

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1698.05**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA AUTHORIZING AND APPROVING PAYMENT TO SHUBIN & BASS, P.A. IN THE SUM OF \$7867.88 PURSUANT TO INVOICES SUBMITTED TO THE TOWN ON JANUARY 31, 2005 AND FEBRUARY 28, 2005, COPIES OF WHICH ARE ATTACHED AS COMPOSITE EXHIBIT "A";—PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Town Council hereby authorizes the payment of \$7867.88 to Shubin & Bass, P.A. pursuant to invoices submitted to the Town on January 31, 2005 and February 28, 2005, copies of which are attached as Composite Exhibit "A".

**Section 2. Severability.** That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

**Section 3. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** That this Resolution shall become effective immediately upon approval of the Town Council.

**Sponsored by Administration.**

The Motion to adopt the foregoing resolution was offered by Mayor Singer, seconded by Vice Mayor Lusskin and on roll call the following vote ensued:

Mayor Singer:	<u>AYE</u>
Vice Mayor Lusskin	<u>AYE</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Iglesias	<u>ABSENT</u>
Councilmember Paruas	<u>ABSENT</u>

**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 19<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
MAYOR GLENN SINGER

ATTEST

  
\_\_\_\_\_  
CATHY SZABO  
TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
\_\_\_\_\_  
PAUL D. EICHNER  
TOWN ATTORNEY

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# TOWN OF GOLDEN BEACH

## AGENDA ITEM REPORT

AGENDA ITEM NO: 3  
Meeting Date: April 19, 2005

Prepared By: Bonilyn Wilbanks-Free

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**SUBJECT:** Approval of Shubin & Bass's Bills

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**BACKGROUND/HISTORY:**

The monthly bills submitted to the Town on January 31, 2005 and February 28, 2005 totaled \$7,867.88. It is being presented to the Council for approval. This is our 1/3 payment responsibility for this lawsuit.

**FINANCIAL IMPACT:**

\$7,867.88 budgeted in the FY 2004/05 budget for legal services

**ATTACHMENTS:**

Invoices for the charges  
Resolution

**ACTION OPTIONS/RECOMMENDATIONS:**

Staff requests approval of the Resolution authorizing payment of Shubin & Bass's legal bills.

Law Office  
**SHUBIN & BASS, P.A.**  
 46 S.W. 1st Street  
 Third Floor  
 Miami, FL 33130  
 Phone: 305-381-6060 Fax 1: 305-381-9457

Page: 1  
 January 31, 2005  
 Account No: 242-001M  
 Statement No: 22

Ms. Bonilyn Wilbanks-Free  
 Town Manager  
 Town of Golden Beach  
 1 Golden Beach Drive  
 Golden Beach FL 33160

Ocean Roc/Sunny Isles Beach

\$5,788.84 *pd*

Previous Balance

Fees

		Rate	Hours	
01/03/2005	JKS Draft and revision of reply brief.	125.00	0.50	62.50
2005	EK Receipt and review of Mediation Order and Trial Order; calculation and calendaring of witness list due dates, discovery cutoff, trial period, etc.; review and organization of file(s).	33.00	1.20	39.60
	JKS Draft and revision of reply brief and research re: same; receipt and review of trial order and analysis of status of litigation/discovery.	125.00	2.50	312.50
	JSB Review of response, petition, and record for purposes of drafting reply brief	125.00	2.00	250.00
01/06/2005	JSB Research, drafting and review of record for reply brief	125.00	6.00	750.00
	AEH Review transcript re standing for reply brief	33.00	0.40	13.20
	KAM Receive and review email from counsel enclosing draft reply; formal reply; various revisions to same; copy transcript, opinion, pleadings, etc.	100.00	1.20	120.00
	JKS Draft and revision of reply brief and research re: same; analysis of depositions and discovery issues.	125.00	1.50	187.50
01/07/2005	EK Review and incorporation of revisions to Reply brief; creation of custom tabs and reproduction of documents for addendum; insertion of same and binding of brief; forward to parties of record; file with Clerk of the Court.	33.00	1.10	36.30

## Ocean Roc/Sunny Isles Beach

		Rate	Hours	
JKS	Revision, analysis and filing of reply brief.	125.00	1.00	125.00
JSB	Research and drafting of reply brief, revisions to same	125.00	6.00	750.00
01/10/2005 BF	Telephone calls and letters to Betel and Voss regarding their depositions set for Jan.; respond with additional letter to Betel as follow-up to his phone conversation with office;	0.00	0.70	
EK	Draft of memo to JKS noting all relevant due dates in various proceedings; receipt and review of Motion for Ext of Time; re-calculation of of Reply due date pursuant to Fla.R.App.P. 9.210.	33.00	1.00	33.00
01/13/2005 EK	Draft and transmission of memo to M. Scemla re: status of various proceedings; draft and transmission of correspondence to opposing counsel re: mediation.	33.00	1.00	33.00
1/2005 AEH	Research re: Avatar Holdings, Inc.; telephone conversations with Schachter's office re: mediator	33.00	0.40	13.20
01/18/2005 JKS	Coordination of mediation, including inquiries re: availability of mediator; review of file and pleadings; telephone conference with A. Schachter re: status.	125.00	0.40	50.00
AEH	Draft Designation of Mediator; telephone conversation with Schachter's office re: depositions	33.00	0.40	13.20
01/19/2005 JKS	Telephone conference with A. Schachter re: mediation; e-mail correspondence with S. Schiesinger re: status; review of file.	125.00	0.20	25.00
AEH	Research re: Jonathan Fels; telephone conference with Schachter re: same; draft NTD of Fels	33.00	0.40	13.20
01/20/2005 JKS	Coordination of mediation; review of file and pleadings; coordination of discovery.	125.00	0.30	37.50
AEH	Designation of Mediator	33.00	0.30	9.90
1/2005 BF	Deposition of Mr. Voss scheduled for 2 pm at Stearns; represented interests at same.	0.95	1.20	1.14

Ms. Bonilyn Wilbanks-Free

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Ocean Roc/Sunny Isles Beach

		Rate	Hours	
01/27/2005	AEH			
	Telephone conversation with Esonia re: Fels deposition and Betel deposition	33.00	0.20	6.60
01/28/2005	EK			
	Receipt, review and calendaring of NTD of J. Betel; receipt of Order from 3rd DCA; review of file; review of 3rd DCA on-line docket; confirmation of receipt of reply.	33.00	0.50	16.50
	JKS			
	Strategy conference with G. Olmedillo re: expert testimony.	125.00	1.50	187.50
01/31/2005	AEH			
	Revisions and additions to NTD Duces Tecum of Jonathan Fels	33.00	0.30	9.90
	EK			
	Review and organization of all pending matters, including background documents, pleadings, studies, etc. for delivery to newly retained expert; coordination of reproduction of same; delivery to expert.	33.00	1.20	39.60
	For Current Services Rendered		33.40	3,135.84

Expenses

12/31/2004	Professional services - Oertel, Fernandez, Coie & Bryant, P.A.			144.00
01/31/2005	1,345 8.5 x 11-14 B/W copies, 1 11 x 17 color copies, 59 8.5 x 11-14 color copies, 26 custom tabs - Terra Data			62.11
	Total Expenses			206.11

Advances

01/31/2005	Postage			1.23
01/31/2005	Photocopies (107) @ .10 each			10.70
	Total Advances			11.93
	Total Current Work			3,353.88
	Balance Due			<u>\$9,142.72</u>

**Janette Grace C. Scott**  
**1019 Janes Meadow Road**  
**KNOXVILLE, TN 37932**

**865-675-7331**

**FAX-865-675-7369**

**Email-janetteerickson@aol.com**

<b>Send to:</b> <b>Town of Golden Beach</b>	<b>From:</b> <b>Janette Grace Scott , Accountant for Shubin &amp; Bass, Inc.</b>
<b>Attention: Maria Camacho</b>	<b>Date: 03-22-05</b>
<b>Office Location:</b>	<b>Office Location:</b>
<b>Fax Number: 1-305-932-1598</b>	<b>Phone Number:</b>

- Urgent
- Reply ASAP
- Please comment
- Please review
- For your information

**Total pages, including cover: 4**

**Here is Statement #22. If you have any questions please let me know.**

**Thank you,**

**Janette**

Law Office  
**SHUBIN & BASS, P.A.**  
 46 S.W. 1st Street  
 Third Floor  
 Miami, FL 33130  
 Phone: 305-381-6060 Fax 1: 305-381-9457

Ms. Bonilyn Wilbanks-Free  
 Town Manager  
 Town of Golden Beach  
 1 Golden Beach Drive  
 Golden Beach FL 33160

Page: 1  
 February 28, 2005  
 Account No: 242-001M  
 Statement No: 23

Ocean Roc/Sunny Isles Beach

Previous Balance \$9,142.72

Fees

		Rate	Hours	
02/02/2005 EK	Receipt and reproduction of Appellees Answer Brief in 1st DCA proceeding; draft and transmission of correspondence to clients re: same; review of Appellate Rules re: Reply Brief; organization of 1st DCA file in preparation for Reply.	33.00	0.50	16.50
JKS	Receipt and preliminary analysis of joint answer brief (1st DCA Appeal) and analysis of caselaw cited therein; review of file.	125.00	0.30	37.50
02/03/2005 EK	Telephone conference with expert witness; completed reproduction and organization of relevant documents for his review; draft and transmission of correspondence re: same; coordination of hand delivery of same.	33.00	0.50	16.50
JKS	Continued review and analysis of joint defense brief (1st DCA); receipt and review of motion for protective order re: deposition of Fels; review of file; analysis of depo of J. Betel with B. Fried.	125.00	1.00	125.00
BF	Deposition of Joseph Betel	125.00	1.25	156.25
02/04/2005 JKS	Telephone conference with A. Schachter re: issues pertaining to protective order.	125.00	0.20	25.00
2/2005 JKS	Receipt and review of correspondence from A. Schachter re: discovery; review and analysis of discovery and pleadings.	125.00	0.30	37.50
EK	Review of file; preparation of relevant documents for			



## Ocean Roc/Sunny Isles Beach

		Rate	Hours	
	JKS' review in anticipation of upcoming depositions; comprehensive organization of same.	33.00	0.50	16.60
02/09/2005 JKS	Preparation for deposition of J. Fels; telephone conference with S. Schlesinger re: status and strategy; review and analysis of relevant depositions/transcripts.	125.00	1.00	125.00
02/10/2005 JKS	Took deposition of J. Fels on your behalf; preparation for same, including review and analysis of pleadings and relevant background documents.	125.00	2.00	250.00
02/11/2005 EK	Review of file and organization of Public Records Act Request ("PRAR") production; draft and transmission of new PRAR; transmission to parties of record; draft and transmission of correspondence to S. Schlesinger re: discovery.	33.00	0.90	29.70
2005 EK	Draft and transmission of correspondence to Mayor; draft and transmission of correspondence to M. Soemla; draft and transmission of correspondence to the Schlesingers re: mediation; draft, transmission and filing with Clerk of Mtn for extension of time; e-mail correspondence with J. Lhota, A. Schachler, S. Stiller and the City of Sunny Isles Beach re: same.	33.00	1.20	39.60
02/15/2005 JKS	Revision and filing of motion for enlargement of time.	125.00	0.20	25.00
02/16/2005 JKS	Receipt and review of depo transcript of J. Fels.	125.00	0.30	37.50
02/18/2005 EK	Follow-up telephone conference with special counsel for Sunny Isles Beach re: depo of Mayor, etc.; draft, transmission and filing with Clerk of Notice(s) of taking deposition for Levy, Cohen and Brown; research re: deponents for purposes of service of subpoenas; re-notice of deposition to include production of documents; draft and transmission of correspondence to S. Price re: availability for deposition; draft and transmission of correspondence to H. Ottinot re: dates of availability of J. Lack and production of documents pursuant to PRAR.	33.00	1.30	42.90
02/21/2005 JKS	Telephone conference with S. Schlesinger re: status and strategy; draft and revision of reply to Answer Brief (1st DCA).	125.00	0.60	75.00

Ocean Roc/Sunny Isles Beach

		Rate	Hours	
	JSB	125.00	2.00	250.00
	Research, review, drafting of reply to answer brief			
02/22/2005	JKS	125.00	1.50	187.50
	Receipt and analysis of correspondence from S. Price re: depositions; research re: motion to compel; draft and revision of reply brief (1st DCA matter).			
	JSB	125.00	5.00	625.00
	Review and analysis of answer brief; research for purposes of drafting reply			
	EK	33.00	0.20	6.60
	Draft and transmission of re-notice of taking deposition of A. Cohen; filed same with Clerk of the Court; updated litigation calendar.			
02/23/2005	JKS	125.00	1.30	162.50
	Analysis and draft/revision of reply brief (1st DCA); strategy conferences with J. Bass re: same.			
	JSB	125.00	5.00	625.00
	Research and drafting of reply			
	BF	125.00	0.70	87.50
	Research on unfound items in opposition's table of authorities, non-existent Fla. Stat. cites, mislabeled city code cite, and city ordinance			
	EK	33.00	0.20	6.60
	Draft and transmission of correspondence to A. Schachter re: M. Levy's deposition/necessity of subpoena.			
02/24/2005	JKS	125.00	0.50	62.50
	Analysis and revision of reply brief (1st DCA).			
	JSB	125.00	6.00	750.00
	Analysis of answer brief; research and drafting of reply brief			
	EK	33.00	1.30	42.90
	Telephone conference with A. Schachter re: Levy's unavailability for deposition; telephone conference with S. Price re: depo; e-mail correspondence with J. Lhota re: Mayor Edelcup; review of brief and incorporation of revisions; completed formatting of brief.			
02/25/2005	JKS	125.00	1.00	125.00
	Analysis and proofreading of reply brief (1st DCA); coordination and notice of depositions; review of file.			
	EK	33.00	1.50	49.50
	Incorporated further revisions to brief; final formatting, printing and binding of same; coordinated FedEx filing with Clerk of the 1st DCA; transmission to parties of record; draft and transmission of correspondence to B. Wilbanks-Free; draft, transmission and filing of Notice of Taking Deposition of M. Levy.			

Ms. Bunilyn Wilbanks-Free

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Ocean Roc/Sunny Isles Beach

		Rate	Hours	
02/28/2005	JKS			
				Receipt and review of relevant background documents from S. Schlesinger; telephone conference with Mayor Singer re: status; preparation for deposition of Mayor Edelcup.
		125.00	1.20	150.00
	EK			
				Coordinated logistics for deposition of Mayor Edelcup; draft, transmission and filing with Clerk of Notice of Postponement of depo of Brown; telephone conference with A. Schachter's office re: litigation calendar, receipt, review and coordination of color oversized reproduction of documents; telephone conference with J. Casal re: re-scheduling of deposition; creation of deposition prep folder, including transcript(s), complaint, answers, etc.
		33.00	1.10	36.30
			<u>40.55</u>	<u>4,222.35</u>
				For Current Services Rendered

Expenses

02/28/2005				56.23
02/28/2005				Westlaw Research
				58 8.5 x 11-14 B/W copies, 8 11 x 17 B/W copies, 1 8.5 x 11-14 color copies, 66 11 x 17 color copies, 1.5 exhibit assemblage, 1 1.5" binder - Terra Data
				92.12
02/03/2005				6.50
				Courier service to Guillermo Olmedillo - Eagle Express
02/15/2005				3.90
				Fed Ex to Clerk of the Court 1st DCA
02/24/2005				105.60
				Attendance, Transcript - original and 1 copy, miniscript of Jonathan Fels - Veritext\Florida Reporting
02/28/2005				4.69
				1 oversize copies(30 x 40), 8 8.5 x 11-14 color copies, 2 8.5 x 11-14 B/W copies - Terra Data
				<u>268.04</u>
				Total Expenses

Advances

02/28/2005				15.53
				Photocopies (155)@.10 each
02/28/2005				8.08
				Postage
				23.61
				Total Advances
				4,514.00
				Total Current Work

Payments

02/02/2005				-5,504.15
				Fee payment received Thank You ck#13638 Town of Golden Beach
02/02/2005				-95.54
				Cost Payment Received Thank You ck#13638
02/02/2005				-189.15
				Overhead costs payment-Thank You ck#13638
				-5,788.84
				Total Payments
				<u>\$7,867.88</u>
				Balance Due

FEIN: 65-0383281  
2nd Fax to: 305-373-8301