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January 22, 2020

**ATTORNEY CLIENT COMMUNICATION
PRIVILEGED – CONFIDENTIAL
ATTORNEY WORK PRODUCT**

(via e-mail)
Christine Valliere, Esq.
Assistant County Attorney, Brevard County
2725 Judge Fran Jamieson Way, Bldg. C
Viera, FL 32940

Re: Waters Mark Development Enterprises, LC v. Brevard County
Case no.: 05-2014-CA-41947
Court: Fla. Circuit Court, 8th Jud. Circuit, Brevard County
Our file no.: 026-768

Dear Christine:

Enclosed you will find our estimated budget through trial (bench trial phase, and jury trial phase as to damages), and any potential appeals (interlocutory appeal following the bench trial, and any appeal as to any damages jury verdict). Our intent in preparing this budget is to be as conservative as reasonably possible, and err on the side of overestimating. But, the figures provided are indeed estimates, and ultimate expenditures could be greater than (or less than) the figures stated based on a number of factors, including court rulings, unexpected factual or legal developments, and the actions of the opposing parties and attorneys. For example, as we have discussed, to date opposing counsel has stonewalled us as to good faith discovery responses, which has increased fees and costs significantly.

In estimating fees and costs as to the two trials, and the two potential appeals, it is exceedingly difficult at this time to offer precise numbers as the issues in the case are not, yet, fully crystalized. As such, for present purposes, we have provided equal estimates as to anticipated fees and costs for the two trial phases, and the two potential appeals. Certainly, as the case progresses, we should be able to provide more accurate estimates as to anticipated

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fees and costs as may be required for the two trials, and any appeals the County may wish to pursue, or may be forced to defend.

We thank you for your attention to this matter. Of course, please feel free to contact me with any questions or concerns, or if you require anything else.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dale A. Scott". The signature is fluid and cursive, with the first name "Dale" being more prominent.

Dale A. Scott

DAS/eh
Encl.

cc: Jad Brewer, Esq., Assistant County Attorney (via e-mail)
Julie L. Jones, Risk Manager, Brevard County (via e-mail)

LITIGATION BUDGET

(through trials and appeals, if necessary)

Proposed by: Dale A. Scott, Esq.
Waters Mark Development Enterprises, LC v. Brevard County

Date: January 22, 2020
Law Firm: Bell & Roper, P.A.
BR Case No.: 026-768

I.	INITIAL PLEADING - PRELIMINARY ACTIVITY	Estimated Hours	Fees
A.	Receipt and review of original Summons and Complaint (and amended Complaints), and attachments and exhibits	0.00	\$0.00
B.	Prepare motions to dismiss, and supporting and supplemental memorandums	0.00	\$0.00
C.	Prepare, serve, and file Answer and Affirmative Defenses	0.00	\$0.00
D.	Receipt and review of claims file, materials from client, etc.	0.00	\$0.00
E.	Preparation of Initial Suit Report	0.00	\$0.00
Subtotal:		0.00	\$0.00

II.	FACT FINDING/INFORMATION MANAGEMENT	Estimated Hours	Fees
A.	Prepare, file and serve initial discovery on Plaintiff (Interrogatories and Request to Produce)	0.00	\$0.00
B.	Receipt and review of Plaintiff's initial discovery	0.00	\$0.00
C.	Prepare and serve answers to Plaintiff's initial discovery requests (Interrogatories and Request to Produce)	15.00	\$2,700.00
D.	Prepare file and serve non-party requests re: financial records, land sale records, etc.	15.00	\$2,700.00
E.	Receipt and review of records from client	10.00	\$1,800.00
F.	Receive and analyze documents received from Plaintiff	50.00	\$9,000.00
G.	Receive and analyze documents received from non-parties	30.00	\$5,400.00
Subtotal:		120.00	\$21,600.00

III.	DEPOSITIONS	Estimated Hours	Fees
A.	Prepare for and attend depositions of Plaintiff representatives	50.00	\$9,000.00
B.	Prepare for and attend depositions of miscellaneous witnesses	15.00	\$2,700.00
B.	Prepare for and attend pre-deposition conferences with Defendant's employee/agents	10.00	\$1,800.00
C.	Prepare for and attend depositions of Defendant's employees/agents	30.00	\$5,400.00
D.	Prepare for and attend depositions of expert witnesses	20.00	\$3,600.00
Subtotal:		125.00	\$22,500.00

IV.	MISCELLANEOUS	Estimated Hours	Fees
A.	Legal research re: liability and damages, discovery issues, etc.	25.00	\$4,500.00
Subtotal:		25.00	\$4,500.00

V.	MOTION PRACTICE AND PRE-TRIAL ACTIVITY	Estimated Hours	Fees
A.	Preparation of Motions to Compel & miscellaneous pleadings and motions (including motions for summary judgment)	80.00	\$14,400.00
B.	Preparation of supplemental discovery	10.00	\$1,800.00
C.	Receipt and review of motions from Plaintiff's counsel, and preparation of responses	60.00	\$10,800.00
D.	Preparation for and attendance at Court hearings	15.00	\$2,700.00
E.	Preparation for and attendance at Case Management Conference	4.00	\$720.00
F.	Receipt and review of Court Orders	2.00	\$360.00
G.	Preparation of Mediation Statement	0.00	\$0.00
H.	Preparation for and attendance at mediation conference	0.00	\$0.00
Subtotal:		171.00	\$30,780.00

VI.	COMMUNICATION	Estimated Hours	Fees
A.	Reporting to client re: depositions, discovery, status of suit, etc.	5.00	\$900.00
B.	Correspondence with client	5.00	\$900.00
C.	Correspondence with opposing counsel	5.00	\$900.00
D.	Correspondence with clerk of court, non-parties, etc.	2.00	\$360.00
E.	Telephone conferences with client representatives	15.00	\$2,700.00
F.	Telephone conferences with expert witnesses	10.00	\$1,800.00
Subtotal:		42.00	\$7,560.00

VII.	TRIAL ACTIVITIES (PHASE 1 - BENCH TRIAL)	Estimated Hours	Fees
A.	Prepare exhibits, pre-trial statements, trial briefs, etc.	40.00	\$7,200.00
B.	Prepare witnesses for testimony, cross-examination, etc.	25.00	\$4,500.00
C.	Misc. preparation (review deposition transcripts, review exhibits, prepare witness questions, prepare evidentiary objections, etc.)	100.00	\$18,000.00
D.	Attend trial	60.00	\$10,800.00
E.	Prepare and argue post-trial motions, etc.	35.00	\$6,300.00
F.	Correspondence/communication with opposing attorney	7.00	\$1,260.00
G.	Correspondence/communication with insured/client	5.00	\$900.00
Subtotal:		272.00	\$48,960.00

VIII.	TRIAL ACTIVITIES (PHASE 2 - JURY TRIAL AS TO COMPENSATION)	Estimated Hours	Fees
A.	Prepare exhibits, pre-trial statements, trial briefs, etc.	40.00	\$7,200.00
B.	Prepare witnesses for testimony, cross-examination, etc.	25.00	\$4,500.00
C.	Misc. preparation (review deposition transcripts, review exhibits, prepare witness questions, prepare evidentiary objections, etc.)	100.00	\$18,000.00
D.	Attend trial	60.00	\$10,800.00
E.	Prepare and argue post-trial motions, etc.	35.00	\$6,300.00
F.	Correspondence/communication with opposing attorney	7.00	\$1,260.00
G.	Correspondence/communication with insured/client	5.00	\$900.00
Subtotal:		272.00	\$48,960.00

IX.	APPELLATE ACTIVITIES (FIRST POTENTIAL APPEAL AS TO BENCH TRIAL RULING)	Estimated Hours	Fees
A.	Review and analyze opposing brief(s)	10.00	\$1,800.00
B.	Research as to appellate issues	30.00	\$5,400.00
C.	Prepare brief(s)	100.00	\$18,000.00
D.	Prepare misc. motions (motions for rehearing, etc).	30.00	\$5,400.00
E.	Prepare for and attend oral argument(s)	20.00	\$3,600.00
F.	Correspondence/communication with insured/client	4.00	\$720.00
Subtotal:		194.00	\$34,920.00

X.	APPELLATE ACTIVITIES (SECOND POTENTIAL APPEAL AS TO JURY VERDICT AS TO COMPENSATION)	Estimated Hours	Fees
A.	Review and analyze opposing brief(s)	10.00	\$1,800.00
B.	Research as to appellate issues	30.00	\$5,400.00
C.	Prepare brief(s)	100.00	\$18,000.00
D.	Prepare misc. motions (motions for rehearing, etc).	30.00	\$5,400.00
E.	Prepare for and attend oral argument(s)	20.00	\$3,600.00
F.	Correspondence/communication with insured/client	4.00	\$720.00
Subtotal:		194.00	\$34,920.00

XI.	COSTS		Estimates Costs
A.	Depositions, Court Reporters		\$15,000.00
B.	Service of subpoenas/witness fees		\$1,000.00
C.	Copies of records from non-parties		\$2,000.00
D.	Postage, faxes, computerized legal research, mileage		\$1,500.00
E.	Fees for retained expert witnesses (land economist, appraiser, etc.)		\$60,000.00
F.	Fees for deposition of expert witnesses		\$5,000.00
Subtotal:			\$84,500.00

Total Budget for Planned Activities - Fees (\$180/hr.)		1,415.00	\$254,700.00
Total Budget for Costs			\$84,500.00
ANTICIPATED LITIGATION BUDGET			\$339,200.00