

IN THE ELEVENTH JUDICIAL
CIRCUIT, IN AND FOR MIAMI-DADE
COUNTY, FLORIDA

CASE NO. 98-11208 CA 01
CASE NO. 05-2117 CA 01

CARL L. MASZTAL, JOSEPH A.
GRAUPIER, JUANA MARTINEZ,
and MARISOL FERNANDEZ, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

THE CITY OF MIAMI, FLORIDA, *et al.*,

Defendants.

THE ORIGINAL
FILED ON:

APR 21 2011

IN THE OFFICE OF
CIRCUIT COURT DADE CO., FL

ORDER DIRECTING SECOND DISTRIBUTION

THIS CAUSE having come on to be heard by the Court on January 25, 2011, and the Court having reviewed the Court file, having reviewed the Settlement Agreements, having reviewed the latest Administrative Statistics, having reviewed all of the Administrator's records pertaining to each and every appeal, having reviewed a current Summary of Class Claims, having reviewed prior relevant Orders of the Court, having heard argument from Counsel and having been otherwise fully advised in the premises, the Court orders as follows:

1. The Court issued an Amended Order on Outstanding Appeals and Second Distribution on November 2, 2010.
2. To date, only one eligible property owner appealed the Court's November 2, 2010 Order to the Third District Court of Appeal. If this property owner

is successful in his appeal, he will be entitled to refunds of \$6,256.00 and \$581.00 for a total of \$6,831.00. The Administrator is ordered to hold back this amount plus two years of interest at the statutory rate of 6% for a total of \$7,650.72 to ensure that there is sufficient money in the common fund to pay this property owner should he be successful on his appeal. .

3. The Administrator has advised the Court that \$1,348,237.00 remains in the common fund. After subtracting the hold back of \$7,650.72 and the prior administrative fees awarded for the second distribution of \$155,958.00, there is \$1,184,628.30 remaining in the common fund.
4. The Administrator is hereby ordered, within 30 days of the date of this Order, to issue a second monetary distribution ("refund") to each and every one of the 47,678 eligible taxpayers who filed timely and complete request for refund forms, on a pro rata basis (using the same formula utilized for the original distribution).
5. The Administrator shall include a note to each taxpayer that states as follows: "This second refund check is being provided to you in the matter of *Masztal v. City of Miami and Adorno & Yoss*, Case No. 98-11208 CA 01 and 05-2117 CA 01 pursuant to section 4.7 of the Settlement Agreements and prior Orders of the Court. It is in addition to the refund you previously received. At this time the common fund has been exhausted and no further refunds will be ordered by the Court."
6. The Administrator is further ordered to post this Order on www.miamifirefeesettlement.com within 5 days of execution.

7. The Administrator shall advise the Court when the Second Distribution has been completed.
8. The parties shall set a final status conference before the Court for the Court to consider all remaining issues where appropriate at a time to be determined by the parties and the Administrator.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this
_____ day of February, 2011.

Conformed Copy

APR 21 2011

The Honorable John Schlesinger
Circuit Court Judge

JOHN SCHLESINGER
Circuit Court Judge

cc: All Counsel of Record
www.miamifirefeesettlement.com
Administrator