

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CA FLORIDA HOLDINGS, LLC,
Publisher of the PALM BEACH POST,

Plaintiff,

v.

CASE NO.: 19-CA-014681

DAVE ARONBERG, as State Attorney of
Palm Beach County, Florida; SHARON R.
BOCK, as Clerk and Comptroller of Palm
Beach County, Florida.

Defendants.

VERIFIED AFFIDAVIT OF REASONABLE ATTORNEY'S FEES

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, appeared **ROBERT WINESS, ESQ.**, who, after being first duly sworn, deposes and says:

1. I am a practicing attorney in Palm Beach County, Florida. I was admitted to The Florida Bar in 2002 and have practiced law in the State of Florida continuously ever since.
2. I manage and practice in a firm that handles legal matters, including litigation, in the State of Florida. I represent a wide range of clients including numerous corporate and professional clients as well as individuals, and professional groups. I handle many different civil matters and have experience in litigation against media entities.
3. I am familiar with the amount customarily charged by attorneys in this community for civil litigation and allowed by the court for attorney's fees in civil litigation contingency fees cases such as this matter.

4. I am familiar with the hourly billing rates charged for legal services in this community by senior partners, partners, associates, and paralegals. My current hourly billing rate is **\$500.00** per hour. The hourly rate charged in this community by attorneys with comparable experience is between **\$450.00** and **\$600.00** per hour. The hourly rate charged by the attorneys for Defendant Aronberg is found to be under and to the middle of that range (\$450.00 to \$600.00 per hour). Specifically, the hourly rate for services performed by Defendant Aronberg's attorney, Douglas A. Wyler, is \$425.00 per hour and this is a reasonable hourly rate for a named partner with the extensive experience and skill demonstrated by Mr. Wyler within this community. Likewise, Mr. Wyler's senior partner, Arthur I. Jacobs' hourly rate is \$475.00 per hour, which is also a reasonable rate within this community.

5. I have reviewed the pleadings and documents filed in this cause and have otherwise generally become familiar with the proceedings in this case. Similarly, I have examined the record of time expended in this matter by the attorneys for Defendant Aronberg in this matter. It is my opinion that the hours expended by the attorneys are consistent with the work-product performed, as reflected in the file, as well as counsel's expectation to incur an additional 4.0 hours at \$425.00 an hour in preparing for and attending the hearing on attorneys' fees are reasonable. Accordingly, 46.2 hours of attorney time reflects an accurate billing and expenditure of time for counsels' services from the date of their demand under §57.105, Fla. Stat.

6. Based on the criteria in Rowe v. Florida Patient's Compensation Fund, 472 So.2d 1145 (1985), the amount of time spent, and a reasonable hourly rate for legal services of the type performed by Defendant Aronberg's attorneys in this case, \$19,975.00 (calculated at 39.4 hours x \$425.00/hour + 6.8 hours x \$475.00/hour) is a reasonable fee for the attorneys of record in the above styled cause.

7. I have reviewed said file in light of the criteria set forth in Rule 4.1-5 of the Florida Bar Rules of Professional Conduct and the decisions of the Florida Supreme Court in Florida Patient's Compensation Fund v. Rowe, 472 So.2d 1145 (Fla. 1985) and Standard Guaranty Insurance Co. v. Quanstrom, 555 So. 2d 828 (Fla. 1990).

8. In my opinion, the outcome achieved by counsel for Defendant Aronberg in this case demonstrates the level and skill in advocacy of representation which Defendant Aronberg received in this case.

9. Additionally, in my opinion, the multiplier requested herein is reasonable because if Douglas A. Wyler and Arthur I. Jacobs had not undertaken Defendant Aronberg's case it would have been extremely unlikely that Defendant Aronberg could have procured other counsel for the following reasons:

- a. It was highly contingent in nature
- b. It obviously would have involved a great deal of time and labor.
- c. It would have required a disproportional financial investment.
- d. Any compensation to be received, if any, would be long deferred.
- e. It would have involved working with difficult subject matter.

10. Many lawyers in this community would not have undertaken representation of Defendant Aronberg in this case simply because they could not have afforded the financial outlay risk to represent Defendant Aronberg in this case on a pure contingency fee basis.

11. Additionally, based upon my experience, it is my opinion that the hours described in the Amended Motion for Attorneys' Fees and Costs filed in this case for which Defendant Aronberg seeks compensation are based on a reasonable and necessary expenditure of time. Likewise, the multiplier requested herein is reasonable and should be awarded. I base my

conclusions on the foregoing and my knowledge of the time required to litigate similar civil cases involving media entities.

FURTHER AFFIANT SAYETH NAUGHT.

VERIFICATION

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING MOTION AND THAT THE FACTS STATED IN IT ARE TRUE.



ROBERT S. WINESS

NOVEMBER 18TH, 2020
DATE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of November, 2020, a copy of the foregoing Affidavit of Reasonable Attorneys' Fees has been electronically filed with the Florida E-File Portal for e-service on all parties of record herein.

JACOBS SCHOLZ & WYLER, LLC

/s/ *Douglas A. Wyler*

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