

Connie Zaguirre, CP, FRP

From: Jeevacation [jeevacation@gmail.com]
Sent: Monday, November 02, 2009 5:44 PM
To: Connie Zaguirre
Subject: Re: Epstein Matter - Prospective Fee Hearing with Josefsberg

I am aware , it would be nice for you to tell me our best arguments thanks

Sent from my iPhone

On Nov 2, 2009, at 5:33 PM, "Connie Zaguirre" [REDACTED] wrote:

With regard to the prospective fee hearing with Bob Josefsberg, it should be treated like a significant case, that is, the exposure to Josefsberg is much greater than many of the Plaintiffs. As I have expressed before, I don't find any of the correspondence nor agreements that were reached nor e-mails that were exchanged, helpful in clarifying the limitations on BJ's work.

I would assume that my witnesses would be Roy Black, Jay Lefkowitz, Mr. Sloman and an expert on fees that I would need to hire. The expert would talk about duplication, excessive charges, outside the scope of the NPA, etc. I would also argue that Skye Patrick's fees were included within her settlement.

I am not so sure how anxious Roy Black is going to be to criticize Bob's bills or to explain that his e-mails didn't really mean that JE was going to pay the bill but merely that JE was thinking about maybe paying the bill after he reviewed it. I don't know how Jay will play as a witness in the fee agreement hearing in particular where the follow up by JE's lawyers regarding the fees (what BJ was doing, etc.) is a bit sketchy.

Additionally, we are going to need to hire a CPA or a "person" who would:

1. Take all of BJ's bills and chart them out on an Excel page. We would have on the sheet the date, the names of all timekeepers, and the time spent on each date. We would come up with the designation such that we knew that if a meeting occurred, 4 people or 3 people or whomever were at the meeting all charging for the same issues. In many instances, this is a completely proper charge. I have had multiple meetings where I have 3 or 4 people in to discuss what is going on to make certain everyone knows their task, or what their responsibilities are and to discuss any problems. However, I've got 12 plus active cases all with various moving parts, in addition to the BJ cases. BJ had one active case, one dormant case and 10 other females that he was

11/19/2009

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baby sitting.

2. The CPA or individual needs to examine the bills very carefully. His/her work product would then be used with the expert who would then be in a position to opine. My experience is that the person who does the chart usually charges a heck of a lot less than a lawyer and therefore that is a good use of the time.
3. If we are forced to do this hearing sometime in December, this project is something that needs to begin immediately. I also need to know whether Roy and Jay can be witnesses and whether Sloman would be helpful or would be hurtful with regard to what the "fee deal" was. I am not so sure he even knew or currently has an opinion. I have no idea whether he would be helpful or not, but someone on our side should have a good handle on that aspect. This will not be an inexpensive venture, in that it will take a significant amount of my time as well to prepare for this hearing which will take me away from doing other work in this case.
4. You could also try another sit down with BJ and offer x% and try and resolve.

Bob

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