

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.

____/

EXHIBIT 1

**TO PLAINTIFF'S RESPONSE IN OPPOSITION—LINE-BY-LINE OBJECTIONS TO
DEFENDANTS' FEE AFFIDAVIT AND BILLING RECORDS**

Plaintiff submits this line-by-line response to Exhibit A of the Fee Affidavit of James B. Lake (Feb. 17, 2026). Each entry is organized by objection category; for entries in multiple categories, the most targeted objection controls. Plaintiff does not concede that any entry is recoverable.

I. CATEGORY A — ENTRIES RELATING TO OTHER LITIGATION (NOT THIS ANTI-SLAPP DEFENSE)

Date	Staff	Hrs	Description (from Exhibit A)	Objection
09/18/2024	JBL	0.4	Review status of related cases (.1); legal analysis and telephone conference with co-defendant's counsel re same (.3)	Monitoring other litigation; no Anti-SLAPP nexus
09/30/2024	JBL	0.7	Telephone conference with attorneys for co-defendants re defense strategy and possible removal of case to federal court (.4); legal analysis re same (.3)	Removal analysis is not Anti-SLAPP defense work; removal was never pursued

Date	Staff	Hrs	Description (from Exhibit A)	Objection
10/15/2024	JBL	1.1	Review and analysis of plaintiff's response to MTD (.3); correspondence and telephone conference with C. Loper re same (.3); correspondence with co-defendants and legal analysis re possible next steps in litigation (.5)	Block-billed; 0.5 hrs 'possible next steps' includes removal/sanctions strategy separate from Anti-SLAPP
11/04/2024	JBL	1.4	Telephone conference with plaintiff; review/analysis of court's stay order (.4); correspondence and telephone conference with client re [redacted]; research re plaintiff's threatened defamation claim (.5)	0.5 hrs researching potential new defamation claim against Plaintiff = offensive research, not Anti-SLAPP defense; block-billed
11/08/2024	JBL	1.8	Review plaintiff's response to court's stay motion (.3); review federal court complaint (.4); draft outline for argument (.1)	0.4 hrs reviewing federal complaint = monitoring separate litigation, not Anti-SLAPP work in this case
11/18/2024	JBL	0.6	Legal analysis re status of litigation and upcoming hearing in companion case (.2); draft letter to judge re same (.2); correspondence to C. Loper re same (.2)	Pre-stay: concerns companion case hearing — companion case activity is not recoverable Anti-SLAPP work in this action
11/19/2024	JBL	0.3	Edit and finalize letter to judge re motion to compel and upcoming status conference (.1); telephone conference with C. Loper re same and re status of litigation (.2)	Status-conference administration; motion to compel context — Plaintiff's motion to compel was denied as moot; this entry does not relate to the Anti-SLAPP defense on the merits
01/23/2025	JBL	0.2	Review show-cause order in related case (.1); correspondence and telephone conference with C. Loper re same (.1)	Entirely relates to separate proceeding; zero nexus to Anti-SLAPP defense here
02/12/2025	JBL	0.2	Review Florida Supreme Court order transferring Liccione petition (.1); telephone conference with co-defendant's counsel and C. Loper re same (.2)	Florida Supreme Court/transfer proceedings are separate; not Anti-SLAPP defense in this action
02/14/2025	JBL	0.1	Review Florida Supreme Court orders and new motion from Liccione; correspondence to C. Loper re same	Same — monitoring separate appellate proceedings, not Anti-SLAPP defense
02/26/2025	JBL	0.2	Review order denying plaintiff's motion to disqualify trial judge (.1); correspondence to C. Loper re same (.1)	Judicial disqualification proceeding is collateral; not Anti-SLAPP defense work
03/06/2025	JBL	0.1	Review notice dismissing claims against reporter; correspondence to C. Loper re same	Reporter is a co-defendant, not a party to the Anti-SLAPP motion; this is case-status monitoring
03/07/2025	JBL	0.1	Review order denying Liccione's transferred petition; correspondence to C. Loper re same	Transferred petition is collateral proceeding; not Anti-SLAPP defense
05/20/2025	JBL	0.4	Legal analysis re court's authority to impose sanctions after motion to amend meritless pleading (.3); telephone conference with co-defendant's counsel re status of PDEC case (.1)	Sanctions analysis is offensive/strategic, not defensive Anti-SLAPP work; PDEC case monitoring = separate litigation
05/21/2025	JBL	0.9	Research status of Plaintiff's other litigation (.3); consider grounds for court's consideration of records from related litigation (.3); draft requests for judicial notice and related revisions (.3)	0.3 hrs researching other litigation = monitoring separate cases; 0.3 hrs re records from related litigation is incidental to Anti-SLAPP, not central

Date	Staff	Hrs	Description (from Exhibit A)	Objection
10/13/2025	JBL	0.2	Review District of Columbia federal court's order dismissing related case; legal analysis re same	D.C. federal case is separate litigation; monitoring it is not Anti-SLAPP defense in this Florida circuit court action

Category A Estimated Exposure: Approximately 4.9 hours / \$2,425.50 at claimed standard rates (maximum \$1,935.00 at ceiling billed rates, subject to the Court's independent lodestar rate determination, which may yield lower figures). Plaintiff requests exclusion of all Category A entries.

II. CATEGORY B — STAY-PERIOD ENTRIES: MONITORING, SETTLEMENT ADMINISTRATION, AND CORRESPONDENCE (NOV. 20, 2024 – JUL. 17, 2025)

Date	Staff	Hrs	Description (from Exhibit A)	Objection
11/21/2024	JBL	0.3	Correspondence with C. Loper re status of case and review docket in related federal case	Stay period — docket review of related federal case; monitoring separate litigation while case is stayed is not Anti-SLAPP defense
12/06/2024	JBL	0.2	Review plaintiff's correspondence with amended federal complaint and settlement overture (.1); correspondence with C. Loper re same (.2)	Stay period — reviewing activity in federal court (separate case) and settlement administration; neither is Anti-SLAPP defense
12/10/2024	JBL	0.2	Correspondence with C. Loper re [redacted] (.1); respond to plaintiff re same (.1)	Stay period — substance redacted; cannot assess nexus to Anti-SLAPP defense; burden is on movant to establish recoverability
12/11/2024	JBL	0.3	Analysis of plaintiff's settlement proposal (.2); correspondence with C. Loper re same (.1)	Stay period — settlement analysis is not Anti-SLAPP defense work; client business decision not chargeable to opponent. See <i>Baratta v. Valler Oak</i> , 928 So. 2d 495 (Fla. 2d DCA 2006)
12/17/2024	JBL	0.2	Review correspondence from plaintiff (.1); correspondence and telephone conference with C. Loper re same (.1)	Stay period — correspondence during stay; no Anti-SLAPP nexus shown
12/18/2024	JBL	0.1	Correspondence with plaintiff and C. Loper	Stay period — administrative correspondence; no Anti-SLAPP nexus
01/23/2025	JBL	0.2	[See Category A — also a stay-period entry]	[Cross-reference Category A]
01/24/2025	JBL	0.3	Review correspondence from plaintiff (.1); correspondence and telephone conference with C. Loper re same (.2)	Stay period — correspondence monitoring; no Anti-SLAPP defense nexus
02/03/2025	JBL	0.1	Finalize and send response to plaintiff's latest settlement overture	Stay period — settlement administration; business decision, not Anti-SLAPP defense. <i>Baratta, supra</i>
02/12/2025	JBL	0.2	[See Category A — also a stay-period entry]	[Cross-reference Category A]
02/14/2025	JBL	0.1	[See Category A — also a stay-period entry]	[Cross-reference Category A]
02/26/2025	JBL	0.2	[See Category A — also a stay-period entry]	[Cross-reference Category A]

Date	Staff	Hrs	Description (from Exhibit A)	Objection
03/06/2025	JBL	0.1	[See Category A — also a stay-period entry]	[Cross-reference Category A]
03/07/2025	JBL	0.1	[See Category A — also a stay-period entry]	[Cross-reference Category A]
03/13/2025	JBL	0.1	Review correspondence from plaintiff, including draft motion and proposed order	Stay period — monitoring plaintiff's draft filings; no Anti-SLAPP defense nexus shown

Category B Estimated Exposure (non-duplicate entries): Approximately 1.5 hours / \$742.50 at claimed standard rates (maximum \$592.50 at ceiling billed rates, subject to the Court's independent lodestar rate determination). Plaintiff requests exclusion of clearly collateral Category B entries — including monitoring of separate proceedings, settlement administration, and client business decisions during the stay — and reduction of mixed entries where Defendants have not demonstrated segregation between recoverable Anti-SLAPP defense work and work serving other purposes.

III. CATEGORY C — FEE-AWARD PLANNING AND POST-DISMISSAL STRATEGY (NOT ANTI-SLAPP DEFENSE)

Date	Staff	Hrs	Description (from Exhibit A)	Objection
10/15/2025	JBL	0.9	Review order granting Anti-SLAPP motions (.2); confer with clients re same (.2); legal analysis re next steps in litigation (.5)	0.5 hrs 'legal analysis re next steps' is post-dismissal fee strategy, not Anti-SLAPP defense. Fee-planning work is not recoverable under § 768.295(4)
10/16/2025	JBL	0.4	Legal analysis re next steps in litigation and strategy re fee award (.4)	Entry expressly states 'strategy re fee award' — fee-award planning is not Anti-SLAPP defense work and is not recoverable
10/17/2025	JBL	0.4	Legal analysis re next steps in litigation (.2); draft correspondence to plaintiff re same (.2)	Post-dismissal litigation strategy / demand letter preparation; not Anti-SLAPP defense work
10/20/2025	JBL	0.7	Legal analysis and correspondence with C. Loper re next steps in litigation (.2); telephone conference with plaintiff (.5)	Post-dismissal: 0.2 hrs strategy; 0.5 hrs conference re settlement/fee demand — settlement administration, not Anti-SLAPP defense
01/29/2026	JBL	0.5	Review order of dismissal with prejudice (.2); correspondence and telephone conference with C. Loper re same (.1); legal analysis re seeking attorneys' fee award (.2)	0.2 hrs expressly 'legal analysis re seeking attorneys' fee award' — fee motion preparation is not recoverable as Anti-SLAPP defense work

Category C Estimated Exposure: Approximately 2.9 hours / \$1,435.50 at claimed rates. Florida law distinguishes fees for litigating entitlement (recoverable) from fees for litigating or strategizing about the amount of the award (not recoverable). *State Farm Fire & Cas. Co. v. Palma*, 629 So. 2d

830, 832–33 (Fla. 1993). The Category C entries reflect the latter. Plaintiff requests exclusion of all Category C entries, or at minimum the identifiable fee-planning sub-entries.

IV. CATEGORY D — BLOCK-BILLED ENTRIES THAT CANNOT BE PARSED BETWEEN RECOVERABLE AND NON-RECOVERABLE WORK

Date	Staff	Hrs	Description (from Exhibit A)	Objection
09/13/2024	JBL	0.8	Review Liccione complaint (.2); legal analysis and research re same (.4); telephone conference with C. Loper re same (.2)	Initial complaint had no defamation count; Anti-SLAPP was not applicable. Work on original complaint is not recoverable Anti-SLAPP defense work
09/16/2024	JBL	1.0	Review documents from client and status of related litigation (.6); consider options re motion to dismiss (.4)	0.6 hrs reviewing 'related litigation' = monitoring other cases; block-billed with MTD strategy; cannot parse
09/19/2024	JBL	1.0	Draft introduction and begin drafting legal argument section of motion to dismiss	MTD FAC had count-by-count grounds first; Anti-SLAPP was secondary/backup argument. Block-billed entry makes allocation impossible; cannot verify what portion is Anti-SLAPP
09/20/2024	JBL	0.4	Continue drafting motion to dismiss	Same — MTD FAC; Anti-SLAPP was not the primary basis. Allocation needed
09/21/2024	JBL	2.7	Edit and finalize notice of appearance (.2); continue drafting MTD (1.2); correspondence to C. Loper re same (.2)	Notice of appearance and client correspondence are administrative overhead; 1.2 hrs MTD drafting block-billed without Anti-SLAPP allocation
10/21/2024	JBL	1.2	Correspondence re scheduling hearing (.4); review case law in plaintiff's response (.3); review co-defendant's sanctions motion (.1); preparation for hearing (.4)	0.1 hrs reviewing co-defendant's sanctions motion = co-defendant's offensive strategy; block-billed
10/29/2024	JBL	2.0	Review plaintiff's motion to compel and to continue hearing (.3); legal research and analysis re same (.9); review correspondence re same (.1); correspondence with C. Loper (.3); draft, edit and finalize response to motion (.4)	Responding to motion to compel is not Anti-SLAPP defense; 0.9 hrs research re motion to compel cannot be segregated from remaining entries
05/18/2025	JBL	6.9	Draft legal argument concerning humor article (1.7); research and analysis re same and re flaws in plaintiff's arguments concerning debate article (2.1); draft additions to responses to pending motions and to Anti-SLAPP memo of law (3.1)	Largest single-day entry in file — 6.9 hours block-billed across multiple theories and drafts; impossible to verify Anti-SLAPP vs. non-Anti-SLAPP allocation without line-item breakdown. Haines v. Sophia, 711 So. 2d 209, 211 (Fla. 4th DCA 1998). Allocation required. Effective Teleservices, Inc. v. Smith, 132 So. 3d 335, 339 (Fla. 4th DCA 2014). Reduction warranted
11/20/2025	JBL	3.3	Legal analysis re plaintiff's proposal to bifurcate Anti-SLAPP and vexatious litigant issues (.5); confer with C. Loper and plaintiff re same (.5); review plaintiff's proposed motion and draft stipulation re same (.8); analysis re plaintiff's proposed revisions (.5); correspondence with plaintiff re same (1.0)	Vexatious litigant analysis is not Anti-SLAPP defense — it is a separate offensive claim; block-billed with Anti-SLAPP strategy; vexatious-litigant portion not recoverable under § 768.295(4)

Date	Staff	Hrs	Description (from Exhibit A)	Objection
12/11/2025	JBL	3.4	Legal analysis re plaintiff's response to MTD (.7); research re same (.8); telephone conferences with plaintiff (.4) and C. Loper (.2); draft additions to oral argument outline (1.7)	0.4 hrs telephone conferences with plaintiff are settlement/positioning discussions, not preparation; block-billed with legitimate prep time; reduction warranted

Category D: Plaintiff requests a minimum 25–40% reduction to these entries pending independent lodestar analysis, and full exclusion of identifiable non-Anti-SLAPP sub-entries (e.g., 0.5 hrs 'research re plaintiff's threatened defamation claim' on 11/04/2024; 0.9 hrs 'legal research re motion to compel' on 10/29/2024; 0.5 hrs vexatious litigant analysis on 11/20/2025).

V. CATEGORY E — OVERSTAFFING AND DUPLICATIVE TIME ENTRIES

Date	Staff	Hrs	Description (from Exhibit A)	Objection
09/24/2024	JJM	0.9	Review draft motion to dismiss and provide proposed revisions (.6); [Correspondence with C. Loper and legal analysis re next steps (.3) — JBL same date]	JBL also billed 0.3 hrs on this date for overlapping strategy work. McGuire reviewing same MTD as Lake = duplicative; Affidavit ¶14 claims 'not duplicative' but concurrent partner review is textbook overstaffing
05/22/2025	JBL +JJM	0.7 +1.6	JBL: Draft additions to responses (.7) — JJM: Review amended complaint, MTDs, proposed SAC, and provide revisions (.9 review + .7 revisions)	Both partners reviewing and revising same draft documents on same date; 2.3 combined hours for editorial review is excessive and duplicative
06/06/2025	JBL +JJM	0.2 +0.5	JBL: Preparation for upcoming hearing in light of plaintiff's motion to strike (.2) — JJM: Review and analyze Plaintiffs' motion to strike and help plan strategy for addressing same (.5)	Both timekeepers analyzing same motion to strike on same date; 0.7 combined hours for what should be a single attorney task at this litigation scale
07/07/2025	JBL +MRC	3.0 +1.5	JBL: Review case law in preparation for hearing (.8); practice oral argument (1.2); plan and draft additions to outline (1.0) — MRC: Prepare for and participate in moot court session (1.3); review opposition memorandum (.2)	Moot court preparation is a client business decision; billing opponent for both the arguing attorney's AND moot court participants' preparation time is not consistent with Anti-SLAPP fee-shifting policy. Baratta, supra
07/10/2025	JBL +MRC	1.9 +0.2	JBL: Correspondence to judge re proposed order (.4); continue drafting proposed order (1.5) — MRC: Confer internally re strategy on proposed order and preservation of Anti-SLAPP rights as to original complaint (.2)	Proposed order drafting is a normal task for one attorney; internal strategy conference on same document = duplicative overhead
07/09/2025	JBL	2.0	Draft proposed order re stay and second amended complaint (.3); correspondence with plaintiff re same (.2); begin drafting proposed order on motions to dismiss, including background section, discussion of Anti-SLAPP law and First Amended Complaint (1.5)	Proposed order drafting primarily serves client's interest in controlling the court's written findings, not the Anti-SLAPP defense itself. Baratta, 928 So. 2d at 499. Block-billed with correspondence to plaintiff; cannot segregate

Date	Staff	Hrs	Description (from Exhibit A)	Objection
07/11/2025	JBL	2.5	Continue drafting proposed order, including discussion of Anti-SLAPP standards (1.1); review case law and incorporate discussion re same (1.4)	Continuation of proposed order drafting across multiple days; 2.5 hrs on a document that primarily serves Defendants' interest in shaping the court's written findings. Baratta, supra; client business decision not chargeable to opponent
07/13/2025	MRC	0.4	Review and edit proposed order granting motions to dismiss/SLAPP	Second partner reviewing same proposed order JBL was drafting July 9–11; duplicative editorial oversight of a single document already receiving primary attorney attention
07/14/2025	JBL +MRC	1.0 +0.3	JBL: Review and revise proposed order (.8); correspondence with C. Loper re same (.2) — MRC: Analyze proposed order submitted by Plaintiff and consider strategy re same (.3)	Both partners reviewing proposed orders on same date: JBL revising defense proposed order while MRC analyzes plaintiff's competing proposed order. 1.3 combined hours of senior-partner proposed-order work on a single day = duplicative overhead. Baratta, supra
07/15/2025	JBL	0.4	Final review of proposed order on motions to dismiss (.3); draft letter to court and correspondence to judicial assistant re same (.1)	Final review and transmittal of proposed order; continuation of client-driven proposed-order campaign across seven billing days. Aggregate proposed-order hours (07/09–07/15) = 8.7 hrs; this work product benefits client's interest in written findings, not compensable Anti-SLAPP defense. Baratta, supra
11/07/2025	JBL +MRC	0.2 +1.3	JBL: Review dismissal order and correspondence from plaintiff (.2) — MRC: Analyze third amended complaint and strategy to move to dismiss (.4); research potential defenses to actual malice pleading (.8); review court dismissal (.1)	Both partners analyzing same complaint and dismissal order; 1.5 combined hours on task that warrants one attorney's attention
11/13/2025	MRC	1.1 +1.3	MRC 11/13 (entry 1): Analyze and edit draft MTD 3AC (.8); plan legal strategy (.3) — MRC 11/13 (entry 2): Review additional case law (.4); draft additions to actual malice argument (.3); edit and revise MTD (.6)	Two separate MRC entries on the same date totaling 2.4 hours; may represent splitting a single work session into two entries; combined total should be scrutinized

Category E: Plaintiff requests exclusion or substantial reduction of secondary-timekeeper entries where the primary attorney was already billing for the same task. The ~9.1 hours in the summary row below reflects secondary-timekeeper (JJM and MRC) concurrent hours, including the 1.5-hour moot court session (MRC, 07/07/2025) and other concurrent partner review entries. The July 9–15, 2025 proposed-order cluster additionally presents an independent Baratta client-business-decision basis for excluding or substantially reducing the JBL primary-timekeeper proposed-order hours (approximately 8.7 hours across July 9–15, 2025), which are not separately quantified in the summary row but are identified in the line-item objections above.

VI. CATEGORY F — REDACTED AND UNVERIFIABLE ENTRIES

Date	Staff	Hrs	Description (from Exhibit A)	Objection
10/29/2024	JBL	2.0 (partial)	[Includes 0.1 hrs: 'review co-defendant's sanctions motion']	Co-defendant's sanctions motion is co-defendant's filing; reviewing it benefits co-defendant's separate strategy, not Defendants' Anti-SLAPP defense
12/10/2024	JBL	0.2	Correspondence with C. Loper re [redacted] (.1); respond to plaintiff re same (.1)	Substance redacted. Movant bears burden to establish each entry is recoverable. Gail Van Diepen, PA v. Brown, 55 So. 3d 612 (Fla. 5th DCA 2011). Redaction defeats that showing
11/04/2024	JBL	1.4 (partial)	Telephone conference with plaintiff (0.2); review and analysis of court's stay order (.4); correspondence and telephone conference with client re [redacted] (.3); research re plaintiff's threatened defamation claim (.5)	0.3 hrs substance redacted; 0.5 hrs researching plaintiff's 'threatened' defamation claim is offensive/anticipatory research, not Anti-SLAPP defense of pending counts

Category F: Plaintiff requests exclusion of fully redacted entries and reduction of partially redacted entries to verifiable sub-components only.

VII. CATEGORY G — AGGREGATE HOURS EXCEED PLEADING-STAGE BENCHMARKS (“OVER-LAWYERING”)

Plaintiff requests an across-the-board reduction of not less than 30% applied to any of the 142.9 billed hours not excluded under Categories A through F. Rowe, 472 So. 2d 1145, 1150 (Fla. 1985); Haines v. Sophia, 711 So. 2d 209, 211 (Fla. 4th DCA 1998).

SUMMARY OF REQUESTED REDUCTIONS

Category	Basis for Exclusion/Reduction	Approx. Hrs.	@ Claimed Rates	@ Ceiling Rate (max.)
A — Other Litigation	Work outside this Anti-SLAPP defense	~4.9	\$2,426	\$1,936
B — Stay-Period Monitoring	Administrative; consent to stay; Baratta	~1.5	\$743	\$593
C — Fee-Award Planning	Post-dismissal strategy; not Anti-SLAPP defense	~2.9	\$1,436	\$1,146
D — Block Billing	Cannot parse; Haines v. Sophia; Effective Teleservices (allocation)	~22.7*	\$11,237*	\$8,967*
E — Overstaffing	Duplicative; Baratta; moot court billing	~9.1*	\$4,547*	\$3,595*
F — Redacted/Unverifiable	Van Diepen burden not met	~0.6	\$297	\$237
G — Aggregate Over-Lawying	30% reduction on non-excluded entries; Haines v. Sophia	~30% of remaining	TBD per Court	TBD per Court
TOTAL CHALLENGED	(Categories A, B, C, F = full exclusion; D, E = reduction)	~41.7*	~\$20,685*	~\$16,473*

* Categories D and E involve entries that are block-billed across recoverable and non-recoverable tasks. The hours shown are the full hours of those entries. Plaintiff requests reductions of at minimum 25–40% for Category D entries and exclusion of the secondary-timekeeper hours in Category E. Actual reductions will depend on the Court's independent lodestar analysis.

** These figures do not include the \$14,086.00 upward adjustment from billed (\$56,320.50) to standard rates (\$70,406.50). Absent any shown alternative fee-recovery clause, the billed rates (\$395/\$225) serve as the theoretical operative cap on this record under Rowe, Perez-Borroto v. Brea, 544 So. 2d 1022 (Fla. 1989), and Compass Construction, 61 So. 3d 1273 (Fla. 2d DCA 2011), and do not represent the floor. The Court’s independent lodestar analysis may produce rates materially below that ceiling. The figures in the “@ Ceiling Rate” column use the actual billed rates (\$395/\$225) as the theoretical maximum under Rowe and Compass Construction, yielding lower figures in every category if the Court’s independent lodestar analysis produces rates below that ceiling.

Respectfully submitted,

/s/ John W. Liccione