

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

Case No.: 2021-015089-CA-01

Section: CA43

Judge: Michael Hanzman

In Re: Champlain Towers South
Collapse Litigation

APPLICATION FOR LIMITED AND REDUCED ATTORNEY'S FEES AND COSTS

COMES NOW, Carlos M. Macias of the law firm Leesfield Scolaro, P.A., on behalf of MANUEL GUARA, as Personal Representative of the Estate of Marcus J. Guara, and pursuant to the Court's June 27, 2022, *Sua Sponte* Order on Attorney's Fees Claims, hereby applies for limited and reduced attorney's fees and costs, and in support thereof states as follows:

1. MANUEL GUARA, as Personal Representative of the Estate of Marcus J. Guara, entered into a contingency fee agreement with Leesfield Scolaro, P.A., to prosecute claims prior to the court's establishment of Class Counsel and a Class structure. This fee agreement was entered into prior to the Court's orders on Attorney's fees, however, the agreement is no longer valid or in effect pursuant to this honorable Court's Orders.

2. Upon being retained, Mr. Macias and Leesfield Scolaro, P.A. began expending services in the preparation and filing of a cause of action in this matter. A complaint and initial Discovery were filed on September 15, 2021.

3. Upon the appointment of class counsel, Mr. Macias continued to attend hearings and was in communication with class counsel regarding the prosecution of this matter.

4. In December of 2021, when this honorable court ordered the non-owner victims and property owners to mediation, Mr. Macias was appointed by Judd Rosen, Esq., of Goldberg & Rosen, to assist in the Mediation as part of the Personal Injury and Wrongful Death Non-Owner Subclass. **See Exhibit A.**

5. The total number of hours spent on this litigation by Mr. Macias are in excess of 50 hours over the course of this claim. However, Mr. Macias and Leesfield Scolaro, P.A., are not seeking compensation for all hours worked, just a reduced amount in connection with work regarding Mediation and the preparation for the same.

6. In preparation for the mediation, Mr. Macias spent over 20 hours reviewing the pending complaint, reviewing court filings and orders, reviewing the condominium association bylaws, reviewing the memorandums of law circulated by class counsel and subclass counsel, reviewing proposed mediation questionnaires, sending and responding to various correspondences, attending various court hearings in person and via Zoom, attending pre-mediation telephone and video conference calls, and conducting case law research regarding Florida Statute 718.119 and its potential implications in this matter.

7. On February 4, 2022, Mr. Macias attended the Mediation as a representative of the Non-Owner Subclass. The Mediation lasted over 8 hours. Additionally, Mr. Macias continued to participate in the post Mediation discussions, which eventually led to the resolution announced in open court and approved by this Court.

8. Mr. Macias' usual and customary hourly rate is \$750.00 an hour. The usual and customary hourly rate for Leesfield Scolaro, P.A.'s Paralegals is \$200.00 an hour. See Mr. Macias Affidavit attached as **Exhibit B**.

9. As a result of prosecuting this matter and being involved in the subclass, Leesfield Scolaro, P.A. has incurred expenses and charges in the amount of \$1,293.86. Those expenses and charges are summarized in **Exhibit C**.

10. Mr. Macias and Leesfield Scolaro, P.A. continue to assist MANUEL GUARA, as Personal Representative of the Estate of Marcus J. Guara, *pro bono* and are making no application for attorney fees for the continued assistance.

11. In an effort to maximize the recovery to the Victims of the Collapse, Leesfield Scolaro, P.A. and Mr. Macias, are solely seeking reimbursement of a reduced amount of 25 hours of billable work by Mr. Macias and 10 hours of billable work by Mr. Macias' paralegal, Ms. Josette Becerra, in preparation for and attendance at the Mediation and the subsequent discussions and conferences regarding the same, for a total amount of \$20,750.00 in fees, **see Exhibit D**, and to recover the costs and expenses they have incurred and extended.

Wherefore, Leesfield Scolaro, P.A. requests this honorable court accept and grant this application for limited and reduced attorney's fees and costs in the total amount of \$22,043.86, along with any and all other relief this court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 27, 2022, a true and correct copy of this pleading was filed and served through Florida's e-Filing Portal to all counsel of record registered to receive service for this matter.

LEESFIELD SCOLARO, P.A.

Attorneys for the Plaintiff

2350 South Dixie Highway

Miami, Florida 33133

Tel: 305-854-4900 Fax: 305-854-8266

By: /s/ Carlos M. Macias

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CARLOS M. MACIAS Florida Bar No.: 107005

Primary service e-mail: macias@leesfield.com

Additional service e-mail: becerra@leesfield.com

EXHIBIT A

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

CIRCUIT CIVIL DIVISION

CASE NO.: 2021-015089-CA-43

In Re:

Champlain Towers South Collapse Litigation

PLEASE TAKE NOTICE that a mediation between and amongst the various Plaintiff Subclasses regarding allocation issues has been set as follows:

MEDIATOR: Bruce Greer, Esq.
LOCATION: TBD
DATE & TIME: Friday, February 4, 2022 at 10:00 a.m.

The parties participating in the mediation are as follows:

Economic Loss and Property Damage Track:

- Javier Lopez, Kozyak Tropin & Throckmorton, Gonzalo Dorta, Gonzalo R. Dorta, P.A., and Adam Moskowitz, The Moskowitz Law Firm.

Personal Injury and Wrongful Death Track:

- Judd Rosen, Goldberg & Rosen, P.A., Willie Gary, Gary, Williams, Parenti, Watson & Gary, Marwan Porter, The Porter Law Firm, and Skip Pita, Pita Weber & Del Prado, Carlos Macias, Leesfield Scolaro.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has served on the above counsel of record, on this 23rd day of December, 2021 with a copy being sent to Eileen Rosenberg and the Naibryf family, all of whom are not individually represented outside the class structure.

/s Judd Rosen

Judd Rosen, Esq.

EXHIBIT B

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY,
FLORIDA**

Case No.: 2021-015089-CA-01

Section: CA43

Judge: Michael Hanzman

**In Re: Champlain Towers South
Collapse Litigation**

AFFIDAVIT OF CARLOS M. MACIAS

BEFORE ME, the undersigned authority, appeared Carlos M. Macias, after being duly sworn, deposes and says as follows:

1. My name is Carlos M. Macias.
2. I am over the age of 18, I am an Attorney at the Law Firm of Leesfield Scolaro, P.A., and I have personal knowledge of the fact attested to in this affidavit.
3. I was a member of the Personal Injury and Wrongful Death Non-Owner Subclass for the purposes of the Mediation between the Non-Owner Subclass and the Property Owner Class.
4. As a member of the Personal Injury and Wrongful Death Non-Owner Subclass and in preparation for the Mediation between the Non-Owner Subclass and the Property Owner Class, I personally expended over 20 hours reviewing the pending complaint, reviewing court filings and orders, reviewing the condominium association bylaws, reviewing the memorandums of law circulated by class counsel and subclass counsel, reviewing proposed mediation questionnaires, responding to various correspondences, attending various court hearings in person and via Zoom, attending

telephone conferences, attending pre-mediation telephone and video conference calls, and conducting case law research regarding Florida Statute 718.119 and its potential implications in this matter.

12. I attended the Mediation on February 4, 2022, as a representative on behalf of the Non-Owner Subclass.

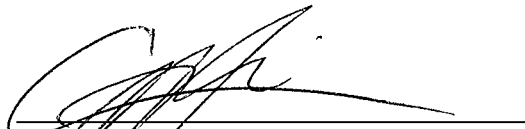
13. I was also involved in the post-Mediation discussions, which eventually led to the resolution which was announced in open court and approved by this Court.

14. I have expanded countless additional hours for which I am not seeking attorney's fees in an effort to maximize the recovery to the victims of this tragic event.

5. My usual and customary hourly rate is \$750.00 an hour.

6. The usual and customary hourly rate for Leesfield Scolaro, P.A.'s Paralegals is \$200.00 an hour.


7. FURTHER AFFIANT SAYETH NAUGHT.



Carlos M. Macias, Esq.

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

Sworn to and subscribed before me on this 27th day of July, 2022,
by the Affiant Carlos Macias, who produced identification _____ (type
and number) or is personally known to me _____.



SIGNATURE OF NOTARY PUBLIC

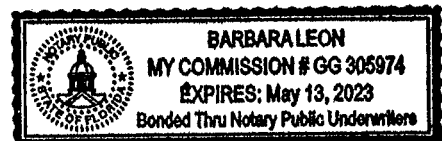


EXHIBIT C

LAW OFFICES

Leesfield Scolaro, P.A.

PROFESSIONAL ASSOCIATION

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Manuel Guara
9230 SW 56th Terrace
Miami, FL 33173

July 27, 2022
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For Legal Services Rendered Through 07/27/22

CLIENT: 9590 - Manuel as PR for Est. of Marcus Guara

Re: 9590-20219590
Guara, Est. of Marcus vs. Champlian Towers South

Outstanding costs advanced by Leesfield, Leighton & Partners, P.A.

Filing fee - non cash Miami-Dade Circuit Court, Civil Division	415.04	
DLE Process Servers-Process Service 9/21/21 Champlian Towers S. Condominium Association c/o RA Michael Goldberg;Check#33650	40.00	
United States Treasury-Investigation Descendent's Tax returns for the last 7 years;Check#34372	344.00	
Social Security Administration-Photocopies/Cash Copies of W-2s for Estate Matter 2016-2020;Check#34736	450.00	
LexisNexis Research thru 07/27/22	44.82	
TOTAL COSTS ADVANCED:		\$1,293.86

Total This Matter

\$1,293.86

EXHIBIT D



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In Re: Champlain Towers South Collapse Litigation

Case No.: 2021-015089-CA-01

MIAMI-DADE COUNTY, MIAMI-DADE COUNTY, FLORIDA

Time Report as of July 26, 2022

Name	Total Hours	Hourly Rate	Amount
Carlos M. Macias, Esq.	25	\$750.00	\$18,750.00
Josette Becerra (Paralegal)	10	\$200.00	\$2,000.00

Total: \$ 20,750.00