

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 20, 2008 Division: County Attorney

Bulk Item: Yes No Department: County Attorney

Staff Contact Person: Bob Shillinger, ext. 3470

AGENDA ITEM WORDING: Approval of October 16, 2007 revised invoice in the amount of \$40,683.11 from Paul Hastings for services regarding Galleon v. Monroe County, Case No. 2004-CA-02-595-K.

ITEM BACKGROUND: Paul Hastings is part of the defense team for representation in the Galleon Bay case. This item was tabled from the December BOCC meeting to negotiate a reduction in fees.

PREVIOUS RELEVANT BOCC ACTION: Tabled at the December meeting.

CONTRACT/AGREEMENT CHANGES: Board approved a contract with Paul Hastings originally in 2005, renegotiated February 23, 2007, and board approved at the March 21, 2007.

STAFF RECOMMENDATIONS: Approved

TOTAL COST: \$40,683.11 **BUDGETED:** Yes No
COST TO COUNTY: \$40,683.11 **SOURCE OF FUNDS:** _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DOCUMENTATION: Included Not Required

DISPOSITION: _____ **AGENDA ITEM #** _____

PaulHastings

PAUL, HASTINGS, JANOFSKY & WALKER LLP
515 South Flower Street, 25th Floor, Los Angeles, CA 90071-2228
telephone 213-683-6000 / facsimile 213-627-0705 / internet www.paulhastings.com

Atlanta/ Beijing/ Brussels/ Chicago/ Hong Kong/ London/ Los Angeles/ Milan/ New York/ Orange
County/ Palo Alto/ Paris/ San Diego/ San Francisco/ Shanghai/ Stamford/ Tokyo/ Washington, D.C.

Monroe County
P.O. Box 1026
Key West, FL 33041-1026

Attn: Suzanne Hutton

October 16, 2007

Please refer to
Invoice Number: 1642941
PHJ&W Tax ID No. 95-2209675

FOR PROFESSIONAL SERVICES RENDERED
for the period ending September 30, 2007

Galleon Bay Corp. **\$41,296.50**

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/01/07	Derek V. Howard	Review order directing procedure for oral argument on rehearing of summary judgment motions; legal research regarding NFIP	4.20	315.00	1,323.00
09/04/07	Derek V. Howard	Factual and legal research regarding NFIP, CBRS and ESA; review associated documents obtained by M. Conaway and outline supplemental affidavit	7.10	315.00	2,236.50
09/05/07	Derek V. Howard	Legal research regarding affirmative defense of failure to join an indispensable party, NFIP, CBRS and ESA; prepare supplemental affidavit of M. Conaway	6.20	315.00	1,953.00
09/09/07	Derek V. Howard	Prepare supplemental affidavit of M. Conaway; legal research regarding NFIP	3.80	315.00	1,197.00
09/10/07	Derek V. Howard	Legal research regarding NFIP, CBRS and ESA; prepare supplemental affidavit of M. Conaway	6.50	315.00	2,047.50

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/11/07	Derek V. Howard	Prepare supplemental affidavit of M. Conaway; review correspondence from M. Conaway regarding ITP and supplemental affidavit; review and respond to correspondence from T. Marr regarding rescheduling of jury trial and billing issue; legal research regarding NFIP and ESA	6.80	315.00	2,142.00
09/12/07	Derek V. Howard	Revise and finalize supplemental affidavit of M. Conaway; conferences with M. Conaway and J. Glogau regarding same; prepare notice of filing supplemental affidavit of M. Conaway	5.20	315.00	1,638.00
09/13/07	Derek V. Howard	Prepare memorandum of law regarding ESA	6.30	315.00	1,984.50
09/14/07	Derek V. Howard	Prepare memorandum of law regarding ESA	7.00	315.00	2,205.00
09/15/07	Derek V. Howard	Prepare memorandum of law regarding ESA	4.30	315.00	1,354.50
09/17/07	Derek V. Howard	Review cross motions for summary judgment and supporting memoranda of law, and shepardize cases cited therein	7.60	315.00	2,394.00
09/18/07	Derek V. Howard	Review message from T. Smith; conference with T. Smith regarding status of litigation, supplemental affidavit of M. Conaway, BUD applications; prepare correspondence to T. Smith regarding same; review and respond to correspondence from T. Marr regarding supplemental affidavit of M. Conaway	2.80	315.00	882.00

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/19/07	Derek V. Howard	Legal research regarding defenses to local liability where regulations complained of supplement federal regulations, or adopted pursuant to federal or court mandate	7.00	315.00	2,205.00
09/20/07	Derek V. Howard	Legal research regarding defenses to local liability where regulations complained of supplement federal regulations, or adopted pursuant to federal or court mandate	6.80	315.00	2,142.00
09/21/07	Derek V. Howard	Legal research regarding effect of Plaintiff's failure to obtain development approvals from federal government	5.00	315.00	1,575.00
09/24/07	Derek V. Howard	Prepare request for judicial notice; prepare correspondence to and respond to correspondence from D. Rainier regarding same; conference with J. Glogau regarding motion hearing and prepare for same	5.50	315.00	1,732.50
09/25/07	Derek V. Howard	Legal research and consider County's affirmative defense of SOL in light of affidavit of M. Conaway	6.80	315.00	2,142.00

Monroe County
58551-00003
Invoice No. 1642941

Page 4

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Rate</u>	<u>Amount</u>
09/26/07	Derek V. Howard	Shepardize cases cited in memorandum of law in support of County's motion for reconsideration of finding of temporary taking, cases cited by Plaintiff in connection with motion to strike affidavit of T. Marr, and cases cited in connection with SOL defense; prepare for motion hearing; review correspondence from J. Glogau and conference with B. Shillinger regarding travel arrangements	7.50	315.00	2,362.50
09/27/07	Derek V. Howard	Prepare for hearing on Defendants' motions for reconsideration and conferences with J. Glogau regarding same	5.80	315.00	1,827.00
09/28/07	Derek V. Howard	Prepare for hearing on Defendants' motions for reconsideration; review online docket to determine whether any filings by Plaintiff; shepardize cases cited in Amended Liability Order	5.80	315.00	1,827.00
09/29/07	Derek V. Howard	Review online docket to determine whether any filings by Plaintiff; legal research regarding liability apportionment among levels of government	4.10	315.00	1,291.50
09/30/07	Derek V. Howard	Travel to and prepare for hearing on Defendants' motions for reconsideration; conferences with J. Glogau and R. Shine	9.00	315.00	2,835.00
Total Fees			131.10		\$41,296.50

Monroe County
58551-00003
Invoice No. 1642941

Ballew

Timekeeper Summary

Derek V. Howard

131.10 hours at

\$315.00

For Costs Incurred and Advanced

Courier Service
Photocopy Charges
Photocopy Charges (Color)
Facsimile
Total Costs

23.56 ✓
237.30 ✓
107.50 ✓
1.75 ✓

\$370.11

Current Fees and Costs Due

Prior Balance Due

Total Balance Due

\$41,666.61 *OK*

\$350,413.48 *MS*

\$392,080.09 *12/3/07*

M. Ree
12/5/07

D. Luchnick
12/11/07

[Signature]
12/6/07

less
983.50

40,683.11

OK
MS
1/29/8

Paul, Hastings, Janofsky & Walker LLP
Supporting Documentation for Disbursements

Monroe County

<u>Tab #</u>	<u>Matter Name</u>	<u>PHJW Number</u>	<u>Inv. #</u>	<u>Amount</u>	<u>Description</u>
1	Galleon Bay Corp.	58551-00003		23.56	UPS
2	Galleon Bay Corp.	58551-00003		237.30	Photocopy Charges
3	Galleon Bay Corp.	58551-00003		107.50	Photocopy Charges(Color)
4	Galleon Bay Corp.	58551-00003		1.75	Facsimile
				<u>370.11</u>	Total



Delivery Service Invoice

Invoice date **September 22, 2007**

Invoice number **0000A7V781387**

Shipper number **A7V781**

Page 7 of 25

Outbound

Worldwide Service (continued)

UPS Online Shipping Tool

Pickup Date	Tracking Number	Service	ZIP Code	Zone	Weight	Published Charge	Incentive Credit	Billed Charge
09/17	1ZA7V7810193931460	Next Day Air Commercial	33041	105	6	43.60	-23.02	20.58
		Fuel Surcharge				6.32	-3.34	2.98
		Total				49.92	-26.36	23.56

1st.ref : 58551.00003

UserID : PSS-xDlxSETpbE

Sender : Derek Howard
Paul, Hastings, Janofsky & Walker
875 15th Street, N.W.
Washington DC 20005

2nd.ref.: DVH.Howard, Derek

Receiver: Debra Rainer
Monroe County Attorney's Office
Harvey Government Center
Key West FL 33041

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Optr.
58551-00003	25822324	183163	218	091707	DVH	25.00	0.20	5.00	SPHOTO	WDC P	311172	091807	
USER-DEFINED FIELD 1: Stephens, Carole													
USER-DEFINED FIELD 2: A5													
DESCRIPTION: User: DVH													
Batch: 3C27													

GRAND TOTAL: 25.00 5.00

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$5.00
FIRM ENTRIES :		\$.00

TOTAL:	1	\$5.00

@ .15/copy = 3.75

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Optr.
58551-00003	25808962	182928	218	091207	DVH	114.00	0.20	22.80	SPHOTO	WDC P	310856	091307	
USER-DEFINED FIELD 1: Stephens, Carole USER-DEFINED FIELD 2: A5 DESCRIPTION: User: DVH Batch: 3C22													
	25808967	182928	218	091207	DVH	6.00	0.20	1.20	SPHOTO	WDC P	310856	091307	
USER-DEFINED FIELD 1: Stephens, Carole USER-DEFINED FIELD 2: A5 DESCRIPTION: User: DVH Batch: 3C22													
MATTER TOTAL:						120.00		24.00					
GRAND TOTAL:						120.00		24.00					

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	2	\$24.00
FIRM ENTRIES :		\$.00

TOTAL:	2	\$24.00

@ .15/copy = 18.00

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc	Valid Flag	Posting Batch	Date Modified	Mod. Opr.
58551-00003	25856334	183609	218	092607	DVH	46.00	0.20	9.20	SPHOTO	WDC	P	312094	092807	
USER-DEFINED FIELD 1: Howard, Derek V.														
USER-DEFINED FIELD 2: A5														
DESCRIPTION: User: DVH														
Batch: 3C34														
GRAND TOTAL:						46.00		9.20						

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$9.20
FIRM ENTRIES :		\$.00

TOTAL:	1	\$9.20

@.15/copy = 6.90

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Optr.	
59551-00003	25856384	183610	218	092707	DVH	1376.00	0.20	275.20	SPHOTO	WDC P	312094	092807		
USER-DEFINED FIELD 1: Howard, Derek V.														
USER-DEFINED FIELD 2: A5														
DESCRIPTION: User: DVH														
Batch: 3C35														
GRAND TOTAL:							1,376.00	275.20						

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$275.20
FIRM ENTRIES :		\$.00

TOTAL:	1	\$275.20

@ .15/copy = 206.40

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Oprtr.	
58551-00003	25842485	183468	218	092407	TRM	15.00	0.20	3.00	SPHOTO	WDC P	311743	092507		
USER-DEFINED FIELD 1: Munteer, Thomas														
USER-DEFINED FIELD 2: A3														
DESCRIPTION: User: TRM														
Batch: 3C32														
GRAND TOTAL:						15.00		3.00						

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$3.00
FIRM ENTRIES :		\$.00

TOTAL:	1	\$3.00

@ .15/copy = 2.25

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Optr.
58551-00003	25822361	183163	220	091707	DVH	86.00	1.25	107.50	SPHOTO	WDC P	311172	091807	
USER-DEFINED FIELD 1: Howard, Derek V.													
USER-DEFINED FIELD 2: B0													
DESCRIPTION: User: DVH													
Batch: 3C27													
GRAND TOTAL:						86.00		107.50					

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$107.50
FIRM ENTRIES :		\$.00

TOTAL:	1	\$107.50

Matter Number	Counter	Control Group	Cost Code	Transaction Date	Tkeep	Quantity	Rate	Amount	Ledger Code	Loc Valid Flag	Posting Batch	Date Modified	Mod. Optr.
58551-00003	25822572	183165	226	091707	PHJW	7.00	1.25	8.75	SFAX	WDC P	311171	091807	
				USER-DEFINED FIELD 1:		DCOFFSVC							
				USER-DEFINED FIELD 2:		3F17-8							
				DESCRIPTION: User:									
				Batch: 3F17									
				18508930448				C3		D			
GRAND TOTAL:						7.00		8.75					

TOTAL VALID ENTRIES :		\$.00
INVALID ENTRIES :		\$.00
ENTRIES POSTED :	1	\$8.75
FIRM ENTRIES :		\$.00

TOTAL:	1	\$8.75

@ .25/copy = *1.75