



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.12.

2/9/2021

Subject:

Brevard County v. Altman - Approval of Stipulated Final Judgment for Attorney's Fees and Costs at trial for BRP Parcel 174 Alex B. Altman, Roberta M. Altman and Thad Altman

Fiscal Impact:

\$36,004.55

Dept/Office:

County Attorney's Office

Requested Action:

Request the Board approve settling a Defendant's attorney fees and costs at trial for \$36,004.55 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 Harris, Harris, Bauerle, Ziegler, and Lopez represent the Altmans, 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 27 percent reduction in their claims. Given the substantial reduction proposed, staff recommends settlement at \$29,554.00 in fees and \$6,410.55 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 10, 2021

M E M O R A N D U M

TO: Eden Bentley, County Attorney

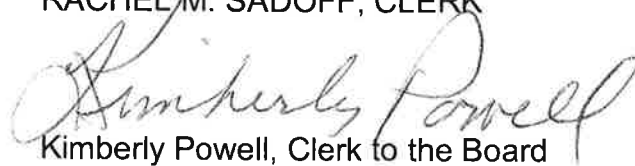
RE: Item F.12., Brevard County v. Altman for Approval of Stipulated Final Judgement for Attorney's Fees and Costs at Trial for BRP Parcel for 174 Alex B. Altman, Roberta M. Altman, and Thad Altman

The Board of County Commissioners, in regular session on February 9, 2021, approved settling the Brevard County v. Altman Stipulated Final Judgement for attorney's fees and costs at trial for BRP Parcel 174 Alex B. Altman, Roberta M. Altman, and Thad Altman in the amount of \$36,004.55; and authorized the County Attorney's Office and the County Manager, or designee, to sign or file any necessary documents.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


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-174
Alex B. Altman, Roberta M.
Altman, and Thad Altman

Respondents.


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

The Petitioner, BREVARD COUNTY, FLORIDA, and the Respondents, ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN, 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.

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Viera, FL 32940
*Attorney for Petitioner,
Brevard County, Florida*

Harris Harris Bauerle Ziegler Lopez
1201 East Robinson Street
Orlando, FL 32801-2115
*Attorney for Respondents,
Altman.*

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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
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Petitioner,

vs.

ALEX B. ALTMAN, et al,

Parcel # BRP-174
Alex B. Altman, Roberta M.
Altman, and Thad Altman

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, ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN, 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 ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN 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 21, 2021, Respondents ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN agreed to settle all additional claims with Petitioner,

BREVARD COUNTY, FLORIDA for an additional sum of \$36,004.55 in trial courts costs and attorney fees.

3. The Parties agree that this stipulated final judgment of \$36,004.55 is to settle all outstanding attorney fee and cost claims in this case, and Respondents ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN stipulate that they waive all rights to any additional compensation for outstanding attorney's fees and costs incurred in Case No. 05-2018-CA-055386 prior to the date of this order.

ADJUDGED that Respondents, ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN, pursuant to the sections 73.091 and 73.092, Florida Statutes, shall have and recover from the Petitioner the sum of Thirty-Six Thousand and Four Dollars and 55/100 (\$36,004.55) to settle all outstanding attorney fee and cost claims between Petitioner BREVARD COUNTY and Respondents ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN, related to this action.

ADJUDGED that upon entry of this Stipulated Final Judgment as to all matters and claims as to ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN, the Petitioner shall, within thirty (30) days, pay Thirty-Six Thousand and Four Dollars and 55/100 (\$36,004.55) to Harris Harris Bauerle Ziegler Lopez, 1201 East Robinson Street, Orlando, Florida 32801-2115 on behalf of Respondents, ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN. Respondents ALEX B. ALTMAN, ROBERTA M. ALTMAN, and THAD ALTMAN stipulate that they waive all rights to any additional attorney fees and costs of any kind arising from Case No. 05-2018-CA-055386 for services performed prior to the date of this order. The above notwithstanding, nothing in this order shall preclude Respondents from later advancing claims for full

compensation, including attorney's fees and costs, if appropriate, incurred after the date of this order, relative to any temporary takings that may be established in connection with the Order of Taking that was previously entered in this action. However, nothing herein shall be deemed to be a finding or any indication that the court has made any ruling or order as to the validity or appropriateness of a temporary takings claim in this case.

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