



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.5.

1/12/2021

Subject:

Brevard County v. Altman - Approval of Stipulated Final Judgment for Attorney's Fees and Costs at trial for BRP Parcel 133 Hubbard Investments, Inc.

Fiscal Impact:

\$50,100

Dept/Office:

County Attorney's Office

Requested Action:

Request the Board approve settling a Defendant's attorney fees and costs at trial for \$50,100.00 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 trial in this case. The law firm of Gaylord, Merlin, Ludovici & Diaz represents Hubbard Investments, Inc, a property owner and defendant in this case. The law firm submitted timesheets and records supporting the claim of fees and costs and, after discussion, agreed to settle with a 24% reduction to their claims. Given the substantial reduction proposed, staff recommends settlement at \$42,000.00 in fees and \$8,100.00 in costs. This agenda item is to approve that offer, and authorize the County Attorney's Office and the County Manager's office, 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



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Kimberly.Powell@brevardclerk.us

January 13, 2021

M E M O R A N D U M

TO: Eden Bentley, County Attorney

RE: Item F.5., Brevard County v. Altman – Approval of Stipulated Final Judgment for Attorney's Fees and Costs at Trial for BRP Parcel 133 Hubbard Investments, Inc.

The Board of County Commissioners, in regular session on January 12, 2021, approved settling a Defendant's attorney fees and costs at trial for \$50,100.00; and authorized the County Attorney's Office and County Manager, or designee, to sign or file any necessary documents.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL SADOFF, CLERK


Kimberly Powell, Deputy Clerk

/cld

cc: County Manager
Budget Office
Finance

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-133

Hubbard Investments, Inc.

Defendants.

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

The Petitioner, BREVARD COUNTY, FLORIDA, and the Respondent,
HUBBARD INVESTMENTS, INC. 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 _____, 2020.

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

Gaylord Merlin Ludovici & Diaz
501 West Cypress Street
Tampa, Florida 33607-3803
*Attorney for Respondent,
Hubbard Investments, Inc.*

CHRISTINE SCHVERAK, ESQUIRE
Assistant County Attorney
Fla. Bar No.: 0605336
Christine.Schverak@brevardfl.gov
Karen.lane@brevardfl.gov
Calvin.Khan@brevardfl.gov

/s/S. Cary Gaylord
S. CARY GAYLORD ESQUIRE
Florida Bar No. 180538
cgaylord@gaylordmerlin.com
BLAKE H. GAYLORD, Esquire
Florida Bar No.: 050761
bgaylord@gaylordmerlin.com

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-133
Hubbard Investments, Inc.

Defendants.

**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 Respondent HUBBARD INVESTMENTS, INC. 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. Respondent HUBBARD INVESTMENTS, INC. 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 December 8, 2020, Respondent HUBBARD INVESTMENTS,

INC. offered to settle all additional claims with Petitioner, BREVARD COUNTY, FLORIDA for an additional sum of \$8,100.00 in trial court costs and \$42,000.00 in trial court attorney fees.

3. The Parties agree that this stipulated final judgment of \$50,100.00 is to settle all outstanding claims in this case, and Respondent HUBBARD INVESTMENTS, INC. stipulates that it waives all rights to any additional compensation for claims or damages of any kind arising from CASE NO. 05-2018-CA-055386.

ADJUDGED that Respondent, HUBBARD INVESTMENTS, INC., pursuant to the sections 73.091 and 73.092, Florida Statutes, shall have and recover from the Petitioner the sum of Fifty Thousand and One Hundred Dollars and no cents (\$50,100.00) to settle all outstanding claims between Petitioner BREVARD COUNTY and Respondent HUBBARD INVESTMENTS, INC. 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 Hubbard Investments, Inc., the Petitioner shall, within thirty (30) days, pay Fifty Thousand and One Hundred Dollars and no cents (\$50,100.00) to Gaylord, Merlin, Ludovici & Diaz, 5001 West Cypress Street, Tampa, Florida 33607-3803 on behalf of Respondent, HUBBARD INVESTMENTS, INC. Respondent HUBBARD INVESTMENTS, INC. stipulates that it waives all rights to any additional claims or damages of any kind arising from CASE NO. 05-2018-CA-055386.

(Signature Page Follows)

DONE AND ORDERED in Chambers at the Viera Courthouse in Brevard County,
Florida, this _____ day of _____, 2020.

CHARLES M. HOLCOMB
Senior Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court
this _____ date of _____, 2020, 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