

From: John Beranek <[REDACTED]>
To: wcb1aw <[REDACTED]>; wcbcg <[REDACTED]>
Subject: Epstein v. Edwards
Date: Mon, Jun 16, 2014 4:06 pm

Chet ---

I have reviewed what you sent me with your letter of June 4, 2014. However, the Steinberg v. Steinberg Initial Brief was not included and I did not actually get my hands on it from your assistant until Friday, June 13th. Obviously that brief is important because you expect a very similar brief by the same attorney (Phil Burlington) in this Epstein case.

I would charge \$400 per hour with a \$5,000 deposit to handle this appeal in the Fourth District Court of Appeal. I would bill the client on a monthly basis. Of course I would also charge travel expenses and would expect payment for all costs such as transcripts or any other minor items of that nature. There should be almost no travel except for oral argument.

You say the client would be interested in paying a flat rate for preparation of the Appellee's brief. I would prefer to simply charge by the hour. I never know exactly how a case will develop. As a first step, we should consider appearing as an amicus in the Steinberg case in the First District Court of Appeal. The Bedell firm is appellee's counsel in that case and I have done a lot of work with that firm in the past.

The issue in this appeal is going to be the obvious application of the litigation privilege to a malicious prosecution case. Burlington has cited numerous cases in his Steinberg brief but he does not really cite or discuss Levin and Echevarria. The Wolf case which he is trying to reverse relies on Levin and Echevarria and Burlington does not really address them. The trial judge said he really had no choice and had to follow this absolutely binding case-law. Of course the district courts of appeal are also bound by the Supreme Court's two decisions, Levin and Echevarria.

My approach would be to try and keep this brief relatively simple and to simply say that the Supreme Court has ruled on the issue and the district court really has no choice.

I would be happy to discuss it further and I think my job would be to remind the Fourth District that their decision got reversed in Echevarria. Let me know if you want to talk about it on the phone or what you want to do next.

Sincerely,

John Beranek

[REDACTED]
6/16/2014

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