

**REQUEST FOR PROPOSAL FOR LEGAL SERVICES
FOR THE CITY OF HOLLYWOOD, FLORIDA
SOLICITATION**

#RFP-4460-15-RD



Daniel Jude Simpson, Esquire
3440 Hollywood Boulevard
Second Floor
Hollywood, FL 33021
(954) 518-1372
dsimpson@conroysimberg.com

September 3, 2015

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SUBMISSION REQUIREMENTS / FORMAT:

1. Title Page

Show the Request for Proposal subject, the name of your firm, address, telephone number, name of contact person and date.

2. Table of Contents

Clearly identify the material by section and page number.

3. RFP Checklist

4. Letter of Transmittal

Limit to one (1) or two (2) printed pages.

a. Briefly state your firm's understanding of the work to be done and provide a positive commitment to perform the work.

b. Give the names of the persons who will be authorized to make representations for your firm, their titles, addresses and telephone numbers.

5. Profile of Proposer

a. State whether your organization is national, regional or local.

b. State the location of the office from which your work is to be performed.

c. Describe the firm, including the size, range of activities, etc. Particular emphasis should be given as to how the firm-wide experience and expertise in the area addressed by this Request for Proposal, will be brought to bear on the proposed work.

d. Provide a list and description of similar municipal engagements satisfactorily performed within the past two (2) years. For each engagement listed, include the name, email, fax and telephone number of a representative for whom the engagement was undertaken who can verify satisfactory performance.

e. Have you been involved in litigation within the last five (5) years or is there any pending litigation arising out of your performance?

6. Proposer's Qualifications.

a. Proposers must be a licensed Florida attorney in good standing with the

Florida State Bar Association.

- b. Proposers must have at least five (5) years of experience as a defense attorney on public entity workers' compensation claims. Proposers must utilize the Reference Questionnaire Form to provide at least three (3) references for these services.
- c. Identify the lead attorney and each individual who will work as part of the engagement. Include resumes and copy of attorney's license for each person to be assigned. The resumes may be included as an appendix.

7. Project understanding, proposed approach, and methodology.

Describe your approach to performing the contracted work. This should include the following points:

Type of services provided. Discuss your role and that of other parties involved in the data gathering, analysis and recommendation process.

Discuss your project plan for this engagement outlining major tasks and responsibilities, time frames and staff assigned.

8. Summary of the Proposer's Fee Statement.

Proposals must contain a detailed listing of the proposer's hourly billing rates, including a breakdown by additional staff, if applicable (i.e., Lead Attorney, Associates Attorney, Paralegal, Legal Assistant, and Clerical Support Personnel). The proposal must list all costs, fees and other charges that may be anticipated during the term of the agreement and which will be charged to the City in connection with work performed under the agreement.

9. Project time schedule, if applicable.

Provide a detailed time schedule for this project.

DANIEL J. SIMPSON | PARTNER
3440 HOLLYWOOD BOULEVARD, SECOND FLOOR
HOLLYWOOD, FL 33021
DIRECT (954) 518-1372
MAIN (954) 961-1400 BROWARD | (305) 940-4821 DADE
FAX 954-518-8672
dsimpson@conroysimberg.com

September 3, 2015

City of Hollywood, Florida
c/o: Office of City Clerk
2600 Hollywood Blvd., Rm#: 221
Hollywood, FL 33020

LETTER OF TRANSMITTAL

To whom it may concern:

Please note that The Law Firm of Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A. (hereinafter referred to as "Conroy Simberg") is a Florida-wide firm and is comprised of approximately 150 attorneys. Conroy Simberg has offices in Hollywood, West Palm Beach, Miami, Orlando, Tampa, Ft. Myers, Naples, Pensacola, Tallahassee, and Jacksonville. We specialize in all areas of Insurance Defense and have been one of the industry leaders in Workers' Compensation Defense since our firm's inception in 1979.

Our workers' compensation team prides itself on its extensive knowledge and skills with respect to the legal and medical aspects, which co-exist in every workers' compensation claim. Our experience extends to handling even the most catastrophic of injuries including, but not limited to, spinal cord injuries, traumatic brain injuries, exposures to deleterious substances, sick-building syndrome, and infectious diseases, such as AIDS/HIV. Moreover, our Firm has a unique and in-depth medical and legal understanding of Florida's two first responder statutes, which can be a plague to municipalities: (a) the "heart and lung" statute covering heart diseases, hypertension and tuberculosis; and (b) the "communicable disease" statute covering Hepatitis C, meningococcal meningitis and tuberculosis.

Conroy Simberg is a Martindale-Hubbell "AV" rated firm. All of the principals of each office have been members of the Florida Bar for more than five years.

For purposes of this Proposal for Legal Services, it must be noted that all claims will be handled by the lead attorney, Daniel Jude Simpson, out of the firm's Hollywood Office. Mr.

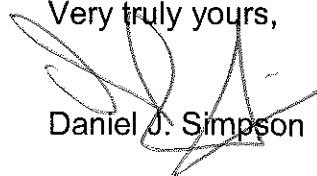
City of Hollywood
c/o: Office of City of Clerk
September 3, 2015
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Simpson will be in attendance at all substantive depositions, mediations and court appearances, unless he receives prior approval from the City of Hollywood. The associate attorneys and paralegal will assist in document production, trial preparation, legal research medical records reviews and non-substantive depositions. The associates are Stephanie Robinson, Sandra Guzman and Rachel Lauren Smith and the paralegal is Jan Morgan. Hinda Klein, a partner in our Hollywood Office, will be responsible for all legal appeals and will work in tandem with Mr. Simpson. Ms. Klein's associate is Dianne Tutt. The Resumes of these members are attached as Appendix 1 to this Proposal.

Again, all attorneys and work will be handled out of our Hollywood Office with the location of 3440 Hollywood Blvd. Second Floor, Hollywood, Florida 33021 and the telephone number is 954-961-1400.

Lastly, it should be noted that since October of 2014, our firm has had the privilege of acting as the interim workers compensation attorney for the City of Hollywood with over 25 assignments. The transition has been quite seamless and we are confident that we will continue to provide the same level of zest and proficiency on all future assignments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Daniel J. Simpson', is written over the typed name. The signature is stylized with loops and a long horizontal stroke at the end.

Daniel J. Simpson

DJS/jle
Enclosure
DEPO-ADJ.MST

PROFILE OF PROPOSER/QUALIFICATIONS

Please note that The Law Firm of Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer, P.A. (hereinafter referred to as "Conroy Simberg") is a Florida-wide firm and is comprised of approximately 150 attorneys. Conroy Simberg has offices in Hollywood, West Palm Beach, Miami, Orlando, Tampa, Ft. Myers, Naples, Pensacola, Tallahassee, and Jacksonville. All work for the City of Hollywood will be conducted out of the firm's Hollywood Office. We specialize in all areas of Insurance Defense and have been one of the industry leaders in Workers' Compensation Defense since our inception in 1979.

1. Workers' Compensation

Daniel Jude Simpson graduated from Georgia Southern University with an undergraduate degree in Business Administration in 1996 and thereafter, he obtained his Juris Doctorate cum laude from Stetson University College of Law in December of 1999. He then was admitted into the Florida Bar in April of 2000 with a Florida Bar number of 0230390. Mr. Simpson is in good standing with the Florida Bar and has been representing public Employers in all aspects of Workers' Compensation for the last 15 years. It must also be noted that Mr. Simpson has not been involved in any litigation as a party and there is no pending litigation arising out of his performance as an attorney.

Mr. Simpson manages our Hollywood Office's Workers' Compensation Department as well as practicing full-time. Mr. Simpson is certified by the Florida Bar to present in the areas of heart and lung, intoxication, infectious diseases, and exposure theory; and has expertise and teaches in areas which further include, but are not limited to, catastrophic claims, workers' compensation immunity, spinal cord injuries, occupational diseases, Traumatic Brain Injuries (TBI), Coverage A and Coverage B, apportionment, and major contributing cause.

Mr. Simpson has litigated Workers' Compensation cases throughout the state in Miami-Dade, Broward, Palm Beach, Martin, Monroe, St. Lucie, Indian River, Hendry, Polk, Duval and Lee Counties. In addition to being a member of the Florida Bar, he is a member of the Palm Beach County Bar Association, the American Bar Association, and the Friends of 440, where he has served as the Treasure since 2011.

Mr. Simpson has successfully defended many cases throughout the years. In Russell Adams v. Montenay Power Corp. and Sedgwick CMS, OJCC #09-026176TGP, the issues were compensability, authorization of surgery, entitlement to temporary indemnity benefits, entitlement to permanent indemnity benefits, and misrepresentation. Mr. Simpson successfully defended these complicated claims and Judge Portuallo, after a thorough cross-examination by Mr. Simpson, found the Claimant not credible and denied all of the Claimant's claims. Moreover, the Claimant's appeals to the Florida 1st DCA and the Florida Supreme Court were denied. The Claimant was represented by the Stephen Wilson of the Law Office of Jason Barnett, P.A. 1132 Southeast 2nd Avenue Fort Lauderdale, FL 33316-1008. His phone number is (954) 618-1776.

In David Garcia v. Town of Davie and PGCS, OJCC #10-017722JJL, a police officer brought a claim for reinstatement of his sick and vacation time during a time frame that the Claimant was on light duty work restrictions. Although the Town offered the Claimant work within those restrictions, the Claimant argued that his refusal of the position was warranted since the Doctor restricted his ability to drive and that he was living in Miami. Judge Lazzarra agreed with Mr. Simpson's argument that the Claimant's refusal was not reasonable, as it was the Claimant's responsibility not the Town's to secure transportation to and from work. Accordingly, the claim for temporary benefits was denied. The Claimant was represented by the William Heller, Esq. 2200 Hollywood Blvd Hollywood, FL 33020. His phone number is (954) 921-7171.

In Norman Wulkan v. Martin County Board of County Commissioners, OJCC #05-019465RDM, the parties went to trial on two separate occasions and each time the County received a defense verdict. The first trial centered on the issues of entitlement to temporary benefits and authorization of a shoulder surgery. Judge McAliley agreed with Mr. Simpson's position that the surgery was not medically necessary and that there was no objective medical evidence to substantiate a disability or need for surgery. In the second trial, Mr. Simpson argued that the Claimant had committed fraud by misrepresenting his earnings on his Employee Earnings Report. Judge McAliley agreed and denied the entire claim pursuant to Florida Statute Section 440.09(4) and Section 440.105. The Claimant was represented by the Phil Thompson, Esq. 1801 Indian Road, Jupiter, FL 33409. His phone number is (561) 651-4150.

In Steve Sleeman v. The Dickerson Group and Zurich North America, OJCC #05-006469RDM, Mr. Simpson successfully defended a temporary indemnity claim by asserting a fraud defense. Based primarily on Mr. Simpson's cross examination of the Claimant, Judge McAliley found the Claimant's testimony lacked credibility and found that the Claimant knowingly and intentionally misrepresented his earnings to the Employer/Carrier. The Claimant who was involved in a rather serious work related motor vehicle accident found his claim denied in its entirety based upon Florida Statute Section 440.09(4) and Section 440.105. The Claimant was represented by Brian Vassallo, Esq. 1655 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401. His telephone number is (561) 471-2800.

In Olegario Hernandez v. A & A Maintenance Inc. and Castlepoint National Insurance Company, OJCC #12-007438KJP, the issues were entitlement to temporary indemnity benefits and correct calculation of average weekly wage. Mr. Simpson successfully proved that the Claimant's termination met the narrowly defined misconduct defense and Judge Pecko denied the claims for indemnity and the Claimant's entitlement to attorney's fees. The Claimant was represented by the Law Office of Richard Zaldivar, 2600 SW 3rd Avenue, Suite 300, Miami, FL 33129. His phone number is (305) 856-5555.

In addition, Mr. Simpson co-counseled with Partner Neal Ganon wherein they represented South Georgia Corn and FFVA/USIS, OJCC #00-015668SHP, on claims involving 39 migrant workers who alleged to be injured in a bus accident in Georgia. After a 3 month trial, Mr. Simpson and Mr. Ganon successfully secured a denial of all

claims on the grounds of conspiracy and fraud. The Claimants were represented Adam Baron, Esq. 17031 N.E. 6th Avenue North Miami Beach, FL 33162. His phone number is (305) 770-2131.

A sample list of the clients that Mr. Simpson has represented in the last five (5) years is as follows:

1. City of Hollywood
Post Office Box 229045
Hollywood, Florida 33022
Attention: Raquel Elejabarrieta and Tanya M. Bouloy
Tele: (954) 921-3519
relejabarrieta@hollywoodfl.org; tbouloy@hollywoodfl.org
2. Town of Davie
6591 Orange Drive
Davie, Florida 33314
Attention: Kettly Calixte and Stacey Hipsman
Tele: (954)-797-1110
Kettly_Calixte@davie-fl.gov
3. Preferred Governmental Claims Solutions
P.O. Box 958456
Lake Mary, FL 32795
Attention: Wendy Hall and Cheryl Riley
Tele: (321) 832-1400
criley@pgcs-tpa.com
4. City of Port St. Lucie
121 Southwest Port St. Lucie Boulevard
Port St. Lucie, Florida
Attention: Renee Major
Tele: (772)-871-5238
reneem@cityofpsl.com
5. Ascension Benefits & Insurance Solutions of Florida
700 Central Parkway
Stuart, FL 34994
Tele: (800) 431-2221
Attention: Tim McCreary
6. FCBI Serviced by USIS, Inc.
P.O. Box 616648
Orlando, FL 32861-0374
Attention: Jenny Ross & Purdita Persaud
Tele: (800)444-9098;
jenny.ross@usis-tpa.com

7. Payless Shoesource
3231 S.E. Sixth Avenue
Topeka, Ks 66607-2207
Attention: Terry Curry
Tele: (785) 295-2472
Terry_Curry@payless.com
8. FFVA
Post Office Box 945927
Maitland, FL 32794-5927
Attention: Yetive Falcon and Sandra Riding
Tele: (800) 226-0666
yetime.falcon@ffvamutual.com
9. Koning Restaurants International d/b/a Pizza Hut
15600 Northwest 15th Avenue
Suite C
Miami, Florida 33169
Attention: Gaby Berrido
Tele: (305) 430-1221
gberrido@teamkri.com
10. Seacrest Services, Inc.
2400 Centerpark Drive West Suite 175
West Palm Beach, Florida 33409
Attention: Leslie Guerrero
Tele: (561) 697-4990
lguerrero@seacrestservices.com

Mr. Simpson has also handled many catastrophic claims over the years that have resulted in favorable outcomes for his clients without the need for trial. For example, in the case of Derrick Roupp v. Miles Grant Golf and Country Club/FFVA OJCC #11-014293-TMB, the Claimant, a 26 year old, was seriously injured in a motor vehicle accident wherein he was driving a resident to the airport. The accident was so severe that the Claimant's leg had to be amputated in order to remove him from the vehicle and he proceeded to be in a coma for over a month. When he came out of the coma, the Claimant was blind in one eye. His hospital bills were in excess of \$1.5 million. We received the defense referral two days after the accident and we quickly filed motions with Court to require the Hospital to preserve the Claimant's blood and urine samples and then have them released and tested. We also recommended that the Employer/Carrier deny the case based upon an intoxication defense as well as deviation from employment and that the Claimant's injury did not arise out of the course and scope of his employment. After a contentious fight over evidentiary issues, the case was ultimately resolved on a controverted basis for \$95,000.00 inclusive of attorney's fees and costs, which was less than 5% of our full exposure. The Claimant

was represented by Michael Celeste, Esq. 580 Village Blvd. Brandywine Centre - Suite 360, West Palm Beach, FL 33409. His phone number is (561) 478-2447.

Mr. Simpson has also litigated numerous heart lung presumption claims on behalf of various municipalities with successful outcomes. For example, in Craig Richards v. Town of Davie/PGCS, OJCC #10-000081JJL, #10-000079JJL, and #10-000075JJL, the Firefighter made a claim for compensability of his obstructive cardiomyelopathy. Mr. Simpson raised the defense that the Claimant was not entitled to the presumption, as there was no evidence of disability, either temporary or partial. Moreover, Mr. Simpson was also prepared to argue in the alternative that even if the presumption was applicable, the presumption was rebuttal as the Claimant's condition was congenital and non-occupational. Through discovery and prior to trial, the Claimant's counsel withdrew his claims and never re-filed. The statute of limitations has since expired. The Claimant was represented by Robert Winess, 370 W. Camino Gardens Blvd., Suite 106, Boca Raton, FL 33432. His phone number is (561) 347-7165.

In addition, Mr. Simpson also has extensive experience in handling third party liens and resolving those liens favorably for the Employer/Carrier. If the lien cannot be resolved amicably, then we set the matter for an Equitable Distribution Hearing before the Circuit Court judge and retain appropriate experts to give testimony on the value of the case.

Lastly, it must be noted that Mr. Simpson has been serving as the City of Hollywood's interim defense attorney, after his predecessor, Roberto Mendez, Esquire was no longer able to represent the City. Since that time, Mr. Simpson has taken over the defense of over 25 Workers Compensation Claims, including the claim of Steve Martin v. City of Hollywood and Ascension Benefits & Insurance Solutions of Florida. In Martin, the Claimant is a police officer who has two active Workers' Compensation Claims dating back to the years 1989 and 1993. The City has spent a significant amount on medical benefits on this claim and in fact, the City's retention has been exhausted, which means the payments are currently the responsibility of an excess insurance carrier. Upon receipt of the file, Mr. Simpson immediately filed a notice of appearance on October 2, 2014 and was able to successfully persuade the Court to grant a continuance of the trial scheduled for October 24, 2014. Thereafter, we were able to successfully resolve the litigated issues without the need or the expenses of trial. From there, Mr. Simpson looked to see if this 26 year claim could be closed and persuaded the parties to attend a private mediation. Prior to mediation, Mr. Simpson was told that this case would never settle due to the costs of an approved Medicare-Set-Aside as well as the position of the excess carrier that settlement was not a possibility. However, after attending the mediation and negotiating a reasonable settlement demand with the Claimant and his attorney, Mr. Simpson was able to attend a meeting with the excess carrier and along with claims adjuster, Barbara Dawson, he was able to convince the excess carrier that the settlement demand was in their best interests. Hence, the parties are currently awaiting a mediation to confirm definitive settlement terms before submitting the proposal to the City Counsel for approval.

2. Appellate

Hinda Klein is the partner in charge of the Liability and Workers' Compensation Appellate Departments. Ms. Klein has been practicing for thirty (30) years and has been with Conroy Simberg for the past twenty (24) years. In 1995, Ms. Klein became one of the first Florida attorneys to become board-certified in appellate practice, and she has since been re-certified. Ms. Klein has been involved in over 450 appeals in all Florida State Courts, as well as the Federal Eleventh Circuit Court of Appeals. She is admitted to practice before all Florida State and Federal Courts, the Eleventh Circuit Court of Appeals and the U.S. Supreme Court.

Ms. Klein is a graduate of Syracuse University College of Law, where she was Notes and Comments Editor of the Law Review and a member of the Moot Court Board. Ms. Klein received her undergraduate degree from the University of Florida, where she served as President of the Psi Chi Honor Society. Her Florida Bar Number is 510815.

Ms. Klein has been named a Florida Superlawyer for the last six years, an honor that is bestowed upon the top 5% of the attorneys in Florida. She has been selected by her peers as a Leading Florida Civil Appellate Attorney and has been elected a board member of the Steven Boomer Inns of Court, a select group of judges, attorneys and law students dedicated to preserving the integrity of the legal profession.

A sample list of clients that Ms. Klein has represented in the last five (5) years is as follows:

1. Blank Meenan
204 S. Monroe Street
Tallahassee, FL 32301
Attention: Miriam O. Victorian, Esq.
(850) 681-6710
2. Zurich North America
Orlando Claims
P.O. Box 968084
Schaumburg, IL 60196-8084
Attention: Michele Mecca
(800) 340-8602 ext. 8632
3. Summit/Liberty Mutual Insurance
2310 Commerce Point Drive
Lakeland, FL 33801
Attention: Michael T. Jalovec, Esq.
(863) 606-7336
4. Liberty Mutual Group
P.O. Box 958441
Lake Mary, FL 32795

Attention: William Manzi
(800) 637-0757 ext. 74495

Ms. Klein has been involved in numerous important appellate cases, among them Mizrahi v. North Miami Medical Center, Ltd., 761 So.2d 1040 (Fla. 2000), wherein she successfully defended the constitutionality of the medical malpractice exception contained in Florida's wrongful death statute in front of the Florida Supreme Court. Ms. Klein was also the appellate attorney in the *horizontal immunity* case styled Amorin v. Gordon, 996 So.2d 913 (Fla. 1st DCA 2008). In addition, Ms. Klein has handled several trial level and appellate matters for the Palm Beach County School District, including Molinas v. School District of Palm Beach County, 831 So.2d 198 (Fla. 4th DCA 2002), wherein she obtained a summary judgment in favor of the School District on the grounds that it had no duty to protect a student beaten by others while she was off school property and obtained an affirmance of that summary judgment on appeal.

PROJECT UNDERSTANDING, PROPOSED APPROACH AND METHODOLOGY

QUESTION: Discuss the law firm's role and that of other parties involved in the data gathering, analysis and recommendation process. Further, discuss your project plan for this engagement outlining major tasks and responsibilities, time frames and staff assigned.

RESPONSE: Conroy Simberg will assist in all aspects of the defense of City of Hollywood workers' compensation claims including providing advice on pre-litigated claims regarding issues of compensability and recommendations regarding whether the claim falls inside or out of the Workers' Compensation Act as well as whether any benefits are not the City's responsibility. Moreover, post-litigation, we aggressively defend the case by attending depositions, mediations and all facets of trial preparation. We will also provide periodic updates to the City as to the status of litigation and provide detailed case assessments wherein exposure analysis will be provided as well as our chances of a successful result.

Our office will work in tandem with the City's Labor Relation Department and their third party servicing agent, Ascension Benefits & Insurance Solutions of Florida. Our office has already been serving in that capacity on an interim basis over since October of 2014.

Should an appeal be necessary, our office will be equipped to provide you that service. Lastly, Conroy Simberg does not expect to subcontract any of its legal services to any other companies.

GRIEVANCES

QUESTION: Have any of the law firm's attorneys had any grievances filed against him or her where a determination was made in favor of a complainant, or where there was a finding of probable cause? If so, please identify the specific lawyer(s) and explain.

RESPONSE: No.

INSURANCE

QUESTION: State the name of the law firm's professional liability insurer, the amount of the coverage provided that would inure to the benefit of the County, and attach a copy of the policy.

RESPONSE: Conroy Simberg is covered by three policies:

- 1 Westport Insurance Corporation - Amount of coverage is \$10,000,000.
2. Lexington Insurance Company (1st Excess) – Amount of coverage is \$10,000,000
3. Old Republic Insurance Company (2nd Excess) - Amount of coverage is \$5,000,000.

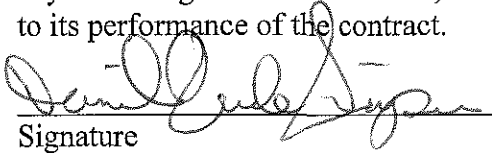
A copy of the Declaration Pages for both Fireman's Fund and Lexington Insurance Company reflecting Conroy Simberg's Professional Liability Insurance Policy is attached as Appendix 2.

SUMMARY OF THE PROPOSER'S FEE STATEMENT

The attorney fee rate that Conroy Simberg bids for its legal services is \$140.00 (one hundred forty dollars) for attorneys and \$90.00 (ninety dollars) for paralegals. In addition, the anticipated legal costs include Travel, Conference Fees, Outside Printing, Refunds, Copying, Subpoena Fees, Records Fees, Experts Fees, Medical Records Fees, Westlaw Costs, and Postage.

HOLD HARMLESS AND INDEMNITY CLAUSE

Conroy Simberg and Daniel J. Simpson, the contractor, shall indemnify, defend and hold harmless the City of Hollywood, its elected and appointed officials, employees and agents for any and all suits, actions, legal or administrative proceedings, claims, damage, liabilities, interests, attorney's fees, costs of any kind whether arising prior to the start of activities or following the completion of acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by the contractor, or anyone acting under its direction, control, or on its behalf in connection with or incident to its performance of the contract.


Signature

Daniel S. J. Simpson
Printed Name

Conroy Simberg

8-31-15
Date

Failure to sign or changes to this page shall render your bid non-responsive.

City of Hollywood, Florida
Solicitation #RFP-4460-15-RD

ACKNOWLEDGMENT AND SIGNATURE PAGE

This form must be completed and submitted by the date and the time of bid opening.

Legal Company Name (include d/b/a if applicable): Conroy Simberg Federal Tax Identification Number: 59-1943544

If Corporation - Date Incorporated/Organized: 9/17/1979

State Incorporated/Organized: FLORIDA

Company Operating Address: 3440 Hollywood Blvd., Second Floor

City Hollywood State FL Zip Code 33021

Remittance Address (if different from ordering address): Same

City _____ State _____ Zip Code _____

Company Contact Person: Daniel J. Simpson Email Address: dsimpson@conroysimberg.com

Phone Number (include area code): (954) 518-1377 Fax Number (include area code): (954) 518-8672

Company's Internet Web Address: www.conroysimberg.com

IT IS HEREBY CERTIFIED AND AFFIRMED THAT THE BIDDER/PROPOSER CERTIFIES ACCEPTANCE OF THE TERMS, CONDITIONS, SPECIFICATIONS, ATTACHMENTS AND ANY ADDENDA. THE BIDDER/PROPOSER SHALL ACCEPT ANY AWARDS MADE AS A RESULT OF THIS SOLICITATION. BIDDER/PROPOSER FURTHER AGREES THAT PRICES QUOTED WILL REMAIN FIXED FOR THE PERIOD OF TIME STATED IN THE SOLICITATION.

Daniel J. Simpson 8-31-15
Bidder/Proposer's Authorized Representative's Signature: _____ Date

Type or Print Name: Daniel J. Simpson

THE EXECUTION OF THIS FORM CONSTITUTES THE UNEQUIVOCAL OFFER OF BIDDER/PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE BID/PROPOSAL NON-RESPONSIVE. THE CITY MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY BID/PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE BIDDER/PROPOSER TO THE TERMS OF ITS OFFER.

ANY EXCEPTION, CHANGES OR ALTERATIONS TO THE GENERAL TERMS AND CONDITIONS, HOLDHARMLESS/INDEMNITY DOCUMENT OR OTHER REQUIRED FORMS MAY RESULT IN THE BID/PROPOSAL BE DEEMED NON-RESPONSIVE AND DISQUALIFIED FORM THE AWARD PROCESS.

NONCOLLUSION AFFIDAVIT

STATE OF: Florida

COUNTY OF: Broward, being first duly sworn, deposes and says that:

- (1) He/she is Daniel J. Simpson of Conroy Simberg, the Bidder that has submitted the attached Bid.
- (2) He/she has been fully informed regarding the preparation and contents of the attached Bid and of all pertinent circumstances regarding such Bid;
- (3) Such Bid is genuine and is not a collusion or sham Bid;
- (4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the contractor for which the attached Bid has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure an advantage against the City of Hollywood or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(SIGNED) Daniel J. Simpson Partner/Attorney
Title

Failure to sign or changes to this page shall render your bid non-responsive.

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a) FLORIDA
STATUTES ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR
OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS

1. This form statement is submitted to City of Hollywood
by Daniel J. Simpson for Conroy Subbing
(Print individual's name and title) (Print name of entity submitting sworn statement)
whose business address is 3440 Hollywood Blvd Second Floor Hollywood, FL 33021
and if applicable its Federal Employer Identification Number (FEIN) is 59-1943544 If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement.

2. I understand that "public entity crime," as defined in paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misinterpretation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in an federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that "Affiliate," as defined in paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime, or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that "person," as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or any entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

X Neither the entity submitting sworn statement, nor any of its officers, director, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

City of Hollywood, Florida
Solicitation #RFP-4460-15-RD

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime, but the Final Order entered by the Hearing Officer in a subsequent proceeding before a Hearing Officer of the State of the State of Florida, Division of Administrative Hearings, determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the Final Order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THAT PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017 FLORIDA STATUTES FOR A CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

Sworn to and subscribed before me this 31st day of August, 2015.

Personally known

Or produced identification _____ Notary Public, State of Florida

(Type of Identification) _____ my commission expires _____



MARIA D. YERA
MY COMMISSION # FF 019951
EXPIRES: June 21, 2017
Bonded Thru Budget Notary Services

(Printed, typed or stamped commissioned name of notary public)

Failure to sign or changes to this page shall render your bid non-responsive.

**CERTIFICATIONS REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS**

The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

Applicant Name and Address:

Conroy Sumburg
3440 Hollywood Blvd, Second Floor
Hollywood, FL 33021

Application Number and/or Project Name:

Solicitation #RFP-4460-15-RD

Applicant IRS/Vendor Number: 59-1943544

Type/Print Name and Title of Authorized Representative:

Daniel J. Simpson, Partner/Attorney

Signature:  Date: 8-31-15

Failure to sign or changes to this page shall render your bid non-responsive.

City of Hollywood, Florida
Solicitation #RFP-4460-15-RD

SOLICITATION, GIVING, AND ACCEPTANCE OF GIFTS POLICY

Florida Statute 112.313 prohibits the solicitation or acceptance of Gifts. - "No Public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby." The term "public officer" includes "any person elected or appointed to hold office in any agency, including any person serving on an advisory body."

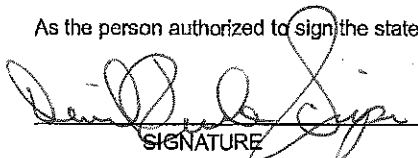
The City of Hollywood policy prohibits all public officers, elected or appointed, all employees, and their families from accepting any gifts of any value, either directly or indirectly, from any contractor, vendor, consultant, or business with whom the City does business.

The State of Florida definition of "gifts" includes the following:

- Real property or its use,
- Tangible or intangible personal property, or its use,
- A preferential rate or terms on a debt, loan, goods, or services,
- Forgiveness of indebtedness,
- Transportation, lodging, or parking,
- Food or beverage,
- Membership dues,
- Entrance fees, admission fees, or tickets to events, performances, or facilities,
- Plants, flowers or floral arrangements
- Services provided by persons pursuant to a professional license or certificate.
- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

Any contractor, vendor, consultant, or business found to have given a gift to a public officer or employee, or his/her family, will be subject to dismissal or revocation of contract.

As the person authorized to sign the statement, I certify that this firm will comply fully with this policy.


SIGNATURE

Daniel J. Simpson
PRINTED NAME

Conroy Sunberg
NAME OF COMPANY

Shareholder/Attorney
TITLE

Failure to sign this page shall render your bid non-responsive.

REFERENCE QUESTIONNAIRES

City of Hollywood, Florida
Solicitation #RFP-4460-15-RD

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Daniel J. Simpson, Esquire / Conny Sunberg

Firm giving Reference: Town of Davie, Ann Kelly Calixte

Address: 16591 Orange Dr. Davie, FL 33314

Phone: (954) 797-1110 or 954-797 1097

Fax: (954) 797-1079

Email: Kelly-Calixte@davie-fl.gov

1. Q: What was the dollar value of the contract?

A: N/A

2. Have there been any change orders, and if so, how many?

A:

3. Q: Did they perform on a timely basis as required by the agreement?

A: Yes, Always.

4. Q: Was the project manager easy to get in contact with?

A: Danny Simpson is always easy to get in contact with

5. Q: Would you use them again?

A: Definitely

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?

A: Danny's professionalism is extraordinary, and truly an asset to my team.

The undersigned does hereby certify that the foregoing and subsequent statements are true and correct and are made independently, free from vendor interference/collusion.

Name: KETLY CALIXTE Title: Assistant Risk Management Coord

Signature: Kelly Calixte Date: 9/02/15

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Daniel J. Simpson, Esquire / Conroy Simberg

Firm giving Reference: Koning Restaurants International, Attn. Gaby Berrido

Address: 15600 NW 15th Ave, Suite C, Miami, FL 33169

Phone: 305-430-1221 or 305-430-1212

Fax: 305-663-9027

Email: gberrido@teamkri.com

1. Q: What was the dollar value of the contract?

A: N/A.

2. Q: Have there been any change orders, and if so, how many?

A: N/A.

3. Q: Did they perform on a timely basis as required by the agreement?

A: Yes

4. Q: Was the project manager easy to get in contact with?

A: Yes

5. Q: Would you use them again?

A: Yes, definitely.

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?

A: We consider Mr. Simpson to be an integral part of our team in all worker's compensation matters. He has helped us tremendously resolve our cases in a timely manner and with the least amount of risk and cost to us.

Name: Gaby Berrido

Title: Legal Coordinator

Signature: [Signature]

Date: 09/02/2015.

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Daniel J. Simpson, Esquire / Conroy Simberg

Firm giving Reference: City of Port. St. Lucie, attn: Renee Major

Address: 121 SW Port. St. Lucie Blvd, Port. St. Lucie, FL 34984

Phone: (772) 871-5238

Fax: 772-871-3376

Email: reneem@cityofpsl.com

1. Q: What was the dollar value of the contract?
A: Performed work on city of Port St Lucie files through TRICO self insurance pool

2. Have there been any change orders, and if so, how many?
A: N/A

3. Q: Did they perform on a timely basis as required by the agreement?
A: Yes, always

4. Q: Was the project manager easy to get in contact with?
A: Yes, via office phone, cell, or email

5. Q: Would you use them again?
A: Yes, most definitely

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?
A: Mr. Simpson is well versed + stays current on matters of w/c law. He is truly committed to his clients and seeks timely closure to files.

The undersigned does hereby certify that the foregoing and subsequent statements are true and correct and are made independently, free from vendor interference/collusion.

Name: Renee Major Title: Director, Risk Mgt

Signature: Renee Major Date: 9-2-15

APPENDIX 1

DANIEL J. SIMPSON
1143 Walnut Terrace
Boca Raton, Florida 33486
(561) 339-7269
E-mail: dsimpson@conroysimberg.com

PROFESSIONAL EXPERIENCE

Conroy, Simberg, Ganon, et al., Hollywood, Florida

Attorney/Partner, 2000-Present

Manages Workers' Compensation Department in the firm's Hollywood office, overseeing ten attorneys and two paralegals. Maintains a diverse client base that includes governmental entities, professional employment organizations (PEO), self-insured employers and insurance carriers. Appears before Workers' Compensation judges for trials and hearings as well as Circuit Court judges for equitable distribution hearings. Conducts presentations and seminars on Florida Workers' Compensation Law on such issues as implementing an effective defense strategy regarding catastrophic injuries, special requirements for compensability, expert medical advisors, fraud, emergency medical hearings, tort immunity and subrogation. Successfully litigates complex claims including, the Heart and Lung Bill, fraud, subrogation, permanent total disability and other compensability issues.

Federal Magistrate, Middle District of Florida

Clerk, 1999

Responsible for drafting proposed orders on issues that included social security disability, criminal law and other civil actions. Assisted in research of cases and organization of files.

EDUCATION

Stetson University College of Law, St. Petersburg, Florida

Graduate, *cum laude*, December, 1999

GPA: 3.1; Class Rank: Top 20%

Book award in Constitutional Law and Florida Civil Procedure

Georgia Southern University, Statesboro, Ga.

Bachelor of Business Administration, Graduated June, 1996

General Business Major, GPA: 3.3, Overall GPA: 3.0

Dean's List

Sigma Nu Fraternity-Scholarship Chairman, Standards Board, Philanthropy Committee, and Risk Reduction Committee.

PROFESSIONAL MEMBERSHIPS

Florida Bar Association
Unites States District Court for the Southern and Middle District of Florida
Palm Beach County Bar Association

NON-LEGAL EXPERIENCE

State Farm Insurance Company, .Jupiter, Florida

Claims Adjuster, 1997

Experienced in examining claim policies to determine insurance coverages. Proficient in evaluating claims to determine overall cost of damages. Obtained a 620 all lines adjusters license. Completed State Farm insurance courses BCC 1 and 2.

COMMUNITY INVOLVEMENT

Friends of 440 Scholarship Fund

Board Member, 2002 - Present

Responsible for organizing fundraisers including the charity's annual golf event.

REFERENCES UPON REQUEST

STEPHANIE A. ROBINSON, ESQUIRE
CONROY SIMBERG
3440 HOLLYWOOD BOULEVARD
SECOND FLOOR
HOLLYWOOD, FLORIDA 33021
954-961-1400

FLORIDA BAR:

Member of Florida Bar since October 1996
Florida Bar No.: 0090093

EDUCATION:

August 1993 - April 1996:

Florida State University College of Law
Earned Juris Doctor Degree, *cum laude*

August 1988 - December 1992:

University of Florida, Gainesville, Florida.
Earned Bachelors of Arts Degree in Economics

OCCUPATIONAL HISTORY:

September 1996 - present:

Conroy Simberg, Hollywood, Florida.

Attorney specializing in workers, compensation defense for both employers and their carriers. Currently lead attorney on over 85 active files. This includes the direct defensive handling of final merits hearings, motion hearings, mediations, and depositions. Participated in over 50 final merits hearings.

January 1996 - April 1996:

Florida Supreme Court, Tallahassee, Florida.

Intern/Law Clerk for Justice Major B. Harding. Responsibilities included legal research, determining jurisdictional issues, and drafting amendments to rules of criminal procedures and drafting orders.

May 1995 - August 1995:

South Florida Water Management District, West Palm Beach, Florida.

Law Clerk. Responsibilities included legal research and drafting memorandum of law regarding administrative issues including employment discrimination and construction issues.

ACTIVITIES:

Florida Bar Association, Workers' Compensation Section
The Friends of 440 Scholarship Fund

REFERENCES

City of Margate, Florida
5790 Margate Boulevard
Margate, Florida 33063
Attention: Laura Pastore
954-935-5271

Starwood Hotels & Resorts Worldwide, Inc.
1500 Epcot Resorts Boulevard
Lake Buena Vista, Florida 32830
Attention: Mark Hernandez
407-808-4818

Robert Bosch, LLC
601 Northwest 65th Court
Fort Lauderdale, Florida 33309
Attention: Tonya Williams
954-513-3657

SANDRA GUZMAN

3440 Hollywood Boulevard • Second Floor • Hollywood, FL 33021
Telephone (954) 961-1400 • Email: sguzman@conroysimberg.com

PROFESSIONAL ASSOCIATIONS

Memberships: Florida Bar (2004)
U.S. District Court for the Southern District of Florida (2005)

EDUCATION

J.D. ST. THOMAS UNIVERSITY SCHOOL OF LAW, Miami, Florida (2001-2004)
Honors: Dean's List, 2001; Book Award in Legal Research and Writing, 2001

B.A., Psychology NORTHEASTERN UNIVERSITY, Boston, Massachusetts (1998 – 2001)
UNIVERSIDAD DE ALICANTE, Alicante, Spain (1999)

EMPLOYMENT

Associate Attorney CONROY, SIMBERG, GANON, KREVANS, ABEL, LURVEY, MORROW & SCHEFER,
P.A., Hollywood, Florida (8/05 – Present)

Litigate in all areas of Workers' Compensation performing insurance defense for
statewide firm. Manage extensive caseload from inception of claims to completion
including negotiating mediations and preparing settlement evaluations for insurance
claim adjusters. Appear for Motion Hearings, Evidentiary Hearings, Calendar Calls and
Final Merits Hearings. Participated in statewide seminars teaching Law and Policy.

Associate Attorney SHAPOVALOV & BORETH, P.A., North Miami, Florida (6/03 – 8/05)

Appear for Motion Hearings and Calendar Calls. Work in area of Family Law Work in
area of Criminal Defense in all areas of legal proceedings.

Student Attorney ST. THOMAS UNIVERSITY SCHOOL OF LAW – IMMIGRATION CLINIC, Miami
Gardens, Florida (8/03 – 5/04)

Worked in area of Immigration Law representing clients in all aspects of proceedings
including asylum hearings and status adjustments. Clinic was in conjunction with
Seminar which included semester long research project focusing on the inception of the
Daschle-Hagel bipartisan Immigration Law Immigration Reform bill.

SKILLS

Fluent in Spanish; Proficient in Westlaw and Lexis-Nexis for legal research.

ACTIVITIES

Florida Bar Association, Workers' Compensation Section; The Friends of 440 Scholarship Fund

R. Lauren Smith
16909 North Bay Road, Apt. 1007
North Miami Beach, Florida 33160
Phone: (561) 324-2132 Email: rsmithinmia@gmail.com

BAR ADMISSIONS:

Florida

EDUCATION:

Florida International University College of Law
Juris Doctor, May 2013

Miami, Florida

Study Abroad Program – Florida International University
Summer 2011

Seville, Spain

Florida State University
Bachelor of Science, December 2009
Major: Merchandising
Minor: Spanish
Dean's List: Fall 2007, 2008

Tallahassee, Florida

Study Abroad Program- Florida State University
Summer 2008

Valencia, Spain

EXPERIENCE:

Conroy Simberg
Associate, November 2013 – Present

Hollywood, Florida

Practiced Worker's Compensation Defense, including, but not limited to: taking depositions; preparing motions, orders, and settlement evaluations; attendance at mediations and hearings; achieving settlement through negotiations with opposing counsel.

F.I.U. Immigrant Childrens' Justice Clinic
Certified Legal Intern, Spring 2013

Miami, Florida

Conducted interviews with clients, prepared private petitions for dependency along with related motions and orders. Argued dependency hearings at the Juvenile Courthouse.

Miami-Dade State Attorney's Office
Certified Legal Intern, Summer 2012

Miami, Florida

Completed externship through F.I.U. in the D.U.I./Misdemeanors Division. Went to court daily, assisted supervisor in drafting his crime sheets and formulating pleas, called calendar, conducted bench trials and contacted victims.

LANGUAGE:

Spanish- conversational.

HINDA KLEIN

**3440 Hollywood Blvd., Second Floor
Hollywood, Fla. 33021
Phone: (954) 518-1248
Facsimile: (954) 967-8577
E-mail: hklein@conroysimberg.com**

Bar Admissions

Florida Bar (1985)
United States Supreme Court
Eleventh Circuit Court of Appeals
Southern District of Florida (Federal)
Middle District of Florida (Federal)

Professional Accomplishments and Associations

Board certified in appellate practice, June, 1995 (recertified in June, 2000, 2005, 2010)
"AV" rated by Martindale Hubbell
Charter Member, Florida Bar Appellate Practice Section
Chairman and Vice-Chairman, Broward County Bar Association Appellate Practice Committee (2002-2005)
Member, Florida Bar Civil Appellate Practice Committee
Member, Florida Bar Appellate Rules Committee (2004-2009)
Master Benchers and Board Member, Steven R. Booher American Inns of Court
Selected as a Leading Florida Civil Appellate Attorney by Leading American Attorneys in Florida
Selected as a Florida "Super Lawyer" (top 5% of Florida Lawyers) by Florida Super Lawyer Magazine for
2006-2015
Rate 10.0 ("Superb") by Avvo.com, a website ranking attorneys nationwide

Professional Experience

Conroy Simberg, P.A., Hollywood, Fla., April 1991 - Present. Equity Partner in charge of the Appellate Department. Responsibilities include administration of the Appellate Department, preparation of appellate briefs in over 600 appeals, preparation of extraordinary writs and legal memoranda, oral argument in all Florida state and federal appellate and trial courts, as well as research and general litigation support.

Rubin, Rubin & Fuqua, P.A., Miami, Fla., November 1988 - April 1991.
Attorney. Responsibilities included preparation of civil and criminal
appellate briefs and motions, oral arguments and general civil litigation.

Becker, Poliakoff & Streitfeld, P.A., Hollywood, Fla., January 1986 -
August 1988. Attorney. Responsibilities included providing general
corporate counsel to condominium, cooperative and homeowner
associations.

Education

Syracuse University College of Law, Syracuse, New York
Juris Doctorate conferred May, 1985

Honors and Activities

Syracuse Law Review, Notes & Comments Editor
Moot Court Board, Member
Syracuse Fall Appellate Competition, Finalist and "Best Brief" Award (1984),
Quarterfinalist (1983)
Mugel National Moot Court Tax Competition, Quarterfinalist (1985)
Lewis Appellate Competition, Quarterfinalist (1984), Chief Clerk (1985)
The Judge, Legal Newspaper, Editor-in-Chief
Phi Alpha Delta Law Fraternity, Marshall

University of Florida, Gainesville, Florida

Bachelor of Science conferred May, 1982

Honors and Activities

Psi Chi Honor Society, President
Recipient of the Sidney M. Jourard Award for Leadership
Council of Honor Societies, Psychology Representative
Liberal Arts and Sciences Student Council
Pi Lambda Sigma Legal Society

Publications

Florida Pretrial Practice, by Honorable Amy Donner, Robert Peltz, Esq. and Linda Wells, Esq., published by James Publishing, 2004. Editorial Advisory Board Member.

Personal Injury Protection Litigation from the Defense Perspective, Trial Advocate Quarterly, Summer, 1998. Co-authored with Robert Flayman, Esq.

The Law of Condominium Operations, by Gary Poliakoff, Esq., published by Callaghan Company, 1988. Contributing author of Chapter 15, "Unit Owner Rights and Responsibilities."

Discovery Abuse: Making Piper Pay, Trial Magazine, February 1987. Co-authored with Kay Latona, Esq.

Diane H. Tutt

Florida Bar Board Certified Appellate Lawyer

Education: Law: University of Miami School of Law, JD 1981, *cum laude*; member *Law Review*
Undergraduate: University of Florida (business major)

Professional Employment History: May, 2011 to present –Conroy Simberg
Senior Associate in firm's Appellate/ Litigation Support Division

1988 to May, 2011 - Diane H. Tutt, P.A.
Appellate Practice and Litigation Support

1981-1988 - Blackwell, Walker, Gray, Powers, Flick & Hoehl
(insurance defense firm)
Associate - Junior Partner, in firm's Appellate Division

Court Admissions: Florida, U.S. Court of Appeals for the 11th Circuit, U.S. District Court, Southern District of Florida, U.S. Supreme Court, U.S. Court of Appeals for the 1st Circuit, U.S. Court of Appeals for the Federal Circuit

Professional Associations/Honors: AV Rated by Martindale Hubbell; Certified by the Florida Bar in Civil Appellate Practice since 1995; The Florida Bar, Appellate Practice Section; selected for inclusion in Super Lawyers every year since 2008; former Newsletter editor, Broward Women Lawyers Association

Professional Summary: Legal practice since graduation from law school in 1981 has been devoted exclusively to appeals and litigation support.

Appeals:

- ❖ Lead attorney in over 600 appeals.
- ❖ Extensive experience with Florida state and federal court systems and extensive knowledge of substantive and procedural law at trial and appellate levels.
- ❖ Handled appeals and oral arguments in all Florida Appellate Courts, including Florida Supreme Court.
- ❖ Handled appeals and oral arguments in U.S. District Court (bankruptcy appeals), Eleventh Circuit Court of Appeals and other federal appellate courts.
- ❖ Handled appeals in the following subject areas, among others: workers' compensation, personal injury, premises liability, construction disputes, insurance coverage, labor and employment, products liability, class actions, PIP, commercial disputes, real estate and professional malpractice.

- ❖ Handled a large volume case load for two clients: (1) handled all PIP appeals for Fortune Insurance Company from mid 1990's through 2001 when it went out of business, and (2) handled all child support collection appeals for Florida Department of Revenue in First, Third and Fourth District Courts of Appeal during 1990's, before Department of Revenue decided to handle such appeals in house.
- ❖ While at Blackwell, Walker, Gray, Powers, Flick & Hoehl, wrote several *amicus curiae* briefs on behalf of the Florida Defense Lawyers Association.

Litigation Support:

- ❖ Routinely assists trial lawyers with broad variety of litigation support matters.
- ❖ Examples of such matters are: motions to dismiss, motions for summary judgment, trial memoranda, jury instructions, motions for directed verdict and post trial motions.
- ❖ Written assistance and/or orally arguing motions.
- ❖ Experience attending trial as the appellate lawyer to protect and preserve the record in cases in which appeal is likely.
- ❖ Opinion letters and memoranda.

Examples of Reported Cases (to show variety of subject matter):

- ❖ Premises liability/assumption of risk: *Ashcroft v. Calder Race Course, Inc.*, 492 So. 2d 1309 (Fla. 1986).
- ❖ Privacy interests of blood donors: *Rasmussen v. South Florida Blood Service, Inc.*, 500 So. 2d 533 (Fla. 1987).
- ❖ Products liability: *Celotex Corp. v. Meehan*, 523 So. 2d 141 (Fla. 1988).
- ❖ Products liability: *Conley v. Boyle Drug Co.*, 570 So. 2d 275 (Fla. 1990).
- ❖ Workers' compensation/attendant care and housekeeping services: *Wee Wisdom Montessori School v. Vickers*, 584 So. 2d 132 (Fla. 1st DCA 1991).
- ❖ Appraisal/recusal of umpire: *Weinger v. State Farm Fire and Cas. Co.*, 620 So. 2d 1298 (Fla. 4th DCA 1993).
- ❖ Administrative/professional license: *Chrysler v. Dep't of Professional Regulation*, 627 So. 2d 31 (Fla. 1st DCA 1993).

- ❖ Consumer law: *Cummings v. Warren Henry Motors, Inc.*, 648 So. 2d 1230 (Fla. 4th DCA 1995).
- ❖ Offer of judgment: *Mateo v. Rubiales*, 717 So. 2d 133 (Fla. 3d DCA 1998).
- ❖ Unemployment benefits: *Easton v. State, Unemployment Appeals Commission*, 693 So. 2d 712 (Fla. 4th DCA 1997).
- ❖ Premises security: *Avakian v. Burger King Corp.*, 719 So. 2d 342 (Fla. 4th DCA 1998).
- ❖ Legal malpractice: *Rowe v. Schreiber*, 725 So. 2d 1245 (Fla. 4th DCA 1999), decision approved, 814 So. 2d 396 (Fla. 2002).
- ❖ Construction litigation: *W.R. Townsend Contracting, Inc. v. Jensen Civil Engineering, Inc.*, 728 So. 2d 297 (Fla. 1st DCA 1999).
- ❖ Long arm jurisdiction: *McCarter v. Bigfoot Industries, Inc.*, 805 So. 2d 1028 (Fla. 4th DCA 2001).
- ❖ Franchise dispute: *Bass v. Servpro Industries, Inc.*, 860 So. 2d 1006 (Fla. 1st DCA 2003).
- ❖ Class action/PIP issue: *Malu v. Security National Ins. Co.*, 898 So. 2d 69 (Fla. 2005).
- ❖ Family law: *Spano v. Bruce*, 62 So. 3d 2 (Fla. 3d DCA 2011).
- ❖ Insurance coverage: *Nationwide Mut. Fire Ins. Co. v. Advanced Cooling and Heating*, 126 So. 3d 385 (Fla. 4th DCA 2013).

Contact Information:

Telephone: 954-518-1351 (office)
 954-303-2348 (cell)
Fax: 954-967-8577
e-mail: dtutt@conroysimberg.com

APPENDIX 2



Lexington Insurance Company

A capital stock company

POLICY NUMBER: 02-144-11-77

REPLACEMENT OF POLICY NUMBER: 01-754-61-38

Administrative Office: 99 High Street, Boston, MA 02110-2103

PROFESSIONAL LIABILITY FOLLOW FORM EXCESS POLICY

DECLARATIONS

NOTICE: DEFENSE EXPENSES ARE INCLUDED WITHIN AND REDUCE THE LIMITS OF INSURANCE OF THIS POLICY.

Item 1. Named Insured: CONROY, SIMBERG, GANON, KREVANS, ABEL, LURVEY,
MORROW & SCHEFER, P.A.
Address: 3440 HOLLYWOOD BOULEVARD
SECOND FLOOR
HOLLYWOOD, FL 33021

Item 2. Policy Period:
Effective Date: **December 15, 2014** Expiration Date: **December 15, 2015**
(At 12:01 A.M. Standard Time at the address of the named insured shown above.)

Item 3. Limits of Insurance:
Each Claim Limit: **\$10,000,000**
Aggregate Limit: **\$10,000,000**

SURPLUS LINES AGENT: Ryan Welch
ADDRESS: 1717 N CLYDE MORRIS BLVD
SUITE #120
DAYTONA BEACH, FL 32117
LIC. #: W003884
PROD. AGT. NAME PHILLIP JOSEPH KNAPP A143408
PROD. AGT. ADDRESS _____

Item 4. Premium:
Total Premium: **\$105,377**
Minimum Earned Premium at Inception: 35

PROD. AGT. CITY _____
"THIS INSURANCE IS ISSUED PURSUANT TO THE FLORIDA
SURPLUS LINES LAWS. PERSONS INSURED BY SURPLUS
LINES CANNOT HAVE THE PROTECTION OF THE
FLORIDA INSURANCE GUARANTY ACT TO THE EXTENT OF ANY
RIGHT OF RECOVERY FOR THE OBLIGATION OF AN
INSOLVENT UNLICENSED INSURER."

Item 5. Retroactive Date: **FULL PRIOR ACTS**

QUARTER	<u>1ST</u>	DATE	<u>1/30/15</u>
PREMIUM	<u>105377</u>	TAX	<u>5270.60</u>
FILING FEE	<u>1554.83</u>	FEES	<u>35</u>

Item 6. Followed Policy:
Insurance Company:
Policy Number:
Policy Period:
Retention/Deductible:

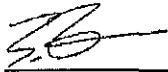
WESTPORT INSURANCE CORPORATION
WLL308010926900
From: **December 15, 2014** To: **December 15, 2016**
\$100,000 per Claim

COUNTERSIGNATURE

Item 7. **Underlying Limits** of All **Underlying Policies** in excess of which this policy applies:
Total Each Claim Limits of Insurance: **\$10,000,000**
Total Aggregate Limits of Insurance: **\$10,000,000**
(**Underlying Limits** may include additional amounts over which the Company is
excess, including self-insured retentions and deductibles.)

Item 8. Endorsements: See Attached Forms Schedule

IN WITNESS WHEREOF, the Insurer has caused this Policy to be signed by its President, Secretary and Authorized Representative. This Policy shall not be valid unless signed below at the time of issuance by an authorized representative of the insurer.



PRESIDENT

Lexington Insurance
Company



SECRETARY

Lexington Insurance
Company



AUTHORIZED REPRESENTATIVE

COUNTERSIGNED AT

DATE

COUNTERSIGNATURE

MACDUFF UNDERWRITERS, INC.
1717 NORTH CLYDE MORRIS BLVD.
SUITE 120
DAYTONA BEACH, FL 32117

1477559



Declarations
Excess Professional Liability Policy

This is a claims made and reported policy with defense costs included in the limit of liability.
Please read the entire policy carefully.

Policy Number: CUG 37252

Previous Number: CUG 36407

Item 1. Named Insured and Principal Address:

Conroy, Simberg, Ganon, Krevans, Abel, Lurvey, Morrow & Schefer,
3440 Hollywood Boulevard
Second Floor
Hollywood, FL 33021

Item 2. Policy Period: From: December 15, 2014 To: December 15, 2015
12:01 a.m. local time at the principal address stated above.

Item 3. Limit of Liability: \$5,000,000 each claim and aggregate for the Policy Period in excess of the total Underlying Limit(s).

Item 4. Schedule of Underlying Policies:

(a) Primary Policy(ies):

Insurer: Westport Insurance Corporation
Policy Number: WLL308010926900
Policy Period: December 15, 2014 to December 15, 2015
Limit of Liability: \$10,000,000 Each Claim/Aggregate
Deductible: \$100,000 (See Policy for details)

(b) Other Policy(ies)

1st Excess
Insurer: Lexington Insurance Company
Policy Number: 02-144-11-77
Policy Period: December 15, 2014 to December 15, 2015
Limit of Liability: \$10,000,000 Each Claim/Aggregate

Item 5. Premium: \$29,805.00
Florida State Surcharge: \$387.47
Total Premium: **\$30,192.47**

All notices required to be given to the Company under this policy shall be addressed to the Company c/o Chicago Underwriting Group, Inc., 191 North Wacker Drive, Suite 1000, Chicago, Illinois 60606.

WESTPORT INSURANCE CORPORATION

LAWYERS PROFESSIONAL LIABILITY INSURANCE

A Missouri Corporation
Jefferson City, Missouri
Mailing Address: 222 West Adams, Suite 2300, Chicago, IL 60606

Policy Number: WLL308010926900

Renewal of Policy : LLF NEW

DECLARATIONS

NOTICE: THIS IS A CLAIMS-MADE POLICY. EXCEPT AS MAY BE OTHERWISE PROVIDED HEREIN, THIS COVERAGE IS LIMITED TO LIABILITY FOR ONLY THOSE CLAIMS WHICH ARE FIRST MADE AGAINST AN INSURED WHILE THE POLICY IS IN FORCE.

- A. Named Insured:
CONROY, SIMBERG, GANON, KREVANS, ABEL, LURVEY, MORROW &
SCHEFER, P.A.

Mailing Address:
3440 HOLLYWOOD BLVD
2ND FLOOR
HOLLYWOOD, FL 33021

- B. Policy Period: From 12:01 A.M. 12-15-2014 To 12:01 A.M. 12-15-2015
Local time at the address stated herein
- C. Limits of Liability: \$ 10,000,000 Per Claim
\$ 10,000,000 Aggregate for the Policy Period
- D. Deductible: \$ 100,000 Per Claim
- E. Total Premium: \$ 319,935.00
Florida Hurricane Surcharge: \$ 4,159.16
Total Premium + Surcharge: \$ 324,094.16
- F. Retroactive Date: None

The Declarations and the forms listed below and attached hereto, together with the completed and signed application and supplements, shall constitute the contract between the Named Insured(s) and the Company.

Forms and endorsements made a part of this policy are listed on the attached Schedule 1A.

Date: 12-11-14
SP 1 866A 0807

Page 1 of 2

WESTPORT INSURANCE CORPORATION

Schedule 1A

Schedule of Form(s) / Endorsement(s)

Insured: CONROY, SIMBERG, GANON, KREVANS, ABEL, LURVEY, MORROW &

Policy Number: WLL308010926900

Renewal of Policy : LLF NEW

FORMS AND ENDORSEMENTS

WIC FL-NOT	10-02	FLORIDA NOTICE TO POLICYHOLDERS
SP 5 369	10-11	POLICY JACKET
SP 1 892	08-07	NOTICE TO POLICYHOLDERS
SP 1 866A	08-07	DECLARATIONS
SP 1 866A	08-07	PREMIER COV DEC/FORMS/END
SP 2 277D	09-06	SIGNATURE PAGE - POLICY
SP 1 863	03-08	CHOICE OF DEFENSE COUNSEL
SP 2 258	07-02	AMENDATORY ENDT-FLORIDA (TERMINATION)
SP 2 283	08-02	AMEND TO PROVISION OF NON-PRACTICING EXT
SP 2 284	08-02	FLORIDA NOTICE TO POLICYHOLDERS
SP 1 855	08-07	CLAIMS-MADE & REPORTED POLICY W/ DEFENSE

In witness whereof, the Company issuing this POLICY has caused this POLICY to be signed by its authorized officers, but it shall not be valid unless also signed by the duly authorized representative of the Company.

WESTPORT INSURANCE CORPORATION

Countersignature

Date



Authorized Representative