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IN THE COUNTY COURT IN AND FOR  
MIAMI-DADE COUNTY, FLORIDA

SOUTH MIAMI 3-DIMENSIONAL  
INSTITUTE, INC. a/a/o D.Garces,

Case No: 05- 3384 SP 25 1

Plaintiff,

vs.

STATE FARM FIRE AND CASUALTY  
COMPANY,

Defendant

**ORIGINAL**

2009 DEC 10 AM 11:15  
CLERK OF COURT  
MIAMI-DADE COUNTY  
FLORIDA

**FINAL JUDGMENT ON DEFENDANT'S  
MOTION FOR ATTORNEYS' FEES AND COSTS**

This cause came before the Court for evidentiary hearing on Defendant, STATE FARM FIRE AND CASUALTY Motion for Attorneys' Fees and Costs on September, 9, 2009. Plaintiff failed to attend the hearing despite having ample notice of the date, time and subject matter of the hearing. The Court having heard testimony and having reviewed evidence, including documents filed with the Court in support of the Motion, having considered argument of counsel, and being further advised in the premises, it is hereby

**ORDERED AND ADJUDGED** as follows:

1. The Court has considered the mandates, factors, and requirements in Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985), Standard Guaranty Insurance Co. v. Quanstrom, 555 So.2d 828 (Fla. 1990), and State Farm Fire & Casualty Co. v. Palma, 555 So.2d 836 (Fla. 1990) and their progeny, and Rule 4-1.5 of the Rules Regulating the Florida Bar.

2. Based on the testimony presented, exhibits filed in support of the motion, the motion, and a review of the file, the Court hereby makes the following findings:

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a. Defendant is entitled under Florida Statute §57.105 and Defendant's Motion regarding same to reasonable attorneys' fees, including paralegal fees, from the inception of the lawsuit until present.

b. This Court finds that for the services of Roig, Tutan, Rosenberg & Zlotnick, PA, Defendant is limited to actual fees paid from the inception of the lawsuit forward to Roig, Tutan Rosenberg & Zlotnick PA by virtue of the fee agreement between those parties. The total amount of fees awarded for the services of to Roig, Tutan Rosenberg & Zlotnick PA is \$ 19,020.00 broken down as follows:

Fernando Roig, Esq.	<u>0</u> hours at \$ <u>0</u> /hr
Jeffrey B. Tutan, Esq.	<u>112</u> hours at \$ <u>150</u> /hr
Elizabeth Shaw-Connally, Esq.	<u>0</u> hours at \$ <u>0</u> /hr
Jessica R. Zlotnick, Esq.	<u>0</u> hours at \$ <u>0</u> /hr
Jenna T. Hackman, Esq.	<u>0</u> hours at \$ <u>0</u> /hr
Paralegal	<u>15.6</u> hours at \$ <u>75</u> /hr

This Court finds that the number of hours sought was reasonable for the services performed and that the Defendant is limited by its contract to the hourly rate set forth above, and that the hourly rates are reasonable.

c. The Court also awards to the Defendant the sum of \$ 1050 (3 hrs. at \$ 350 per hr.) for the expert fee services of Drew Stoller, Esq. The hourly rate for Mr. Stoller is reasonable and the number of hours sought is reasonable.

3. Defendant, STATE FARM FIRE AND CASUALTY, shall recover from SOUTH MIAMI 3-DIMENSIONAL INSTITUTE, INC. the total sum of \$ 19,020.00 that

shall bear interest at the rate of 8 % a year, for which let execution issue forthwith.

4. It is further ordered and adjudged that the judgment debtor's, president, Deborah Pinero, shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor's attorney, Jeffrey B. Tutan Esq., within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.


5. Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor to complete form 1.977, including all required attachments, and serve it on the judgment creditor's attorney, Jeffrey B. Tutan, Esquire, 1255 S. Military Trail Suite 100 Deerfield Beach, Florida 33442.

**DONE AND ORDERED** in Chambers, at Miami Dade County, Coral Gables Branch Courthouse, 3100 Pone De Leon Boulevard, Coral Gables, FL 33134 this 9 day of Dec, 2009.

  
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COUNTY COURT JUDGE

Copies furnished to:  
JEFFREY B. TUTAN, ESQUIRE  
1255 S. Military Trail, Suite 100  
Deerfield Beach, Florida 33442

DEBORAH PINERO  
234 East 49<sup>th</sup> Street  
Hialeah, Florida 33013

BERNARD CASSIDY, ESQUIRE BY  D.C.  
One East Broward Boulevard, Suite 1410  
Fort Lauderdale, Florida 33301

DEC - 9 2009

Judge Andrew S. Hague

STATE OF FLORIDA, COUNTY OF DADE  
THIS IS TO CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE DOCUMENT  
ON FILE OR OF PUBLIC RECORD IN THIS OFFICE  
WITNESS MY HAND AND OFFICIAL SEAL  
THIS JAN 05 2010 DAY OF  
HARVEY RUVIN, CLERK OF CIRCUIT COURT

