and Mr. Silva re: R.D.C. surety letter (.4); telephone conference with CP Howard Tendrich (.3 no charge); telephone conference with Mayor Flinn (.4 no charge); and telephone conference with CP Stanczyk (.4 no charge).

3/2/2009	EAB	Prepared for (2.0) and attended council meeting (2.5).	4.50	832.50
3/3/2009	EAB	Followed up on after action of Village Council, updated ordinances amended from dais, finalized contract for execution, prepared agenda items for April agenda (relating to second reading); and prepared attorney-client notice.	1.30	240.50
3/4/2009	EAB	Attention to special agenda items; telephone conferences with Ms. Rader and Mr. Williams; analyzed Chapter 166 and 119, F.S; follow up on pending matters; and attention to Tropical complaint.	2.30	425.50
3/4/2009	EAB	Meeting with Ms. Weintraub on LDC.	2.70	499.50
3/4/2009	EAB	Began drafting campaign finance reform/lobbying revisions per request of Mayor Flinn.	1.50	277.50
3/5/2009	EAB	Attention to JFTA; telephone conference with CP Tendrich (no charge.2); telephone conference with Stanczyk on emergency motion (no charge.3); telephone conference with Mayor Flinn (.3 no charge); telephone conference with VM Pariser (.3 no charge); and attention to public records and special agenda.	1.30	240.50
3/9/2009	EAB	Attention to special election; telephone conference with Ms. Rader; communication with Mr. W. Tucker Gibbs.	0.50	92.50
3/9/2009	EAB	Attention to Cultural Council and public records.	1.00	185.00
3/9/2009	EAB	Attended COW meeting.	1.60	296.00
3/10/2009	EAB	Follow up with staff on lawn maintenance contract, bid protest and fee; and pending items; drafted purchase resolution for Neighbors Property; communications with Mr. Tom Ringel; and reviewed memorandum relating to same.	1.00	185.00
3/11/2009	EAB	Attention to permit issue with Mr. Silva, Ms. Weintraub, Village Council, Mr. Williams, Ms. Corrice Patterson; telephone conference with Mr. Ringel; telephone conference with Mr. Gibbs and special election; telephone conference with Ms. Rader; telephone conference with Mr. Williams on special council agenda; follow up with Village Council; and attention to Tip Top bid protest.	3.00	555.00
3/11/2009	EAB	Revised red light camera ordinance to include stop signs and school speed zones; provided to Commander Gregg Truitt to ensure MDC sign off (.6); finalized for staff review: garage sale, special event, SW franchise, and bid protest ordinances; drafted memorandum relating to same (1.5); continued drafted ordinance relating to lobbying and campaign contributions (1.); and attention to advertising and ordinances enacted (whether any statements relating to use of Miami Herald) (.4).	3.50	647.50
3/11/2009	EAB	Attended A/C session; and attended special council meeting.	3.00	555.00

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3/12/2009	EAB	Revised resolutions to finalize special agenda items for execution; and attention to solid waste franchise ordinance.	0.40	74.00
3/13/2009	EAB	Attention to bid protest; communications with Ms. Carmona, Ms. Rader, and Mr. Williams.	0.60	111.00
3/14/2009	EAB	Drafted ballot questions, ballot form, ordinances for: specialized police, mitigation, MFNC, and charter initiative issue.	3.50	647.50
3/16/2009	EAB	Attention to Mayor's list of contractors/vendors with staff.	0.20	37.00
3/16/2009	EAB	Drafted revisions to Water Supply Plan and cover memorandum with Ms. Weintraub and Mr. Efren Nunez.	3.00	555.00
3/16/2009	EAB	Drafted resolution and cover memorandum, extension on to Special Master contract.	0.50	92.50
3/16/2009	EAB	Attended Ethics Seminar with Village Council.	2.00	370.00
3/17/2009	EAB	REviewed police contract and drafted letter of default (.5); telephone conference with VM Pariser (.3 no charge); drafted AT&T letters with Mr. Silva (1.2); attention to notice requirements on ordinances and research relating to same; telephone conference with Ms. Rader and communications with Ms. Weintraub relating to same (2.5); telephone conference with CP Stanczyk regarding same (.4 no charge); attention to public record request by PT (.4); communications with Mr. Stanley Price regarding same (.4); and telephone conference with Mayor Flinn (.3 no charge).	4.50	832.50
3/18/2009	EAB	Research on moratorium advertising; attention to Mr. Price's public records requests; drafted notices for LPA; and telephone conference with Ms. Rader, and Mr. Williams.	3.00	555.00
3/18/2009	EAB	Telephone conferences with: CP Tendrich, CP Stanczyk, Mayor Flinn, and VM Pariser.	2.50	0.00
3/19/2009	LRF	Meeting with Mr. Boutsis regarding State regulations concerning notice requirements concerning enactment of moratorium.	1.20	222.00
3/19/2009	EAB	Telephone conference with Mr. Silva; telephone conference with Ms. Cadaval, and attention to Mr. Price's public record request.	0.40	74.00
3/19/2009	EAB	Telephone conference with Dr. Ed Feller; and telephone conferences with Mayor Flinn.	0.70	0.00
3/20/2009	EAB	Meeting with Mr. Silva and Ms. Cadaval regarding FDEP grant; drafted letter regarding same (1.5); attentio to JFTA, letter to Mr. Rossano, email communications with Mr. Robert Rossano and Clerk, meeting with Ms. Forman (.7); attention to notices to be published, drafted red light camera ordinance, memorandum, resolution on contract and follow up with staff relating to same (.4); attention to 501(a) status of government for Mr. Desmond Chin; attention to special council meeting; telephone conference with Mr. Craig Collier; follow up on special election; continued to draft ballot; communications with Mr. Williams, telephone conferences with Ms. Rader (2.5); and telephone conference with Mayor Finn (.3, no charge).	4.10	758.50

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3/21/2009	EAB	Completed ballot revisions and communications with Manager, Clerk, Mayor and Council relating to ballot, election date, and coordination of same.	1.00	185.00
3/21/2009	EAB	Completed edits and revisions to campaign/lobbying prohibition, per request of Mayor Flinn.	1.50	277.50
3/22/2009	EAB	Communications with Mayor Flinn (no charge).	0.20	0.00
3/23/2009	EAB	Communications with Mr. Simon Ferro and CP Stanczyk regarding moratorium; communications with Mr. Nunez.	0.30	55.50
3/23/2009	EAB	Attended agenda review (1.5); revised agenda items: ordinances, cover memorandum, input from staff relating to same, included new ballot language for runoff elections; draft memorandum on bid protest process; revised franchise and redlight camera ordinance and memoranda; communications with Ms. Rader, Communications with Ms. Nina Boniske, Mr. Collier, Mr. John Hearn, and Mayor and Village Council regarding ballot language (3.2); telephone conference with CP Tendrich (.2 no charge); Communications with VM Pariser (.3 no charge); telephone conference with Mr. Collier; communications with Mr. Hearn; revised draft ballot ordinance per request of clerk, Mr. Collier, and input from same (.6); drafted memorandum regarding ballot and special election (.7).	6.00	1,110.00
3/24/2009	EAB	Finalized ballot ordinance with input of Village Clerk.	0.50	92.50
3/24/2009	EAB	Drafted Green, LEED Certified, Sustainability Ordinance (3.5); drafted Building Code (.3); communications with MDPD legal regarding Red Light Camera Ordinance (.3); attention to JFTA documents, public records (.4)	4.50	832.50
3/24/2009	EAB	Analyzed draft loan document and promissory note and communications with Suntrust attorney, banker and Mr. Chin relating to same.	1.50	277.50
			Total Professional Services	15,503.00

Rate Summary

Luis R. Figueredo	2.20 hours at \$185.00/hr	407.00
Eve A. Boutsis	3.40 hours at \$ 0.00/hr	0.00
Eve A. Boutsis	81.60 hours at \$185.00/hr	15,096.00
Total hours:		87.20
		15,503.00

Disbursements

1/13/2009	Parking Charge	8.00
1/23/2009	Seminar	150.00

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3/25/2009 Disbursements incurred - 2.0%

310.06

Payments and Credits

3/17/2009 Check No.: 8755

14,168.66

Sub-total Payments: 14,168.66

For Professional Services 15,503.00

For Disbursements Incurred 468.06

Current Balance: 15,971.06

Previous Balance: 14,168.66

Payments - Thank you 14,168.66

Total Due **15,971.06**

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.

FBM LAW OFFICES

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

March 25, 2009
 Matter ID: 0293-002
 Zoning Applications
 Invoice Number 19899

			Hours	Amount
3/11/2009	EAB	Telephone conference with Mr. Simon Ferro.	0.20	37.00
3/17/2009	EAB	Attended meeting with Ms. Weintraub, Mr. Nunez, Mr. Ferro relating to Westminster (1.0); and telephone conference with Mr. Jerry Proctor regarding OCI property (.3); follow up telephone conference with Ms. Weintraub and Mr. Ferro (.3)	1.60	296.00
3/23/2009	EAB	Telephone conference with Mr. Nunez and attention to fire station.	0.30	55.50
3/24/2009	EAB	Analyzed dec of rest. cov. in lieu of unity of title, dec of restrictions for BK, zoning history, resolutions, etc. for PBVC site plan modification and P&Z hearing; redrafted advertisement and post cards; and began drafting analysis.	3.00	555.00
Total Professional Services				943.50

Rate Summary

Eve A. Boutsis	5.10 hours at \$185.00/hr	943.50
	Total hours: 5.10	943.50

3/25/2009	Disbursements incurred - 2.0%	18.87
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Payments and Credits

3/17/2009	Check No.: 8755	207.57
	Sub-total Payments:	207.57

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	943.50
For Disbursements Incurred	18.87
	<hr/>
Current Balance:	962.37
Previous Balance:	207.57
Payments - Thank you	207.57
	<hr/>
Total Due	962.37

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

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Facsimile: (305) 854-5351

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

March 25, 2009
 Matter ID: 0293-004
 Code Enforcement
 Invoice Number 19900

			Hours	Amount
3/2/2009	EAB	Attention to Brandsmart outdoor dining matter.	0.20	37.00
3/16/2009	EAB	Telephone conference with Ms. Amy Artiles and Ms. Arleen Weintraub regarding special master agenda.	0.40	74.00
3/17/2009	EAB	Attended special master hearings.	2.50	462.50
3/23/2009	EAB	Communications with Ms. Artiles.	0.30	55.50
Total Professional Services				629.00

Rate Summary

Eve A. Boutsis	3.40 hours at \$185.00/hr	629.00
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Total hours:	3.40	629.00
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3/25/2009	Disbursements incurred - 2.0%	12.58
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Payments and Credits

3/17/2009	Check No.: 8755	1,415.25
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Sub-total Payments:		1,415.25
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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	629.00
For Disbursements Incurred	12.58
	<hr/>
Current Balance:	641.58
Previous Balance:	1,415.25
Payments - Thank you	1,415.25
	<hr/>
Total Due	641.58

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

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

March 25, 2009
 Matter ID: 0293-005
 Real Property
 Invoice Number 19901

			Hours	Amount
3/16/2009	LRF	Worked on condominium documents for Library.	2.00	370.00
3/18/2009	LRF	Drafted condominium documents.	3.00	555.00
3/20/2009	LRF	Finalized declaration of condominium documents for Library (30 Pages).	5.30	980.50
3/23/2009	LRF	Drafted articles of incorporation and bylaws(40 pages)	5.00	925.00
3/24/2009	LRF	Finalized articles of incorporation and bylaws	4.00	740.00
			Total Professional Services	3,570.50

Rate Summary

	Luis R. Figueredo	19.30 hours at \$185.00/hr	3,570.50
	Total hours:	19.30	3,570.50
3/25/2009	Disbursements incurred - 2.0%		71.41

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

For Professional Services	3,570.50
For Disbursements Incurred	71.41
	<hr/>
Current Balance:	3,641.91
Previous Balance:	0.00
Payments - Thank you	0.00
	<hr/>
Total Due	3,641.91

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

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

March 25, 2009
 Matter ID: 0293-022
 Village of Palmetto Bay -
 Invoice Number 19902

			Hours	Amount
3/4/2009	EAB	Telephone conference with Mayor Eugene Flinn, Mr. Ron Williams; communications with Ms. Nina Boniske and Mr. John Hearn; and telephone conference with Mr. Craig Collier.	0.60	111.00
3/5/2009	EAB	Conference call with Mr. Hearn, Ms. Boniske, drafted resolution for special council meeting.	2.00	370.00
3/6/2009	EAB	Telephone conference with Ms. Boniske regarding second draft of resolution.	0.40	74.00
3/7/2009	EAB	Communications with Ms. Boniske and Mr. Hearn.	0.40	74.00
3/9/2009	EAB	Revised resolution and prepared cover memorandum; telephone conferences with Mr. Hearn and Ms. Boniske; and communications with Mr. Collier; and conference call with Mr. Hearn, Ms. Boniske, and Mr. Collier.	2.70	499.50
3/10/2009	EAB	Follow up with Mr. Hearn, Ms. Boniske, and Mr. Collier and revised resolution per discussions of council.	0.50	92.50
3/12/2009	EAB	Follow up with Miami Lakes and Doral.	0.20	37.00
3/14/2009	EAB	Communications with Mr. Collier, Ms. Boniske, Mr. Hearn, attention to specialized police services ballot and follow up on intent to same.	0.40	74.00
3/18/2009	EAB	Telephone conference with Mr. Collier, Ms. Boniske, and Mr. Hearn.	0.70	129.50
3/19/2009	EAB	Telephone conferences with Mr. Williams, telephone conferences with Ms. Rader; telephone conference with Mr. Collier; and attention to ballot language and scheduling of election.	1.00	185.00
			Total Professional Services	1,646.50

Rate Summary

Eve A. Boutsis

8.90 hours at \$185.00/hr

1,646.50

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CONFIDENTIAL - ATTORNEY/CLIENT PRIVILEGE

	Total hours:	8.90	1,646.50
Disbursements			
2/26/2009	Court reporter		363.00
3/25/2009	Disbursements incurred - 2.0%		32.93
Payments and Credits			
3/17/2009	Check No.: 8755		1,310.71
	Sub-total Payments:		1,310.71
For Professional Services			1,646.50
For Disbursements Incurred			395.93
			<u>2,042.43</u>
Current Balance:			
Previous Balance:			1,310.71
Payments - Thank you			1,310.71
Total Due			<u>2,042.43</u>

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

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FIGUEREDO BOUTSIS & MONTALVO, P.A.
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

March 25, 2009
Matter ID: 0293-027
Palmer Trinity Private School,
Invoice Number 19922

			Hours	Amount
2/25/2009	HJM	Received and reviewed multiple e-mail correspondence from Plaintiff's counsel Mr. Price; prepared responses to same (0.2); exchanged e-mail correspondence with Mr. Widom re: deposition (0.2); continued reviewing file and conducting legal research in preparation of Motion for Protective Order (2.3).	2.70	499.50
2/25/2009	EAB	Telephone conference with W. Tucker Gibbs; and communications with Mr. Stanley Price.	0.50	92.50
2/27/2009	HJM	Continued conducting legal research for protective order on issue of legislative immunity; reviewed case law and law review articles on same (4.0); reviewed Plaintiff's Motion for Partial Summary Judgment (0.5).n (2.5 credit)	2.00	370.00
3/2/2009	HJM	Reviewed all cases cited in Plaintiff's Motion for Partial Summary Judgment; sheppardized all cases (4.2); conducted separate legal research for cases distinguishing Plaintiff's cases and contradicting same (2.2); reviewed file for exhibits to respond to Motion for Summary Judgment (0.5).	6.90	1,276.50
3/3/2009	HJM	Continued reviewing cases and conducting additional research and sheppardizing cases on issues regarding Miami-Dade County's Citizens Bills of Rights, the joining of the attorney general as a party and Miami-Dade County as a party due to Plaintiff's constitutional challenges (4.5).	4.50	832.50
3/3/2009	EAB	Communications with Mr. Stanley Price.	0.10	18.50
3/4/2009	HJM	Reviewed file in preparation for taking deposition of Plaintiff's expert witnesses; conducted legal research on expert witness testimony, deposition standards for admission into evident under Frye case (4.0).	4.00	740.00
3/5/2009	HJM	Travel to courthouse re: Motion for Protective Order; and conference with court personnel concerning emergency hearing (1.8); conducted multiple lengthy telephone conference with Mr. Widom re: Motion for Protective Order (0.4); revised and edited motion for protective order and re-sheppardized cases cited therein; (0.8);	6.80	1,258.00

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		conducted legal research for response to Plaintiff's Motion for Partial Summary Judgment (3.8).		
3/6/2009	HJM	Conducted telephone conference with Court concerning re-scheduling the Village's Motion for Protective Order (0.2); conference with Ms. Boutsis concerning availability of council members for deposition (0.2); prepared Notice of Hearing on Motion for Protective Order and correspondence to all counsel regarding same (0.3); telephone conference with Mr. Widom regarding hearing and scheduling depositions (0.1); received and reviewed communication from Ms. Huber regarding Motion for Partial Summary Judgment (0.2); Received and reviewed e-mail communication from Mr. Neidhart and council members regarding availability for depositions (0.2); continued conducting legal research on amending affirmative defenses (0.9); continued conducting legal research for response to Motion for Partial Summary Judgment (4.0).	6.80	1,258.00
3/6/2009	EAB	Attention to protective order and coordinating depositions.	0.40	74.00
3/9/2009	EAB	Scheduling of depositions.	0.20	37.00
3/10/2009	HJM	Conducted telephone conference with Court's chambers regarding re-noticing motion for protective order; prepared re-notice of hearing; prepared communication regarding same to all counsel (0.3); telephone conference with Mr. Widom re: setting deposition (0.2); telephone conference with counsel for the intervenors (0.5); prepared additional e-mail correspondence to Plaintiff's counsel re: council person Stanczyk's deposition (0.1); continued conducting legal research for response to motion for rehearing (2.0); continued preparing response to motion for rehearing (3.3).	6.40	1,184.00
3/11/2009	HJM	Conducted inquiries regarding availability of council person Dr. Feller's availability for deposition; prepared communication to Plaintiff's counsel Mr. Widom; received and reviewed communication from same regarding setting council person Stanczyk's deposition (0.3).	0.30	55.50
3/12/2009	HJM	Prepared e-mail correspondence to Mr. Widom regarding deposition of council person Dr. Feller (0.1); prepared correspondence to Plaintiff's counsel Mr. Widom re: deposition of council persons and Mr. Rafael De Arazoza; revised and edited same; reviewed file (0.4); received and reviewed e-mail correspondence from Mr. Widom re: Mr. De Arazoza's deposition, and prepared response thereto (0.2); received and reviewed multiple e-mail correspondences from Mr. Price and prepared response to same (0.2); received and reviewed Notice of Taking Depositions of council person Ms. Stanczyk re: Plaintiff's counsel (0.2); received and reviewed Intervenor Neighbor's draft of response to motion for re-hearing and case law cited therein, reviewed case law (2.7); continued preparing responses to Plaintiff's motion for re-hearing; revised and edited same (2.8).	7.10	1,313.50
3/13/2009	HJM	Revised and edited motion to amend answer to assert an additional affirmative defense; conducted additional legal research or constituting an interested and indispensable party (2.7).	2.70	499.50

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Date	Initials	Description	Rate	Amount
3/16/2009	HJM	Received and reviewed correspondence from Plaintiff's counsel Ms. Deas concerning a public record's request on Moratorium Ordinance (0.2); conducted telephone conference with Mr. Gibbs regarding hearing, deposition and amending affirmative defenses (0.2).	0.40	74.00
3/16/2009	HJM	Reviewed file and prepared for hearing on motion for protective order; conducted additional legal research and sheppardized cases in motion (3.4); prepared e-mail correspondence to Ms. Huber regarding attendance at hearing and received and reviewed response from same (0.2); received e-mail from Ms. Boutsis forwarding correspondence from Mr. Price re: Moratorium (0.1). (No Charge)	3.70	0.00
3/16/2009	HJM	Conducted conference with Court's chambers confirming hearing (0.1). (No Charge)	0.10	0.00
3/17/2009	HJM	Traveled to Court to attend hearing on Motion for Protective Order (2.2); prepared proposed order (0.4); prepared notice of hearing (0.3); prepared e-mail correspondence to Plaintiff's counsel Mr. Widom regarding proposed order and conferring on Village's motion to amend (0.4); received and reviewed copy of e-mail communication from Ms. Boutsis to Mr. Price (0.1); prepared multiple e-mail correspondence to Plaintiff's counsel Mr. Widom (0.2); received and reviewed Plaintiff's notice of taking depositions of Village Council Persons Robinson, Neidhart, Feller and Mayor Flinn (0.2).	3.80	703.00
3/17/2009	HJM	Conducted post hearing strategy meeting with Mr. Gibbs and Ms. Huber (0.4); conducted conference with bailiff and clerk regarding scheduling of motion to amend (0.2); prepared correspondence to Plaintiff's counsel Mr. Widom regarding dates of deposition of Palmer Trinity's president (0.1); reviewed file concerning litigation and deposition strategy (1.8).	2.50	462.50
3/18/2009	HJM	Prepared additional e-mail correspondence to Plaintiff's counsel, Mr. Widom, regarding proposed order (0.1); received and reviewed response from Mr. Widom (0.1).	0.20	37.00
3/18/2009	HJM	Continued revising and editing Motion to Amend Affirmative Defenses; updated legal research on same; reviewed file; conference with Ms. Boutsis on same and on deposition availability (3.6).	3.60	666.00
3/19/2009	HJM	Received and reviewed re: Notice of Taking Depositions with location change (0.1); received and reviewed e-mail correspondence from Mr. Price re: Village Moratorium file (0.1); received and reviewed Plaintiff's Second Re-Notice of Hearing on Plaintiff's Motion for Partial Summary Judgment (0.2); received and reviewed Plaintiff's Notice of Taking Deposition of Mr. Rafael de Arazoza (0.1); received and reviewed multiple Notices of Taking Deposition from Ms. Huber to Plaintiff's counsel re: Palmer Trinity's Board of Trustees; reviewed schedules and file (0.2); commenced reviewing file in preparation for deposition of council person Ms. Linda Robinson, Ms. Shelley Stanzcyk, Mayor Eugene Flinn, Mr. Paul	6.90	1,276.50

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Neidhart and Mr. Ed Feller (6.2).

3/20/2009	HJM	Continued reviewing voluminous file and e-mails received from Palmer Trinity in preparation for deposition of Palmer Trinity's Board of Trustees.	5.20	962.00
3/23/2009	HJM	Conducted communication with Mr. De Arazoza re: deposition and production of documents responsive to Subpoena Duces Tecum (0.2); Conducted e-mail communication exchanges with Plaintiff's counsel Mr. Widom regarding production of Mr. De Arazoza's documents; the setting of Sean Murphy's deposition and the proposed order on the Village's Motion to Amend (0.4); prepared revision to prepared order (0.2); telephone conference with Ms. Huber re: scheduling of depositions (0.2); conducted communication with Mr. Gibbs re: deposition scheduling of Sean Murphy (0.1); prepared Notice of Taking Deposition of Mr. Murphy (0.3); commenced preparing second request for production to Palmer Trinity revised exhibit to same (2.0); continued reviewing file in preparation for depositions (3.8).	7.20	1,332.00
3/24/2009	HJM	Travelled to courthouse for execution of orders from Judge Leban on Village's Motion for Protective Order and Village's Motion to Amend Affirmative Defenses (2.2); prepared and exchanged e-mails communications with Mr. Widom regarding revisions to proposed orders (0.2); continued reviewing file in preparation for depositions of Palmer Trinity's Board of Trustees (3.6).	6.00	1,110.00
3/25/2009	HJM	Telephone conference with Defendant's counsel Ms. Huber re: deposition (0.1); sent e-mail correspondence to Plaintiff's counsel Mr. Widom re: confirmation of Plaintiff's witnesses for deposition (0.2); communication with Mr. Gibbs re: availability for deposition (0.1); prepared Notice of Taking Deposition of Mr. Sean Murphy (0.3); and prepared e-mail to all counsel re: deposition of Mr. Murphy (0.1).	0.80	148.00
			Total Professional Services	16,280.00

Rate Summary

H. James Montalvo	3.80 hours at \$ 0.00/hr	0.00
H. James Montalvo	86.80 hours at \$185.00/hr	16,058.00
Eve A. Boutsis	1.20 hours at \$185.00/hr	222.00
	Total hours: 91.80	16,280.00

Disbursements

3/5/2009	Mileage	16.17
3/5/2009	Parking Charge	10.00
3/16/2009	Mileage	16.17

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3/16/2009	Parking Charge	11.00
3/16/2009		6.00
3/17/2009	Mileage	16.17
3/17/2009	Parking Charge	3.75
3/24/2009	Parking Charge	1.05
3/24/2009	Mileage	16.17
3/25/2009	Disbursements incurred - 2.0%	325.60

Payments and Credits

3/17/2009	Check No.: 8755	1,661.18
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Sub-total Payments:	<u>1,661.18</u>
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For Professional Services	16,280.00
For Disbursements Incurred	422.08
	<u>16,702.08</u>
Current Balance:	
Previous Balance:	1,661.18
Payments - Thank you	1,661.18
Total Due	<u>16,702.08</u>

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

FBM LAW OFFICES

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

March 25, 2009
 Matter ID: 0293-029
 Palmer Trinity v. VPB - Appeal
 Invoice Number 19904

			Hours	Amount
2/25/2009	HJM	Received and reviewed new case from Third District Court of Appeal concerning reverse spot zoning.	0.40	74.00
2/26/2009	EAB	Communications with Mr. Stanley Price.	0.40	74.00
2/27/2009	HJM	Reviewed Palmer Trinity petition for Writ of Certiorari and reply to determine identical argument being made in the general jurisdiction case for purposes of a motion for protective order (0.4); reviewed Chapter 33 of the Miami-Dade Zoning Code (0.5).	0.90	166.50
3/2/2009	EAB	Communications with Mr. Price and Village Council on settlement proposal; and attention to Christian Fellowship matter.	0.30	55.50
3/9/2009	EAB	Attention to re-hearing and communications with council.	0.30	55.50
3/11/2009	HJM	Obtained Petitioner's appeal and Miami-Dade County's response in the Richard-Read-Estate's, LLC case, which is the subject of Petitioner Palmer Trinity's Motion for rehearing and reviewed same and its file.	3.40	629.00
3/13/2009	HJM	Finalized the Village's response to Petitioner's Motion for Re-Hearing; sheppardized cases; reviewed file; continued reviewing intervenor's response to Motion for Re-Hearing; revised and edited the Village's response and prepared same for filing (5.2).	5.20	962.00
3/16/2009	HJM	Traveled to courthouse for filing and delivering of response to motion for re-hearing to Clerk and the three individual Judges on the panel at the criminal courthouse. (2.3.)	2.30	425.50
3/17/2009	HJM	Received and reviewed Respondent Intervenor's Old Cutler Glen Homeowner's Association and Stefano Fanfani's Response in Opposition of Palmer Trinity's Motion for Rehearing (0.4).	0.40	74.00
3/23/2009	HJM	Received and reviewed Concerned Citizens of Old Cutler, Inc., and Joan Lindsey's Response in Opposition to Motion for Rehearing (0.2).	0.20	37.00

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Total Professional Services	2,553.00
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Rate Summary

H. James Montalvo	12.80 hours at \$185.00/hr	2,368.00
Eve A. Boutsis	1.00 hours at \$185.00/hr	185.00

Total hours:	13.80	2,553.00
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Disbursements

2/12/2009	Mileage	16.17
2/12/2009	Parking Charge	2.50
2/12/2009	Parking Charge	10.00
2/12/2009	Mileage	16.17
3/25/2009	Disbursements incurred - 2.0%	51.06

Payments and Credits

3/17/2009	Check No.: 8755	7,030.94
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Sub-total Payments:	7,030.94
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For Professional Services	2,553.00
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For Disbursements Incurred	95.90
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Current Balance:	2,648.90
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Previous Balance:	7,030.94
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Payments - Thank you	7,030.94
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Total Due	2,648.90
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