

LAW OFFICES OF

BOGENSCHUTZ, DUTKO & KROLL, P.A.

J. DAVID BOGENSCHUTZ
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May 29, 2014

The Honorable Jean Robb
Mayor
City of Deerfield Beach
150 N.E. 2nd Avenue
Deerfield Beach, FL 33441

Re: State v. Albert Capellini
Case # 10-4693CF10A (a re-file of Case # 08-023815CF10A)

Dear Mayor Robb:

Please find enclosed our bill for services rendered in the successful representation of former Mayor Albert Capellini. This matter has proceeded in our office since November 2008, through and including May 23, 2014, when Mr. Capellini was acquitted by the Court after an eight (8) day jury trial.

During this sixty-seven (67) plus months, significant discovery, depositions, complicated and multiple legal pleadings and motion practice occurred, taking well in excess of 1,200 hours of time for J. David Bogenschütz, and an additional 250 hours of time for associate attorney Ashley Dutko, not to mention eight (8) trial days resulting in an acquittal. Mr. Capellini's Affidavit as to these hours, costs, and time spent is attached.

In addition, \$153,265.45 in hard costs were expended by Mr. Capellini during these 5 and ½ years. A listing of those costs has been attached. The amount of fees, when broken down, amounts to only 17 + hours per month over that entire 67 month period. Contrast that with the hours above and beyond trial time for the last 14 days at 69 hours by J. David Bogenschütz and 69 hours by Ashley Dutko, or \$46,575.00 for J. David Bogenschütz and \$12,075.00 for Ashley Dutko for a time billing of \$58,650.00 (plus trial per diem) if charged - which we did not - Saturdays, Sundays, and night hours all are de rigueur for a criminal trial office such as Bogenschütz, Dutko & Kroll, P.A. In truth, the hours and time charged are extremely conservative and does not bill the normal hourly fees for paralegals and law clerks expended for the first three (3) years of this representation.

Please advise when we can expect the City to liquidate this claim. Thank you for your assistance and cooperation in this matter.

Very truly yours,

Jeremy J. Kroll for, in his absence,
J. David Bogenschütz, Esq.

JDB/kl

Enclosures

cc: Burgess Hanson, City Manager
Andrew Maurodis, City Attorney

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May 28, 2014

City of Deerfield Beach
 150 NE 2nd Avenue
 Deerfield Beach, FL 33441

IN RE: LEGAL FEES AND COSTS INVOICE
DECEMBER 2008 THROUGH MAY 23, 2014

ATTORNEY FEES:

J. David Bogenschutz, Esquire \$ 810,000.00
 1,200 hours @ \$675/hr.
 December 2008 through May 23, 2014

Ashley B. Dutko, Esquire \$ 43,750.00
 250 hours @ \$175/hr.
 September 2011 through May 23, 2014

COSTS PAID BY LAW FIRM: \$ 22,043.05

COSTS PAID BY AL CAPELLINI: \$ 131,222.40

TRIAL FEES: Eight (8) Trial Days @ \$3,500.00/day \$ 28,000.00
 (Reduced from contract agreement of \$5,000)
 May 12, 2014, May 13, 2014, May 14, 2014,
 May 16, 2014, May 19, 2014, May 20, 2014,
 May 21, 2014, May 23, 2014

TOTAL FEES AND COSTS DUE: **\$1,035,015.45**