

Gerald F. Richman 1,4
Alan G. Greer 1,4
John M. Brumbaugh 1
Charles H. Johnson 2
Gary S. Betensky 4
Diane Wagner Katzen 5
Manuel A. Garcia-Linares 3
Mark A. Romance
John G. White, III
Lylo E. Shapiro
Michael J. Napoleone
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Eric M. Sodhi
Leora B. Freire
Adam M. Myron
Joshua L. Spont
Georgia A. Thompson 5
Nathaniel M. Edenfield
Amanda R. Keller
Brett L. Goldblatt
Leslie Arsenault Metz
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Steven Naclerio, Of Counsel
Manuel Farach, Of Counsel 4,5,6

Robert L. Floyd (1918-2007)
Ray H. Pearson (1922-2004)
Kenneth J. Weil (1940-2010)

- 1 Certified in Civil Trial Law
By The Florida Bar
- 2 Certified in Wills, Trusts & Estates
By The Florida Bar
- 3 Certified Public Accountant
in Florida
- 4 Certified in Business Litigation
By The Florida Bar
- 5 Florida Supreme Court
Certified Civil Court Mediator
- 6 Certified in Real Estate Law
By The Florida Bar

REPLY TO:
West Palm Beach

August 21, 2015

W. Chester Brewer, Esq.
W. Chester Brewer, Jr., P.A.
250 S. Australian Avenue, Suite 1400
West Palm Beach, FL 33401

Subject: Expert Report of John G. White, III as to
Reasonable Attorney's Fees

Our File No: 9544-1

Dear Mr. Brewer:

The undersigned was retained to opine as to what the reasonable number of hours, hourly rates and total attorney's fees which were incurred by the Plaintiff/Counter-Defendant Jeffrey Epstein with respect to the claims/counterclaims filed against him by Bradley Edwards. The undersigned was requested to divide his opinion into two parts. The first part was the reasonable fee amount incurred from the period of the filing of the Proposal for Settlement (8/25/11) until the Plaintiff's Complaint against the Defendant/Counter-Plaintiff was dismissed (8/15/12). The second time period was for the period beginning 8/16/12 until the Court's entry of the Order Entitling the Plaintiff/Counter-Defendant to his attorney's fees (2/3/15).

The case itself presents an interesting, significant and complex matter. Clearly the case was hotly contested, hotly litigated with significant potential liability against the Plaintiff. A Proposal for Settlement/Demand for Settlement was served by the Defendant/Counter-Plaintiff for a significant amount. Further, the docket sheet alone contains over 850 entries of which 837 were prior to 2/3/15. The results obtained by the Plaintiff/Counter-Defendant were excellent as a Final Summary Judgment was entered in his favor.

Additionally, opposing counsel and his law firm are excellent lawyers, extremely skilled and aggressively (not in a bad way) pursued their client's claims against the Plaintiff/Counter-Defendant.

The undersigned's review included but is not limited to: Florida Bar Rule 4-1.5, *Florida Patient's Compensation Fund v. Rowe*, 472 So. 2d 1145 (1985), *Centex-Rooney Construction, Co. v. Martin County*, 725 So. 2d 1255 (4th DCA 1999), *Baker v. Falcon Power, Inc.*, 788 So. 2d 1104 (Fla. 5th DCA 2001), *National Portland Cement Co. v. Goudie*, 718 So. 2d 274 (Fla. 2nd DCA 1998), *Regency Homes of Dade, Inc. v. MacMillan*, 689 So. 2d 1204 (Fla. 3rd DCA 1997), *Anglia Jacs & Company v. Dubin*, 830 So. 2d 169 (Fla. 4th DCA 2002), *Comprehensive Care Corporation v. Katzman*, No. 8:09-CV-1375-T242011 WL 307706 at 5 (M.D. Fla. January 28, 2011).

Further, the undersigned reviewed the bills during the applicable time periods of Fowler White Burnett, L-S Law Firm, Atterbury Goldberger & Weiss, P.C., W. Chester Brewer, Jr., P.A., Fred Haddad, P.A., Tonja Haddad, P.A., payment receipts from Mr. Epstein of approximately \$1.7 million dollars, court docket sheet in this case, voluminous pleadings, discovery, motions, memorandums of law, summary judgment motions, the applicable cv/resumes and/or backgrounds of the applicable attorneys who billed in this matter, proposals for settlement, the Court's Order of Entitlement to Attorney's Fees in favor of the Plaintiff/Counter-Defendant.

Opinions As To Hourly Rates

The undersigned has reviewed the applicable provisions, factors, and criteria as expressed in Florida Bar Rule 4-1.5 as well as the Florida Supreme Court case of *Florida Patient's Compensation Fund v. Rowe*, *supra*. When applying these provisions, factors and criteria to each individual lawyer and their hourly rates, it is the undersigned's opinion that the following hourly rates are reasonable for each attorney:

Chris Knight	\$525.00 per hour
Joe Ackerman	\$450.00 per hour
Helaines Goodner	\$375.00 per hour
Lilly Ann Sanchez	\$525.00 - \$550.00 per hour
Jack Goldberger	\$485.00 per hour
Tonja Haddad	\$385.00 per hour through March 2013 \$425.00 per hour from April 2013 forward
Debra Fein (paralegal/attorney)	\$125.00 to \$150.00 per hour
W. Chester Brewer, Jr.	\$350.00 per hour

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**TIME PERIOD NUMBER 1:
August 25, 2011 through August 15, 2012**

Chris Knight. The undersigned's opinion is the total number of reasonable hours for Mr. Knight billed during this time period is 73.0 hours. Thus applying the loadstar approach (# hours x hourly rate) the undersigned's opinion is that Mr. Knight's reasonable attorney fees that were incurred by Mr. Epstein during this time period is \$38,325.00 (73.0 hours x \$525.00).

Joe Ackerman. The undersigned's opinion is that the total number of reasonable hours for Mr. Ackerman billed during this time period is 462.5 hours. Thus applying the loadstar approach (# hours x hourly rate) the undersigned's opinion is that Mr. Ackerman's reasonable attorney fees that were incurred by Mr. Epstein during this time period is \$208,125.00 (462.5 hours x \$450.00).

Helaines Goodner. The undersigned has reviewed and taken into consideration the total number of hours billed during this time period of 297.25 hours and in the undersigned's opinion it should be reduced by half, thereby totaling 148.6 hours as a reasonable number of hours. Thus applying the loadstar approach (# hours x hourly rate) the undersigned's opinion is that a reasonable attorney's fee incurred by Mr. Epstein during this time period is \$55,725.00 (148.6 hours x \$375.00).

Lilly Ann Sanchez. A review of the billing statements of Fowler White for this time period reveals that Ms. Sanchez billed a total of 88.5 hours. The undersigned has reduced her hours in half to 44.25 hours as a reasonable number of hours. Thus applying the loadstar approach (# hours x hourly rate) the undersigned's opinion is that a reasonable attorney's fee billed and incurred by Mr. Epstein during this time period is \$23,231.25 (44.25 hours x \$525.00).

Fowler White & Burnett. It is the undersigned's opinion is that a reasonable attorney's fees incurred by Mr. Epstein from Fowler White & Burnett firm during this time period is \$325,406.75. (Total of Mr. Ackerman, Ms. Sanchez, Ms. Goodner and Mr. Knight). This is a reduction from the total billings from Fowler White of \$472,385.00 during this time period.

Atterbury Goldberger & Weiss, P.C./Jack Goldberger. The undersigned's opinion is that the total number of hours for Mr. Goldberger billed during this time period is 186.5 hours which the undersigned determines to be reasonable. Thus applying the loadstar approach (# hours x hourly rate) the undersigned's opinion is that a reasonable attorney fee incurred by Mr. Epstein during this time period is \$90,425.50 (186.5 hours x \$485.00).

Tonja Haddad, P.A. The undersigned is of the opinion that a reasonable number of hours billed by Ms. Haddad is 188.2 hours and a reasonable attorney fee incurred by Mr. Epstein during this time period using the loadstar approach (# hours x hourly rate) is \$72,457.00 (188.2 hours x \$385.00). Further, the undersigned is of the opinion that a reasonable number of hours performed by Debra Fein during this time period is 35.0 hours and a reasonable rate for her work is \$125.00 per hour for a total of \$4,375.00 using the loadstar approach (# hours x hourly rate).

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Fred Haddad, P.A. It is undersigned's understanding that Mr. Haddad charged a flat fee rate of approximately \$137,500.00. A review of the documents provided to the undersigned was not in sufficient detail or description to enable the undersigned to give an opinion whether or not the work performed by Mr. Haddad was reasonable or unreasonable, what a reasonable hourly rate is or what a reasonable number of hours are. As such the undersigned has no opinion on what is a reasonable attorney's fee incurred by Mr. Epstein are. The undersigned is sure that Mr. Haddad rendered competent, legal and valuable representation to Mr. Epstein and that his legal work was of great benefit.

Total reasonable attorney's fees incurred by Mr. Epstein in the defense of the claims and counterclaims for the time period of 8/25/11 – 8/15/12 are totaled as below:

Fowler Burnett & White:	\$325,406.75
Atterbury Goldberger & Weiss, P.C. /Jack Goldberger	\$ 90,452.50
Tonja Haddad, P.A.	<u>\$ 76,832.00</u>
TOTAL:	<u>\$492,691.25</u>

**TIME PERIOD NUMBER 2:
August 16, 2012 through February 3, 2015**

L-S Law Firm/Lilly Ann Sanchez. The work performed during this time period as reflected on the bills that total \$2,932.50 in the undersigned's opinion is transitional type work being done as this case was being transitioned from the Fowler White Burnett law firm to new counsel. As such it is the undersigned's opinion that the bill of \$2,932.50 should not be calculated into the undersigned's opinion.

Atterbury Goldberger & Weiss, P.C./Jack Goldberger. The undersigned's opinion is that the total number of hours for Mr. Goldberger billed during this time period is 221.65 hours which the undersigned determines to be reasonable. Thus using the loadstar approach (# hours x hourly rate) the undersigned's opinion is that a reasonable fee incurred by Mr. Epstein during this time period is \$107,500.25 (221.65 hours x \$485.00).

W. Chester Brewer, Jr. P.A. The undersigned's opinion is that the total number of hours for Mr. Brewer billed during this time period is 139.9 hours which the undersigned determines to be reasonable. Thus using the loadstar approach (# hours x hourly rate) the undersigned's opinion is that a reasonable fee incurred by Mr. Epstein during this time period is \$48,965.00 (139.9 hours x \$350.00).

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Tonja Haddad, P.A. The undersigned is of the opinion that a reasonable number of hours billed by Ms. Haddad during this time period is 863.8 hours. Ms. Haddad's hourly rate was increased from \$385.00 per hour to \$425.00 per hour in April of 2013. The undersigned is of the opinion that the increase rate to \$425.00 per hour is reasonable. Therefore there are 281.35 hours through 3/13 at \$385.00 per hour for a total of \$108,319.75 using the loadstar approach (# hours x hourly rate). Further, there are 582.45 hours from 4/13 forward at \$425.00 for a total of \$247,541.25 using the loadstar approach (# hours x hourly rate). Therefore, the total amount of attorney's fees incurred by Mr. Epstein in the amount \$355,861.00 during this time period is reasonable. Furthermore, the undersigned's opinion is that the time of Debra Fein during this time period of 265 hours would be reasonable and a reasonable rate for her work is \$125.00 per hour. Thus using the loadstar approach (# hours x hourly rate) the total billed by Debra Fein is \$33,125.00. Thus the total amount of reasonable fees incurred by Mr. Epstein during this time period is \$388,986.00.

Total reasonable attorney's fees incurred by Mr. Epstein in the defense of the claims and counterclaims for the time period of 8/16/12 – 2/3/15 are totaled as below:

L-S Law Firm/Lilly Ann Sanchez	\$ 0.00
Atterbury Goldberger & Weiss, P.C. /Jack Goldberger	\$ 107,500.25
W. Chester Brewer P.A.,	\$ 48,965.00
Tonja Haddad, P.A.	<u>\$ 388,986.00</u>
TOTAL:	\$ 545,451.25

Respectfully submitted,

John G. White, III

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