

IN THE CIRCUIT COURT OF THE  
11<sup>TH</sup> JUDICIAL CIRCUIT IN AND FOR  
MIAMI -DADE COUNTY, FLORIDA

Case No.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF  
FINANCIAL REGULATION,

Plaintiff,

vs.

BERMAN MORTGAGE CORPORATION,  
a Florida corporation, M.A.M.C.  
INCORPORATED, a Florida corporation,  
DANA J. BERMAN, as Owner and Managing  
Member,

Defendants,

and,

DB ATLANTA, LLC, a Florida limited liability  
company, et al...

Relief Defendants.

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**RECEIVER'S MOTION TO ADOPT AND APPROVE THE CONTINGENCY  
FEE CONTRACT BETWEEN DB BILOXI, LLC, DB BILOXI II, LLC AND  
DB BILOXI III, LLC AND THE LAW OFFICES OF ROBERT PARKS**

Receiver, Michael I. Goldberg, Esq., ("Receiver"), by and through undersigned counsel, hereby files this *Motion to Adopt and Approve the Contingency Fee Contract Between DB Biloxi, LLC, DB Biloxi II, LLC and DB Biloxi III, LLC and the Law Offices of Robert Parks*, and as grounds therefore states as follows:

1. Receiver through this Court's Temporary Injunction Order of December 11, 2007, has assumed control over Relief Defendants DB Biloxi, DB Biloxi II and DB Biloxi III.
2. These three single-asset real estate entities own three separate real estate projects in Biloxi, Mississippi. Each project sustained significant damage during hurricane Katrina in

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2005. Claims were made against the insurance policies and the claims were denied, in part. Litigation was initiated against the insured and is being prosecuted by Robert Parks on a contingency fee basis.

3. The terms of the contingency fee contract with Robert Parks are that he receives a 30% fee on the total recovery at trial and 25% of any monies recovered by settlement. He has retained Mark Hicks, as trial support and appellate counsel, who shall receive an additional 5% fee.

4. Robert Parks' step-daughter is Gabrielle D'Alemberte, who is married to Dana Berman. Gabrielle D'Alemberte also will be working for Robert Parks as of January 28, 2008. The Receiver does not believe that this relationship should in any way impact a decision to continue the use Robert Parks as trial counsel. The Receiver recommends that Robert Parks continue to be retained on the case, pursuant to the terms of his existing contract, as he has done substantial work on the case and the matter is set for trial in March 2008.

**WHEREFORE**, the Receiver moves for a Court Order Approving the Contingency Fee Contract between DB Biloxi, DB Biloxi II and DB Biloxi III and the Law Offices of Robert Parks, and approving the contingency fee provisions contained within the contract, for the reasons set forth above.

#### **CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Mail on this **11<sup>th</sup> day of January 2008**, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2<sup>nd</sup> Avenue, Suite N-708, Miami, Florida 33128; to **Alan M. Sandler, Esquire, Counsel for Defendants, Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer**

*Roth IRA and Mary Joe Meyer SD IRA and Mary Joe Meyer Roth IRA*, of SANDLER & SANDLER, 117 Aragon Avenue, Coral Gables, Florida 33134; and to **Michael P. Ehrenstein, Esquire**, *Counsel for The Amid Companies and Amedia Family Investors*, EHRENSTEIN CHARBONNEAU CALDERIN, 1111 Brickell Avenue, 2915 Mellon Financial Center, Miami, Florida 33131.

Respectfully Submitted,

BERGER SINGERMAN  
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By: 

~~JAMES D. GASSENHEIMER~~  
~~Florida Bar No. 959987~~

cc: Michael Goldberg, Esq.  
The Lender Investors  
The Honorable Thomas Wilson, Jr. *(via Hand-Delivery)*

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