BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 19, 2005 -KW

Division: County Attorney

Bulk Item: Yes X No ___

Department: County Attorney

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING:
Approval of payment to *White & Smith, LLC.* for professional legal services rendered in the amount of $85,409.70 (Their Invoices #161 and #187).

ITEM BACKGROUND:
Tyson Smith, Esq. has been defending the County in *Collins vs. Monroe County*, CAM-04-379.

PREVIOUS RELEVANT BOCC ACTION:
On November 29, 2004 the Board agreed to hire Mr. Smith's prior law firm to defend the County in the case.

CONTRACT/AGREEMENT CHANGES:
N/A

STAFF RECOMMENDATIONS:
Approval.

TOTAL COST: **$85,409.70** **BUDGETED:** Yes ___ No ___

COST TO COUNTY: **$85,409.70** **SOURCE OF FUNDS:**_____

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH**____ **Year** ____

APPROVED BY: County Atty X OMB/Purchasing ____ Risk Management ____

DIVISION DIRECTOR APPROVAL: John R. Collins 10/06/05
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required____

DISPOSITION:_____ **AGENDA ITEM #**_____

Revised 2/05

White & Smith, LLC
BILLING DEPARTMENT
1125 Grand Blvd., Ste. 1500
Kansas City, MO 64106
816-221-8700 Fax # 816-221-8702

Invoice

Date	Invoice #
7/31/2005	161

OK
RBS
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Bill To

Monroe County, FL
Richard Collins
502 Whitehead St., 3rd Floor
Key West, FL 33040

Project

Collins, et al. v. County #90355.015

Hours	Description	Rate	Date	Timekeeper	Amount
4.1	Notes on Freilich's MSJ brief; correspondence to RHF re: same; review Lingle; follow up to notes; legal research re: spoilation of documents re: summary judgment; admissibility of expert opinion/reports; coordination with Freilich re: deadlines; office conference with Moore re: briefing approach/strategy	195.00	7/1/2005	ETS	799.50
1.7	Office conference with co-counsel re: discovery strategy; teleconference with opposing counsel re: same and client contact	195.00	7/5/2005	ETS	331.50
4.4	Analysis of discovery issues; worked on admissions; prepared deposition notices; meeting with co-counsel; worked on motion to compel preliminary appraisals; review 6/21 hearing transcript	195.00	7/6/2005	ETS	858.00
5.4	Worked on Admissions; coordination with R. Freilich re: due dates for PH draft briefs; office conference with co-counsel re: opposing counsel correspondence; and analysis and research of issues re: spoilation and delay; status conference with B. Shillinger & Pedro Mercado	195.00	7/7/2005	ETS	1,053.00
2.6	Finalize admissions; review Ps' interrogatories; office conference with co-counsel re: interrogatories and admissions; teleconference with R. Freilich	195.00	7/8/2005	ETS	507.00
1.8	Finalized Admissions; correspondence to co-counsel and county atty. regarding briefing review schedule and filing deadlines.	195.00	7/9/2005	ETS	351.00
0.25	office conference w/ Moore regarding Ps' failure to make discovery	195.00	7/9/2005	ETS	48.75
0.08	Worked on motion to compel	195.00	7/10/2005	ETS	15.60
0.3	Prepare for Schneider deposition	195.00	7/11/2005	ETS	58.50

FIN: 72-1591935

Total

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Collins, et al. v. County #90355.015

Hours	Description	Rate	Date	Timekeeper	Amount
4.92	Worked on Admissions; office conference w/ S. Moore regarding "reasonably acceptable" standards and discovery procedure for preliminary appraisals; teleconference w/ R. Freilich regarding PH briefs and deadlines	195.00	7/13/2005	ETS	959.40
2.55	Coordination w/ state counsel; worked on admissions and deposition notices; worked on motion to compel/sanctions re: preliminary appraisals; analysis of issues re: protective order; scheduling of hearings	195.00	7/14/2005	ETS	497.25
0.87	Worked on discovery/admissions/correspondence to Opposing Counsel	195.00	7/15/2005	ETS	169.65
0.55	Discovery matters; correspondence to Tobin	195.00	7/18/2005	ETS	107.25
0.32	Teleconference w/ Steve Moore regarding depositions for Riordan/Schneider exectutor and Gallaher; status of Freilich draft brief	195.00	7/21/2005	ETS	62.40
2.42	Office conference w/ S. Moore regarding discovery status; review discovery documents/communications	195.00	7/23/2005	ETS	471.90
0.5	Meetings with Assistant County Attorney and County attorney regarding case status	195.00	7/25/2005	ETS	97.50
3.12	Review Lead Counsel brief; correspondence to Lead Counsel re: same	195.00	7/26/2005	ETS	608.40
1.73	Coordination re: Gallaher deposition; coorespondence to Co-Counsel re: case status and ripeness issue	195.00	7/27/2005	ETS	337.35
2.25	Office conference w/ Moore & Edlow re: deposition status; strategy regarding discovery and sanctions/compelling production; review draft motion	195.00	7/28/2005	ETS	438.75
5.27	Review and comment on State and Paul Hastings draft brief in opposition; office conference w/ Moore regarding case status; coordination w/ State counsel; teleconference w/ Freilich re: scheduling and PH draft briefs; coordinating procedural matters and scheduling	195.00	7/29/2005	ETS	1,027.65

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Hours	Description	Rate	Date	Timekeeper	Amount
	Federal Express Delivery 7/21/05	32.74	7/28/2005		32.74
	Westlaw Research	118.73	7/30/2005		118.73
	Total Reimbursable Expenses				151.47
	Current Services Rendered for White & Smith, LLC				8,951.82
	Professional Services provided by Stephen J. Moore, PC; Inv. #1391	20,430.57			20,430.57

10/06/05

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Total $29,382.39

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8/31/2005	187

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SEP 14 2005
MONROE COUNTY ATTORNEY

OK
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Project

Collins, et al. v. County #90355.015

Hours	Description	Rate	Date	Timekeeper	Amount
1.13	Correspondence to R. Freilich re: draft memo and affidavits; teleconference w/ Quinlivan	195.00	8/1/2005	ETS	220.35
0.83	Teleconference with Co-counsel; review; draft discovery documents	195.00	8/2/2005	ETS	161.85
1.83	Office conference w/ Moore; discovery status conference; teleconference w/ E. Paster re: PH briefs; teleconference w/ Shillinger	195.00	8/4/2005	ETS	356.85
3.25	Teleconference w/ opposing counsel; reviewed Paul Hasting draft brief (coorespondence and comments re: same); teleconference w/ appraisal expert	195.00	8/5/2005	ETS	633.75
9	Review and revise PH brief in support of County's cross-motion for SJ	195.00	8/6/2005	ETS	1,755.00
11	Review and revise PH brief in support of County's MSJ; teleconference w/counsel	195.00	8/7/2005	ETS	2,145.00
9.22	Draft brief sections; coorespondence w/ co-counsel; drafted correspondence to opposing counsel; finalize affidavits; analysis of issues re: Plaintiff status; deficiencies in Plaintiffs' discovery production; teleconferences with co-counsel	195.00	8/8/2005	ETS	1,797.90
2.7	Review proposed order; review PH draft brief in opposition; research issue re: objections; discovery	195.00	8/9/2005	ETS	526.50
5.92	Meeting w/ Moore and Edlow re: outstanding discovery issues; Plaintiff status; schedule for review/comment on Paul Hasting draft brief in opposition; Ricklin deposition	195.00	8/10/2005	ETS	1,154.40
4.15	Teleconference w/ Shillinger re: Paul Hastings filed brief; office conference w/ Moore regarding dsicovery strategy; subpoena; review appraisal documents; correspondence to client re: status of cases/timing	195.00	8/11/2005	ETS	809.25

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Hours	Description	Rate	Date	Timekeeper	Amount
3.77	Worked on PH draft memo in opposition; prepare for and attend teleconference w/ PH office; identification of discovery for PH brief.	195.00	8/12/2005	ETS	735.15
3.33	Prepared record in support of Paul Hasting memo in opposition; meeting with co-counsel; coorespondence to Paster re: arguments	195.00	8/13/2005	ETS	649.35
3.28	review PH filed cross motion; analysis of necessary responses; review P's admissions; analysis of necessary filings re: same; teleconference w/ Elisa P.; office conference w/ S. Moore; legal research regarding supplemental affidavits	195.00	8/14/2005	ETS	639.60
7.17	Analysis of issues; worked on motion; office conference w/ Moore; assembled discovery documents for PH brief; teleconference w/ County Counsel and Lead Counsel	195.00	8/15/2005	ETS	1,398.15
5	Finalized and transmit Emerg. Mot; Office conference w/ Moore re: Interrog status/filings; teleconference calls with E. Paster re: PH draft brief; worked on affidavits for brief	195.00	8/16/2005	ETS	975.00
7.17	Review and revise Freilich Draft Memo in Opposition	195.00	8/19/2005	ETS	1,398.15
8.2	Review & Revise PH draft memo; teleconference w/ R. Freilich; prepared citations to record for memo	195.00	8/20/2005	ETS	1,599.00
7.43	Review and revise PH brief; teleconferences w/ E. Paster; prepare record citations	195.00	8/21/2005	ETS	1,448.85
3.95	Reivisions to Freilich opp. memo; office conference w/ co-counsel; teleconference w/ Freilich; Shillinger & opposing counsel	195.00	8/22/2005	ETS	770.25

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Hours	Description	Rate	Date	Timekeeper	Amount
0.75	Office conference w/ Moore regarding remaining discovery issues; case status; teleconference w/ Shillinger; teleconference w/ Court, opposing counsel	195.00	8/23/2005	ETS	146.25
3.25	Worked on discovery schedule; office conference w/ Moore regarding Plaintiffs' discovery motions; hearing dates; teleconference w/ B. Shillinger re: case status	195.00	8/24/2005	ETS	633.75
2.87	Office conference w/ Moore re: pending motions and 8/30 hearing; coordination w/ local counsel re: same; worked on notice and response to Ps' motions	195.00	8/25/2005	ETS	559.65
0.75	Office conference w/ Moore regarding motion status; coordination on County Deposition	195.00	8/29/2005	ETS	146.25
0.25	Correspondence to staff; prepare for deposition	195.00	8/31/2005	ETS	48.75
	3 Federal Express Deliveries 8/19/05	103.31	9/1/2005		103.31
	Current Services Rendered for White & Smith, LLC				20,812.31
	Professional Services provided by Quinlivan Appraisal thru 8/11/05; Inv. #05-057(1)	13,800.00			13,800.00
	Professional Services provided by Stephen J. Moore, PC, August 2005; Inv. #1396	21,415.00			21,415.00

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Total $56,027.31