

# Third District Court of Appeal

State of Florida

Opinion filed August 1, 2018.

Not final until disposition of timely filed motion for rehearing.

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Nos. 3D17-1255; 3D17-2033, & 3D17-2157  
Lower Tribunal Nos. 09-65741 & 16-28686

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**Lipcon, Margulies, Alsina & Winkleman, P.A.,**  
Appellant,

vs.

**Jackelin Gutierrez, et al.,**  
Appellees.

Appeals from the Circuit Court for Miami-Dade County, Samantha Ruiz Cohen and Pedro P. Echarte, Jr., Judges.

Lipcon, Margulies, Alsina & Winkleman, P.A., and Jason R. Margulies and Michael A. Winkleman, for appellant Lipcon, Margulies, Alsina & Winkleman, P.A.

Isicoff Ragatz, and Eric D. Isicoff and Christopher M. Yannuzzi, for appellees Michael F. Guilford, P.A., Michael F. Guilford, Nicolas G. Sakellis, P.A., Nicolas G. Sakellis, and Jackelin Gutierrez.

Before ROTHENBERG, C.J., and SUAREZ and LINDSEY, JJ.

PER CURIAM.

Affirmed.

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

**LIPCON, MARGULIES, ALSINA &  
WINKLEMAN, P.A.,**

**Plaintiff,**

**CIVIL DIVISION**

v.

**CASE NO.: 2016-28686 CA (06)**

**MICHAEL F. GUILFORD, P.A.;**  
**MICHAEL F. GUILFORD, individually;**  
**NICOLAS G. SAKELLIS, P.A.; NICOLAS**  
**G. SAKELLIS, individually; and**  
**JOHN/JANE DOE(S),**

**Defendants.**

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**FINAL JUDGMENT IN FAVOR OF DEFENDANTS**

**THIS CAUSE** came before the Court upon the Motion for Entry of Final Judgment Following Grant of Summary Judgment in favor of Defendants (the “Motion”) filed by Defendants, Michael F. Guilford, P.A.; Michael F. Guilford; Nicolas G. Sakellis, P.A.; and Nicolas G. Sakellis, against Plaintiff, the law firm of Lipcon, Margulies, Alsina & Winkleman, P.A. (the “Lipcon Firm”). The Court has reviewed the Motion and is otherwise fully advised in the premises. Accordingly, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. The Motion is **GRANTED**.
2. Final Judgment is hereby entered in favor of Defendants, Michael F. Guilford, P.A., Michael F. Guilford; Nicolas G. Sakellis, P.A.; and Nicolas G. Sakellis, whose address is 44 West Flagler St., Suite 750, Miami, Florida 33130, and against the Lipcon Firm, whose address is One Biscayne Tower, Suite 1776, 2 South Biscayne Boulevard, Miami, Florida 33131.

3. The Lipcon Firm shall take nothing by this action, and Defendants shall go hence without day.

4. The Court expressly reserves jurisdiction to consider timely motions for attorneys' fees and costs.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, on 08/29/17.



Samantha Ruiz Cohen  
CIRCUIT COURT JUDGE

**FINAL ORDERS AS TO ALL PARTIES**  
**SRS DISPOSITION NUMBER 12**  
**THE COURT DISMISSES THIS CASE AGAINST**  
**ANY PARTY NOT LISTED IN THIS FINAL ORDER**  
**OR PREVIOUS ORDER(S). THIS CASE IS CLOSED**  
**AS TO ALL PARTIES.**  
**Judge's Initials SRC**

The parties served with this Order are indicated in the accompanying 11th Circuit email confirmation which includes all emails provided by the submitter. The movant shall IMMEDIATELY serve a true and correct copy of this Order, by mail, facsimile, email or hand-delivery, to all parties/counsel of record for whom service is not indicated by the accompanying 11th Circuit confirmation, and file proof of service with the Clerk of Court.

Signed and stamped original Order sent to court file by Judge Samantha Ruiz-Cohen staff.

Copies furnished to all counsel of record

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

CIRCUIT CIVIL DIVISION 09  
CASE NO: 09-65741-CA-09

Jackelin Gutierrez

Plaintiff(s),

VS.

Royal Caribbean Cruises, Ltd.

Defendant(s),

ORDER ON  
~~GRANTING/DENYING~~  
PLAINTIFF'S/DEFENDANT'S  
Lipcon, Margulies Fee Claim

THIS CAUSE having come on to be heard on May 26, 2017  
on ~~Plaintiff's/Defendant's Motion~~

the Lipcon Margulies' firm's fee claim in the instant  
action

and the Court having heard arguments of counsel, and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED ~~that said Motion be, and the same is hereby~~ as follows:

- (1) The Court determines based on the evidence presented that the Lipcon firm was terminated by Ms. Gutierrez on October 21, 2009.
- (2) The fee sharing letter ~~to~~ to the Lipcon firm by the Guilford firm is unenforceable under Chandris.
- (3) The Lipcon firm is entitled to an award of fees based on quantum meruit in the amount of \$32,750.00
- (4) The reasons for the Court's ruling are set forth in the hearing transcript
- (5) The Lipcon firm does not have a Florida Bar compliant fee agreement with Ms. Gutierrez.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 26  
day of May, 2017.

CONFORMED COPY

MAY 26 2017

PEDRO P. ECHARTE, JR.  
CIRCUIT COURT JUDGE

CIRCUIT COURT JUDGE  
PEDRO ECHARTE, JR.  
CIRCUIT COURT JUDGE

Copies furnished to: Counsel of Record