



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

2/4/2021

Subject:

Brevard County v. Altman - Approval of Stipulated Final Judgment for Attorney's Fees and Costs at trial for BRP Parcel 29 John M. Pinter and Jane E. Pinter, as Trustees of the John M. Pinter and Jane E. Pinter U/A/D 5/12/08

Fiscal Impact:

\$23,053.91

Dept/Office:

County Attorney's Office

Requested Action:

Request the Board approve settling Defendant's attorney fees and costs at trial for \$23,053.91 and authorize the County Attorney's Office and the County Manager, or designee, to sign or file any necessary documents.

Summary Explanation and Background:

Pursuant to section 73.092(2), Florida Statutes, the County is responsible for attorney's fees and costs incurred by property owners at the trial in this case. The law firm of Burr & Forman LLP represents the Pinters, the property owners and defendants in this case. The law firm submitted records supporting the claim of fees and costs and, after discussion, agreed to settle with a 24 percent reduction in their claims. Given the substantial reduction proposed, staff recommends settlement at \$22,000 in fees and \$1,053.91 in costs. This agenda item is to approve that offer, and authorize the County Attorney's Office and the County Manager, or designee, to sign or file any necessary documents.

Clerk to the Board Instructions:

Return a copy of the memo to the County Attorney's Office



February 5, 2021

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.1., Stipulated Final Judgement for Attorney's Fees and Costs at Brevard County v. Altman Trial for BRP Parcel 29 John M. Pinter and Jane E. Pinter, as Trustees of the John M. Pinter and Jane E. Pinter U/A/D/ 5/12/08

The Board of County Commissioners, in regular session on February 4, 2021, approved settling Defendant's attorney fees and costs at Brevard County v. Altman trial for \$23,053.91; and authorized your office and the County Manager, or designee, to sign or file any necessary documents for BRP Parcel 29 John M. Pinter and Jane E. Pinter, as Trustees of the John M. Pinter and Jane E. Pinter U/A/D/ 5/12/08.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ds

cc: County Manager
Finance
Budget

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

CASE NO. 05-2018-CA-055386-XXXX-XX

BREVARD COUNTY, FLORIDA,
a political subdivision of
the State of Florida,

Petitioner,

vs.

ALEX B. ALTMAN, et al,

Parcel # BRP-29
John M. Pinter and Jane E.
Pinter, as Trustees of the John
M. Pinter and Jane E. Pinter
U/A/D 5/12/08

Respondents.


JOINT MOTION FOR STIPULATED FINAL JUDGMENT
AS TO ATTORNEY'S FEES AND COSTS AT TRIAL

The Petitioner, BREVARD COUNTY, FLORIDA, and the Respondents, JOHN M.
PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND
JANE E. PINTER U/A/D 5/12/08, in the above styled case, by and through the
undersigned counsel, respectfully move for the entry of the attached Stipulated Final
Judgment on this _____ day of _____, 2021.

Office of the County Attorney
2725 Judge Fran Jamieson Way
Building C-Suite #308
Viera, FL 32940
*Attorney for Petitioner,
Brevard County, Florida*

Burr & Forman LLP
200 S. Orange Avenue
Suite 800
Orlando, Florida 32801
*Attorney for Respondents,
Pinters.*

CHRISTINE SCHVERAK, ESQUIRE
Assistant County Attorney



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IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

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a political subdivision of
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Parcel # BRP-29
John M. Pinter and Jane E.
Pinter, as Trustees of the John
M. Pinter and Jane E. Pinter
U/A/D 5/12/08

Respondents.

**STIPULATED FINAL JUDGMENT AS TO
ATTORNEY'S FEES AND COSTS AT TRIAL**

THIS CAUSE having come on upon a joint motion for the entry of a Stipulated Final Judgment made by the Petitioner, BREVARD COUNTY, FLORIDA, and Respondents, JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08, set forth herein below; and it appearing to the Court that the Parties are authorized to enter into such motion; the Court finds that:

1. Respondents JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08 timely filed a Motion for Appellate Attorneys' Fees, Expert Fees and Costs on October 2, 2020 and the Court has entered an order on those matters on December 4, 2020.

2. Claims for trial level attorney fees and costs were submitted to the County,

and subsequently, on January 19, 2021, Respondents JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08 agreed to settle all additional claims with Petitioner, BREVARD COUNTY, FLORIDA for an additional sum of \$1,053.91 in trial court costs and \$22,000.00 in trial court attorney fees.

3. The Parties agree that this stipulated final judgment of \$23,053.91 is to settle all outstanding claims in this case, and Respondents JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08 stipulate that they waive all rights to any additional compensation for claims or damages of any kind arising from CASE NO. 05-2018-CA-055386.

ADJUDGED that Respondents, JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08, pursuant to the sections 73.091 and 73.092, Florida Statutes, shall have and recover from the Petitioner the sum of Twenty-Three Thousand and Fifty-Three dollars and 91 cents (\$23,053.91) to settle all outstanding claims between Petitioner BREVARD COUNTY and Respondents JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08, related to this action. This payment constitutes final judgment of all claims in this action.

ADJUDGED that upon entry of this Stipulated Final Judgment as to all matters and claims as to JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08, the Petitioner shall, within thirty (30) days, pay Twenty-Three Thousand and Fifty-Three dollars and 91 cents (\$23,053.91) to Burr & Forman LLP, 200 S. Orange Avenue, Suite 800, Orlando, Florida

32801-6404 on behalf of Respondents, JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08.

Respondents JOHN M. PINTER AND JANE E. PINTER, AS TRUSTEES OF THE JOHN M. PINTER AND JANE E. PINTER U/A/D 5/12/08, stipulate that they waive all rights to any additional claims or damages of any kind arising from CASE NO. 05-2018-CA-055386.

It is further ADJUDGED that within five days from the date of eservice of this Order/Judgment, the Petitioner shall:

1. Furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, first class, postage paid; and
2. File a certificate signed by Petitioner's counsel that delivery of this Order/Judgment has been made as set forth herein.

(Signature Page Follows)

DONE AND ORDERED in Chambers at the Viera Courthouse in Brevard County,
Florida, this _____ day of _____, 2021.

DAVID DUGAN
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court
this _____ date of _____, 2021, by using the Florida Courts E-Filing
Portal System. Accordingly, a copy of the foregoing is being served on this day to all
attorneys/interested parties identified on the ePortal Electronic Service List, via
transmission of Notices of Electronic Filing generated by the ePortal System.

Judicial Assistant

file

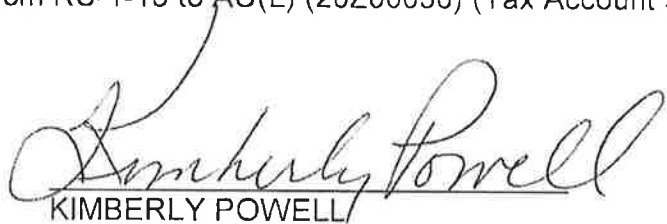
CERTIFICATION

STATE OF FLORIDA)
COUNTY OF BREVARD)

I, Kimberly Powell, Clerk to the Board, Brevard County Board of County Commissioners, do hereby certify that the following pages are true and correct copies:

1. Meeting Minutes, February 4, 2021, Zoning, Item H.1. Lazy River Investments (Laura Young) requests a change of zoning classification from RU-1-13 to AU(L) (20Z00030) (Tax Account 3008729) District 3.

Dated this 16th day of February, 2021.

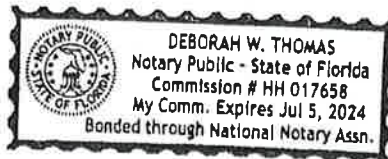


KIMBERLY POWELL
Clerk to the Board
Brevard County Board of County Commissioners

STATE OF FLORIDA
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16th day of February, 2021 by Kimberly Powell, Clerk to the Board, Brevard County Board of County Commissioners, who is personally known to me or who has produced _____ as identification.

[Notary Seal]





Notary Public

DEBORAH W. THOMAS

Name typed, printed or stamped

My Commission Expires July 5, 2024