

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

In Re: CHAMPLAIN TOWERS SOUTH COLLAPSE LITIGATION

CASE NO.: 2021-015089-CA-01

APPLICATION FOR COSTS ONLY

COMES NOW, Anthony Chiarello of the firm A. Chiarello Legal, P.A., on behalf of MAXIMILIANO LUCERO, as Personal Representative of the ESTATE OF FABIAN ALBERTO NUNEZ (“FABIAN ESTATE”), and the ESTATE OF SOFIA GALFRASCOLI NUNEZ, (“SOFIA ESTATE”), and pursuant to this Court’s June 27, 2022, Sua Sponte Order On Attorney’s Fees and hereby applies for *costs only* and in support states as follows:

1. Maximilian Lucero as the personal representative of the FABIAN ESTATE and the SOFIA ESTATE entered into a contingency fee agreement with A. Chiarello Legal, PA., to prosecute claims that were eventually consolidated into the present case; *this agreement is no longer valid or in effect.*
2. Upon being hired, A. Chiarello Legal, PA, immediately hired an estate attorney (Jaqueline Banke Trumbore, Esq.) to set up the FABIAN ESTATE and the SOFIA ESTATE and filed suit against potential defendants.
3. Ms. Trumbore charged A. Chiarello Legal, PA, the same amount she has previously charged to set up prior estates for A. Chiarello Legal, PA.; these estates have been set up with M. Lucero as the personal representative.
4. A. Chiarello Legal, PA, also filed a suit on behalf of Mr. Lucero before becoming aware of the class proceedings.

5. A. Chiarello Legal, PA., is neither applying for attorney's fees nor accepting attorney's fees for any of the work he has done in the present case on behalf of Maximilian Lucero, as the personal representative of the FABIAN ESTATE and the SOFIA ESTATE, but hereby makes application for costs only.
6. In paragraph 1 of this Court's On June 27, 2022, Order this Court ordered:

No Settlement Class Member is obligated to pay any sum to any attorney as an attorneys' fee or cost out of his/her award from the Settlement Fund – directly or indirectly – unless that attorney has filed an application for attorneys' fees or costs which is approved by the Court, regardless of whether that Settlement Class Member has signed a contingency fee or other agreement. Put simply, no class member is obligated to directly pay any fees or costs to any attorney - period. Rather, fees and costs will be paid by the Receiver out of the settlement fund pursuant to - and only pursuant to - orders of this Court awarding such fees/costs. No attorneys fees/costs will be paid by class members, or accepted by any attorney, outside the confines of this action.
7. In paragraph 2 this Court ordered:

This Order does not prohibit payment by a Settlement Class Member from his/her award from the Settlement Fund to a probate or estate lawyer engaged pursuant to a standard hourly fee retainer agreement at reasonable and customary rates in Miami-Dade County for such work.
8. Undersigned counsel assisted and continues to assist Mr. Lucero and the families of the FABIAN ESTATE and the SOFIA ESTATE pro bono, and makes no application for attorney's fees.
9. A. Chiarello Legal, PA, has already made payment to its estate lawyer for setting up the estates for M. Lucero based on its estate attorney's usual and customary fee.
10. Anthony Chiarello and the law firm of A. Chiarello Legal, PA, would only request it be able to recuperate the costs it expended on Mr. Lucero's behalf and on behalf of the FABIAN ESTATE and the SOFIA ESTATE.

11. A. Chiarello Legal, PA requests that this Court grant this application and allow the judge in the probate case to distribute the costs requested in this application to A. Chiarello Legal, PA., from any amounts recovered in the present case that become subject to the probate action.

12. A. Chiarello Legal, PA has attached its affidavit of costs pursuant to this request.

WHEREFORE, A. Chiarello Legal, PA requests this honorable Court accept and grant the present application for costs and allow A. Chiarello Legal, PA to accept the costs outlined in this application and all other relief deemed necessary and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2022, copy of the foregoing was filed with the Clerk of Courts through the Florida E-service Portal to all counsel on record.

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By: /s/: Anthony Chiarello
Anthony Chiarello, Esq.
Florida Bar No.: 73760

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AFFIDAVIT OF ANTHONY CHIARELLO

STATE OF FLORIDA)
 SS
COUNTY OF BROWARD)

BEFORE ME, the undersigned authority, personally appeared ANTHONY CHIARELLO, who,
being first duly sworn, deposes and says:

1. I am over the age of 18, and I have personal knowledge of the facts attested to in
this affidavit.

2. I am the attorney in the present case.

3. A. Chiarello Legal, PA expended \$5,537.70 in preparing the present case.

4. Specifically, it cost \$2,200.00 for each of the two estates and \$1,131.70 in filing
and serving the suit that was ultimately dismissed as the class action was consolidated.

5. Undersigned makes no request for attorney's fees although he continues to
represent Mr. Lucero as the representatives of the Estate of Fabian Alberto Nunez and Sofia
Galfrascoli Nunez.

FURTHER AFFIANT SAYETH NOT.



ANTHONY CHIARELLO

SWORN TO AND SUBSCRIBED before me this 6TH day of JULY, 2022, by ANTHONY CHIARELLO, who is personally known to me.

Sabrina Scucato

NOTARY PUBLIC, State of Florida
My Commission Expires

