

**TAB 3**



# City of Palmetto Agenda Item

**Meeting Date**

10/3/11

**Presenter:** Jim Freeman

**Department:** City Clerk

**Title:**

**SPECIAL LEGAL BILLING**

Pursuant the approved contract with Kirk Pinkerton, special litigation cases are presented on a monthly basis for payment approval.

The following invoices are attached for approval:

**KIRK PINKERTON:**

Invoice #112697 - Amicus Brief-Bay v. Wells Fargo in the amount of \$1,572.55

**BRYANT MILLER OLIVE**

Statement No. 48679 - L&E/General in the amount of \$3,614.02

|                         |                 |                           |  |                          |                 |                            |         |
|-------------------------|-----------------|---------------------------|--|--------------------------|-----------------|----------------------------|---------|
| <b>Budgeted Amount:</b> | \$29,920.<br>00 | <b>Budget Page No(s):</b> |  | <b>Available Amount:</b> | \$29,920.<br>00 | <b>Expenditure Amount:</b> | 5186.57 |
|-------------------------|-----------------|---------------------------|--|--------------------------|-----------------|----------------------------|---------|

**Additional Budgetary Information:**

|                           |                |                                    |  |                                   |  |                |  |
|---------------------------|----------------|------------------------------------|--|-----------------------------------|--|----------------|--|
| <b>Funding Source(s):</b> | 00151431<br>07 | <b>Sufficient Funds Available:</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <b>Budget Amendment Required:</b> | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <b>Source:</b> |  |
|---------------------------|----------------|------------------------------------|--|-----------------------------------|--|----------------|--|

|                                |  |                                       |  |                         |   |  |
|--------------------------------|--|---------------------------------------|--|-------------------------|---|--|
| <b>City Attorney Reviewed:</b> | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A | <b>Advisory Board Recommendation:</b> | <input type="checkbox"/> For<br><input type="checkbox"/> Against<br><input type="checkbox"/> N/A | <b>Consistent With:</b> | <input type="checkbox"/> Yes<br><input type="checkbox"/> No<br><input type="checkbox"/> N/A |  |
|--------------------------------|--|---------------------------------------|--|-------------------------|---|--|

**Potential Motion/ Direction Requested:** Motion to approve the Kirk Pinkerton and Bryant Miller Olive legal billings submitted for the October 3, 2011 agenda.

**Staff Contact:** Jim Freeman

**Attachments:** Kirk Pinkerton and Bryant Miller Olive invoices

# KIRK • PINKERTON

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941•364•2400

FACSIMILE 941•364•2490

RECEIVED

SEP 08 2011

CITY HALL

September 07, 2011

City of Palmetto  
P O BOX 1209  
Palmetto, FL 34220

## INVOICE

Matter ID: 33845

Matter Producer: KEL

Client ID: 021733

City of Palmetto/ Amicus Brief-Bay v. Wells Fargo

Invoice # 112697

Federal ID # 65-0295310

### For Professional Services Rendered:

|            |     |   |         |          |
|------------|-----|---|---------|----------|
| 08/01/2011 | SER | Telephone conference with Atty. Erin O'Leary.                               | 0.30 hr | \$67.50  |
| 08/02/2011 | KEL | Confer with associate attorney re: matter and manner in which to proceed    | 0.30 hr | \$67.50  |
| 08/15/2011 | SER | Review Petitioner's Brief.  | 0.50 hr | \$112.50 |
| 08/17/2011 | MPB | Review case law, Palm Bay brief.  | 1.50 hr | \$337.50 |
| 08/17/2011 | SER | Work on revisions to Brief.   | 1.60 hr | \$360.00 |
| 08/18/2011 | SER | Review new Amicus Brief; work on finalizing Brief.                          | 1.20 hr | \$270.00 |
| 08/19/2011 | KEL | Finalize amicus brief   | 0.50 hr | \$112.50 |
| 08/19/2011 | KEL | Telephone conference with court cler re: filing and Efiling of amicus brief | 0.10 hr | \$22.50  |
| 08/26/2011 | SER | Review and respond to e-mails; review Brief of League of Cities.            | 0.40 hr | \$90.00  |
| 08/29/2011 | MPB | Review brief by League of Cities  | 0.40 hr | \$90.00  |

Total Professional Services: \$1,530.00

### For Disbursements Incurred:

|            |                   |                |
|------------|-------------------|----------------|
| 08/24/2011 | Computer Research | <u>\$42.55</u> |
|------------|-------------------|----------------|

Total Disbursements Incurred: \$42.55

### INVOICE SUMMARY

| <u>Producer</u> | <u>Rate</u> | <u>Hours</u> | <u>Amount</u> |
|-----------------|-------------|--------------|---------------|
| MPB             | \$225.00    | 1.90         | \$427.50      |
| SER             | \$225.00    | 4.00         | \$900.00      |
| KEL             | \$225.00    | 0.90         | \$202.50      |

# KIRK · PINKERTON

A PROFESSIONAL ASSOCIATION

P.O. BOX 3798

SARASOTA, FLORIDA 34230

TELEPHONE 941·364·2400

FACSIMILE 941·364·2490

September 07, 2011

Matter ID: 33845

Invoice # 112697

Federal ID # 65-0295310

|                                    |              |                     |
|------------------------------------|--------------|---------------------|
| For Professional Services:         | 6.80 Hours   | \$1,530.00          |
| For Disbursements Incurred:        |              | \$42.55             |
| New Charges this Invoice:          |              | <u>\$1,572.55</u> ✓ |
| -----                              |              |                     |
| Previous Balance:                  |              | \$2,353.07          |
| Less Payment and Credits Received: |              | \$0.00              |
| Outstanding Balance:               | PAID 9/16/11 | <u>\$2,353.07</u>   |
| Plus New Charges this Invoice:     |              | <u>\$1,572.55</u>   |
| <b>Total Due:</b>                  |              | <b>\$3,925.62</b>   |
|                                    |              |                     |
| Previous Trust Balance:            |              | \$0.00              |
| Less Trust Applied:                |              | <u>\$0.00</u>       |
| Current Trust Balance:             |              | \$0.00              |
| Balance in Retainer:               |              | \$0.00              |

# Bryant Miller Olive

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Statement as of August 31, 2011  
Statement No. 48679

City of Palmetto  
Shirley Groover Bryant  
P.O. Box 1209  
Palmetto, FL 34220

**Matter**

25517.002: City of Palmetto / L&E / General

|                       | <b>Current<br/>Billing</b> | <b>Previous<br/>Balance</b> |
|-----------------------|----------------------------|-----------------------------|
|                       | 3,614.02                   | 7,089.78                    |
|                       | <hr/> 3,614.02             | <hr/> 7,089.78              |
| <b>Total Now Due:</b> | <hr/> 10,703.80            | <hr/> 10,703.80             |

*PAID  
9/16/11*

COPY

# Bryant Miller Olive

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City of Palmetto  
Shirley Groover Bryant  
Mayor  
P.O. Box 1209  
Palmetto, FL 34220

Statement Date: September 14, 2011  
Statement No. 48679  
Client No. 25517.002

For professional services rendered and expenses incurred  
regarding City of Palmetto - Labor & Employment General

## Statement of Legal Services

|            |     |  | Hours |
|------------|-----|--|-------|
| 08/10/2011 | DCM | Exchange e-mails with client Barnebey, draft letter to opposing counsel regarding bargaining           | 0.80  |
| 08/11/2011 | DCM | Exchange e-mails with client, draft letter, review response from union lawyer regarding PBA bargaining | 0.50  |
| 08/15/2011 | JCC | Preparation for PBA negotiations   | 1.00  |
| 08/16/2011 | JCC | Develop positions regarding PBA bargaining   | 3.80  |
| 08/16/2011 | DCM | Analyze bargaining issues  | 0.30  |
| 08/19/2011 | DCM | Telephone conference with client regarding workplace violence  | 0.30  |
| 08/21/2011 | JCC | Develop proposals  | 1.40  |
| 08/22/2011 | JCC | Review policies  | 0.60  |
| 08/22/2011 | DCM | Prepare for bargaining discussion with client  | 0.50  |
| 08/22/2011 | DCM | Conference with clients Barenbey, Wells regarding upcoming bargaining                                  | 0.80  |
| 08/28/2011 | JCC | Draft proposals  | 1.00  |
| 08/31/2011 | JCC | Prepare for PBA negotiations   | 0.80  |
| 08/31/2011 | DCM | Prepare for bargaining   | 1.30  |
| 08/31/2011 | DCM | Exchange emails with client regarding bargaining   | 0.40  |

City of Palmetto

Statement Date: September 14, 2011  
Statement No. 48679  
Client No. 25517.002

|  |       |                   |
|--|-------|-------------------|
| <b>Current Services</b>                  | 13.50 | \$3,577.50        |
| Total Non-billable Hours                 | 0.00  |                   |
| <b>Net Fees after Billing Adjustment</b> |       | <u>\$3,577.50</u> |

| <u>Timekeeper</u> | <u>Recapitulation</u> |             | <u>Total</u> |
|-------------------|-----------------------|-------------|--------------|
|                   | <u>Hours</u>          | <u>Rate</u> |              |
| James C. Crosland | 8.60                  | \$265.00    | \$2,279.00   |
| David C. Miller   | 4.90                  | \$265.00    | \$1,298.50   |

Expenses Incurred

|                  |                |
|------------------|----------------|
| Long distance    | 11.88          |
| Westlaw research | 24.64          |
| Thru 08/31/2011  | <u>\$36.52</u> |

|                      |                            |
|----------------------|----------------------------|
| Total Current Work   | <u>3,614.02</u> ✓          |
| Previous Balance Due | 7,089.78 PAID              |
| Balance Due          | <u>\$10,703.80</u> 9/16/11 |

Please Reference Client Number On Checks And Wire Transfers

Mail Checks to:  
101 North Monroe Street, Suite 900  
Tallahassee, FL 32301

Send wire transfers to Capital City Bank, ABA #063100688  
for credit to Bryant Miller Olive, Account #2132834901

City of Palmetto

Statement Date: September 14, 2011  
Statement No. 48679  
Client No. 25517.002

Attn: Bill Colledge  
Thank you for your business