

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

JOHN WILLIAM LICCIONE,

Plaintiff,

v.

Case No.: 24-003939-CI

CATHY SALUSTRI LOPER, et al.,

Defendants.

_____ /

DEFENDANTS' MOTION FOR JUDGMENT FOR FEES AND COSTS

Pursuant to Florida Rule of Civil Procedure 1.525, Defendants Cathy Salustri Loper, Barry Loper and Thursday Morning Media, Inc. (“Defendants”), move this Court to enter a judgment awarding them reasonable attorneys’ fees in the amount of \$70,406.50 and costs in the amount of \$587.30. This Court has found all Plaintiff’s claims against Defendant to be without merit and violative of Section 768.295, Fla. Stat. (2024) (the “Anti-SLAPP Law”). Accordingly, the Anti-SLAPP Law requires that fees and costs be awarded. As grounds for this motion, Defendants state as follows:

1. On October 14, 2025, and January 29, 2026, this Court entered orders dismissing all claims against Defendants in the Amended Complaint, Second Amended Complaint, and Third Amended Complaint. This Court further found that all those claims were based primarily on protected speech and were brought without merit, and that Defendants were entitled to an award of reasonable attorneys’ fees pursuant to the Anti-SLAPP Law. The Court reserved jurisdiction to determine the amounts to be awarded. Even so, and in accordance with Rule 1.525, Defendants are filing this motion within 30 days of the January 29 Order.

2. In calculating an attorneys’ fee award, Florida courts “typically determine the amount by multiplying the reasonable number of hours expended by a reasonable hourly rate.” *Forthuber v. First Liberty Ins. Corp.*, 229 So. 3d 896, 899 (Fla. 5th DCA 2017) (citing *Fla. Patient’s Comp. Fund v. Rowe*, 472 So.2d 1145, 1150-51 (Fla. 1985)). In this case, that calculation for Defendants’ attorneys is as follows:

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
James Lake	128.6	\$495.00	\$63,657.00
James McGuire	4.0	\$560.00	\$ 2,240.00
Mark Caramanica	8.6	\$470.00	\$ 4,042.00
Elizabeth Ernest	1.7	\$275.00	\$ 467.50
Totals	142.9		\$70,406.50

3. Defendants asserted the Anti-SLAPP law throughout the litigation and prevailed on all the claims against them. All fees and costs incurred in the defense are recoverable. As explained in *Marquez v. Lazarow*, 29 Fla. L. Weekly Supp 797a (Fla. 11th Cir. Ct. Jan 18, 2022), *aff’d*, 347 So. 3d 472 (3d DCA 2022) (quoted in this Court’s October 14 Order at page 7):

In this action, the entirety of the litigation – principally, the preparation of Lazarow’s first motion under the Anti-SLAPP Statute, Lazarow’s opposition to Marquez’s motions to amend, the preparation of Lazarow’s second motion under the Anti-SLAPP Statute, oral argument on that motion, and all matters pertaining to Marquez’s appeal – concerned Lazarow’s claim that this action was filed in violation of the Anti-SLAPP Statute. Lazarow is thus entitled to all reasonable attorneys’ fees and costs she incurred in this action.

Id. Similarly, throughout the entirety of this litigation, Defendants have pressed the claim that the causes of action against them were filed in violation of the Anti-SLAPP Law. From their first motion, and in response to each of Plaintiff’s pleadings, Defendants have invoked the Anti-SLAPP Law, which all Plaintiff’s claims violated. Consequently, Defendants are entitled to all reasonable attorneys’ fees and costs incurred in this action.

4. The legal services, fees and costs at issue in this motion are detailed on Exhibit A and Composite Exhibit B to the affidavit being filed with this motion (the “Fee Affidavit”). As

the Fee Affidavit explains, Defendants seek fees only for non-duplicative, reasonable and necessary work and at reasonable hourly rates. No work on unrelated tasks is included.

5. A significant amount of work was required in this case. Over the course of the First, Second and Third Amended Complaints, Plaintiff asserted a total of 12 counts against Defendants. The causes of action varied, including alleged state and federal statutory violations and various common law torts. Plaintiff also filed voluminous motions, legal arguments, and additional documents. Review of this material was complicated by Plaintiff's citations to non-existent case law and misrepresentations of the contents of actual court opinions. Reviewing, understanding, addressing and refuting Plaintiff's arguments required significant attorney time. Specifically, as Exhibit A details, Defendants' counsel performed 142.9 hours of work over the period from September 2024 through January 2026. This amount of time was reasonable.

6. The fee award sought in this motion is based upon Thomas & LoCicero's 2024 standard hourly rates. *See* Fee Affidavit ¶ 14. Those rates are reasonable and are equal to or below rates charged in this area by attorneys with similar skills and experience. In fact, because the 2024 rates are used throughout Exhibit A, the rates shown on Exhibit A are less than the firm's standard rates in 2025 and 2026.

7. Thomas & LoCicero's 2024 standard rates should be used even though Defendants have been billed at discounted rates for Thomas & LoCicero's work in this matter – namely, \$395 for partners James Lake, James McGuire and Mark Caramanica, and \$225 for associate Elizabeth Ernest. Plaintiff is not entitled to the benefit of that discount.

8. “When a party is not contractually obligated to pay her lawyer or is obligated to pay the lawyer less than market rate, the party may still recover a reasonable fee using the *Rowe* formula under a fee-shifting statute.” *Forthuber*, 229 So. 3d at 899. As the Second District Court

of Appeal has explained: “If the legislative intent of deterring the filing of baseless claims is to be implemented, this mandate should not be mitigated by the fact that the prevailing party has, in fact, not had to pay the fees” or not paid the full amount. *Zweibach v. Gordimer*, 884 So. 2d 244, 248 (Fla. 2d DCA 2004) (fee award under Section 57.105 not limited to amount actually paid). *See also Albritton v. Ferrera*, 913 So. 2d 5, 10 (Fla. 1st DCA 2005) (“A fee award must be based only on the reasonable value of the services rendered, not whether or how much the prevailing party has actually paid ... even if the award results in a windfall.”); *Goldstein v. Richter*, 538 So. 2d 473, 476 (Fla. 4th DCA 1989) (“the trial court correctly based appellee's attorney's fee award on [the] market rate for attorney’s fees rather than the hourly rate billed to appellee by his counsel”). To the extent that the Court awards and Defendants collect any amount in excess of amounts billed, that compensation will merely set off to some extent the costs of this motion and the personal costs that Plaintiff’s meritless litigation has imposed upon Defendants.

9. Defendants also should be awarded their costs under the Anti-SLAPP Law and as prevailing parties under Section 57.041 of the Florida Statutes. Those costs consisted of court reporter appearance fees for three hearings, totaling \$587.30. *See Exhibit A & Composite Exhibit B.*

WHEREFORE, Defendants respectfully requests that the Court (1) award reasonable attorneys' fees in the amount of \$70,406.50 or whatever amount the Court deems reasonable, and costs in the amount of \$587.30, for a total award of \$70,993.80, plus any additional fees incurred in connection with the dismissed claims and any expert fees, mediator fees, and other taxable fees and costs incurred in connection with this motion; (2) enter a judgment accordingly and direct Plaintiff to complete Form 1.977 and to provide the required attachments; and (3) grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

THOMAS & LOCICERO PL

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and Thursday Morning Media, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 18, 2026, the foregoing document was electronically filed with the Clerk of the Court via the E-Portal, and was served this same day on all counsel of record, either via transmission of Notices of Electronic Filing generated by the E-Portal or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

/James B. Lake/

Attorney