

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT IN
AND FOR MONROE COUNTY, FLORIDA

FLORIDA KEYS AQUEDUCT AUTHORITY,
and KEYS CITIZENS FOR RESPONSIBLE
GOVERNMENT, INC., a Florida not-for-profit
corporation

Plaintiffs,

CASE NO. CAK-00-1170

v

BOARD OF COUNTY COMMISSIONERS,
MONROE COUNTY, FLORIDA, and
OGDEN WATER SYSTEMS OF KEY LARGO, INC.,

Defendant,

FINAL JUDGMENT AND ORDER GRANTING MOTION TO
AWARD ATTORNEY FEES

This cause having come to be heard on the Motion to Award Attorney
fees, filed by Plaintiff, KEYS CITIZENS FOR RESPONSIBLE
GOVERNMENT, INC., (hereinafter the "Citizens"), and the Court having
reviewed the file, having heard argument of counsel, having reviewed the
Attorney Fee Affidavit of Richard J. Fowler filed by the Citizens, and being
otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED:

1. The Motion to Award Attorney Fees to the Citizens is herein GRANTED;
2. The Court specifically finds as follows:
 - a. On October 30, 2000, this Court granted the Citizen's Stipulated Motion to Intervene with Equal Standing, allowing the Citizens to intervene as Plaintiffs in this case with equal standing to the other parties to the litigation. The Citizens filed their Complaint alleging that Defendant, BOARD OF COUNTY COMMISSIONERS, MONROE COUNTY, FLORIDA ("BOCC"), was in violation of Section 286.011, Florida Statutes, the Florida Sunshine Law.

FILED
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CLERK OF COURT
MONROE COUNTY FLA.

b. Section 286.011 (4), Florida Statutes, provides that, if BOCC was determined by the Court to have violated the provisions the Sunshine Law, the Court "shall assess a reasonable attorney's fee" against BOCC in favor of the Citizens.

c. On March 6, 2000, this Court granted the Citizens' Motion for Leave to Amend its Complaint by interlineation to include a request for an award of its attorney fees, pursuant to Section 286.011, if it prevailed in the aforecaptioned cause.

d. On April 19, 2001 through April 20, 2001, the Court conducted a trial in this cause.

e. On May 18, 2001, the Court issued a Final Judgment wherein the Court determined that Defendant, BOCC, had indeed, as alleged by Plaintiffs, violated the provisions of Section 286.011.

f. After voluntary dismissal of the appeal by BOCC, the Citizens timely filed a Motion to Award Attorney Fees on October 9, 2001.

g. The Citizens properly retained the professional services of John A. Jabro, Esquire, to pursue their legal remedies in this case.

h. Considering all of the factors set forth in Rule 4-1.5(b) of the Rules regulating the Florida Bar, the 150.2 hours claimed by attorney John A. Jabro in his representation of the Citizens is a reasonable number of hours for the work required in this action.

i. The rate of \$175.00 per hour charged by Mr. Jabro is a reasonable rate for attorney practicing in the area of law encompassed by this case and in this geographic vicinity, and was the rate agreed to by the Citizens and Mr. Jabro.

j. The claim for an award of attorney fees in the amount of \$26,285.00 is, therefore, reasonable.