

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

GOOCH SUPPORT SYSTEMS, INC.,
GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

CASE NO.: CACE 94-09881 (03)

Plaintiffs,

v.

MAHALEEL LEE LUSTER,

Defendant.

FINAL JUDGMENT

This cause came before the Court for hearing on March 26, 2003, on the Motion of BRUCE ANDERSON, as assignee of judgment creditor MAHALEEL LEE LUSTER, for judgment against surety HARTFORD FIRE INSURANCE COMPANY. It appears to the Court that HARTFORD FIRE INSURANCE COMPANY obligated itself as surety to judgment creditor LUSTER on that certain civil supersedeas bond, dated March 12, 2002, in the amount of \$284,154.27 to stay execution of the Final Judgment originally entered on May 21, 2001, in favor of LUSTER against GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH (collectively the "GOOCHES"), pending review of this Court's Order entered December 18, 2001 denying the Gooches' Second Motion to Vacate the Final Judgment entered in favor of LUSTER. Subsequent to filing of the supersedeas bond, the Fourth District Court of Appeal, in a *per curiam* decision issued August 14, 2002, affirmed this Court's denial of the GOOCHES' Second Motion to Vacate Final Judgment, and thereafter the Fourth District Court of Appeal issued its Mandate on November 1, 2002 returning the matter to this Court. It further appearing that the judgment debtors, the GOOCHES, having failed to satisfy the Final Judgment, judgment should therefore properly be entered against the surety in

accordance with Rule 9.310(d), Fla.R.App.P. The original amount of the outstanding Final Judgment in favor of LUSTER is \$240,808.71. Interest on LUSTER's Final Judgment through today's date equals \$48,913.86, for a total required to satisfy the Final Judgment of \$289,722.57. This sum exceeds the amount of HARTFORD's surety bond. Accordingly, judgment is properly entered against surety HARTFORD in the full amount of its \$284,154.27 undertaking under the supersedeas bond. Therefore, it is

ORDERED AND ADJUDGED, that BRUCE ANDERSON, as assignee of MAHALEEL LEE LUSTER, shall hereby recover judgment against HARTFORD FIRE INSURANCE COMPANY in the amount of \$284,154.27, together with interest thereon from today's date at the statutory rate of six percent (6%) per annum, for which let execution issue.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 26th day of March, 2003.

PATTI ENGLANDER HENNING
CIRCUIT JUDGE

Patti Englander Henning
Circuit Judge

MAR 26 2003

A TRUE COPY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by U.S. Mail delivery to: The Hartford, The Hartford Fidelity & Bonding (BOND), Hartford Plaza, 690 Asylum Ave., Hartford, CT 06115; Stephen J. McDonald, McDonald & Crawford, P.A., 315 S.E. 7th Street, Suite 303, Ft. Lauderdale, Florida 33301; Martin Sperry and Joseph S. Kashi, Sperry, Shapiro & Kashi, 633 South Andrews Avenue, Suite 101, Ft. Lauderdale, Florida 33301, and Donald E. Christopher, Litchford & Christopher Professional Association, P.O. Box 1549, Orlando, Florida 32802 this ____ day of March, 2003.

Clerk

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

GOOCH SUPPORT SYSTEMS, INC.,
GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

CASE NO.: CACE 94-09881 (03)

Plaintiffs,

v.

MAHALEEL LEE LUSTER,

Defendant.

WRIT OF EXECUTION

YOU ARE COMMANDED to levy on so much of the land, tenements, goods and
chattels of HARTFORD FIRE INSURANCE COMPANY as may be sufficient to satisfy the sum
of \$284,154.27 with interest at the statutory rate of six percent (6%) per annum from March 26,
2003, until paid, and to have this writ before the Court when satisfied.

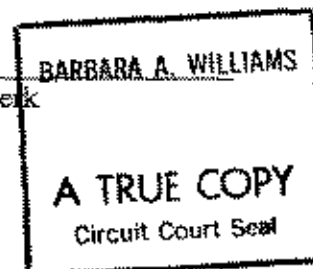
DATED on this ____ day of _____, 2003.

HOWARD C. FORMAN

JUN 27 2003

Howard Foreman
As Clerk of the Court

By: _____
As Deputy Clerk



IN THE CIRCUIT COURT OF THE
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GOOCH SUPPORT SYSTEMS, INC.,
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Plaintiffs,

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MAHALEEL LEE LUSTER,
Defendant.

INSTRUCTIONS FOR LEVY

TO THE SHERIFF OF ORANGE COUNTY, FLORIDA

In the matter of an execution for money, issued out of the above styled Court, in the above styled case, you are hereby instructed to reduce the balance of the writ of execution by post judgment payments totaling \$284,154.27 after which you are to levy upon the following described property of Hartford Fire Insurance Company:

DESCRIPTION OF PROPERTY

Location of property: 101 Southhall Lane, Maitland, Florida 32751

Description of property: All business equipment, computers, furniture, and supplies

Hartford Fire Insurance Company's last known mailing address: The Hartford, The Hartford
Fidelity & Bonding (BOND), Hartford Plaza, 690 Asylum Ave., Hartford, CT 06115

Hartford Fire Insurance Company's attorney of record: Stephen J. McDonald, McDonald &
Crawford, P.A., 315 S.E. 7th Street, Suite 303, Ft. Lauderdale, Florida 33301

It is understood and agreed that you, as Sheriff of Orange County, Florida, pursuant to F.S.S. 30.30, shall be held blameless in making a wrongful levy, when acting upon these instructions, and it is further understood and agreed that I shall pay all cost incident to this levy, should the property levied upon, for any reason be not sold, or if upon the sale should not produce sufficient money to pay said cost, unless said cost shall have been paid by Hartford Fire Insurance Company.

DATED on this 11th day of August, 2003.

By: 
Paul E. DeHart, Attorney for Bruce
Anderson

Name: Paul E. DeHart
Address: 390 North Orange Avenue, Suite 2200, Orlando, Florida, 32801
Phone #: 407-422-6600
Contact Person: Paul E. DeHart

RECEIVED

OCT 02 2003

Litchford & Christopher, P.A.

FILE COPY

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

CASE NO.: CACE 94-09881 (03)

GOOCH SUPPORT SYSTEMS, INC.,
GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

Plaintiffs,

v.

MAHALEEL LEE LUSTER,

Defendant.

A TRUE COPY
HOWARD C. FORMAN
CLERK OF CIRCUIT COURT
SEP 30 2003

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS: That BRUCE ANDERSON, as Judgment Creditor with respect to that certain final Judgment entered in the above-styled cause on March 26, 2003 for the principal sum of \$284,154.27, together with interest thereon at the statutory rate of six percent (6%) per annum, against HARTFORD FIRE INSURANCE COMPANY, as Surety, said Judgment being duly recorded with the Department of State in

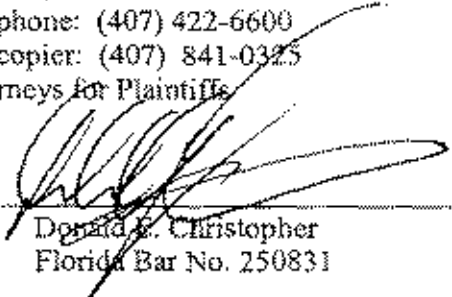
Judgment Lien Certificate no. J03000131849, does hereby acknowledge full payment and satisfaction thereof and hereby consents that the same shall be satisfied of record.

WITNESS my hand and seal this 29th day of September, 2003.

LITCHFORD & CHRISTOPHER

Professional Association
Bank of America Center
390 North Orange Avenue
Post Office Box 1549
Orlando, FL 32802
Telephone: (407) 422-6600
Telecopier: (407) 841-0325
Attorneys for Plaintiff

By: _____


Donald E. Christopher
Florida Bar No. 250831

STATE OF FLORIDA)
COUNTY OF ORANGE) ss.

BEFORE ME, the undersigned authority, personally appeared this 29th day of September, 2003, Donald E. Christopher, Esquire, who is personally known to me, who acknowledged executing the foregoing instrument.

Christine M. Praria
Notary Public (Signature)

Christine M. Praria
Notary Public -typed or printed

Commission No. CC 888056
My Commission Expires: 11/15/03



Christine M. Praria
Commission # CC 888056
Expires Nov. 15, 2003
Bonded Thru
Atlantic Bonding Co., Inc.

RECEIVED
OCT 06 2003
Litchford & Christopher, P.A.

DEC

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY,
FLORIDA

GOOCH SUPPORT SYSTEMS, INC.,
GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

CASE NO.: CACE 94-09881 (03)

Plaintiffs,

v.

MAHALEEL LEE LUSTER,
Defendant.

ORDER DIRECTING CLERK TO DISBURSE CASH SUPERSEDEAS BOND

THIS CAUSE is before the Court on the June 12, 2003 *ore tenus* motion of judgment creditor BRUCE ANDERSON, as assignee of judgment creditor MAHALEEL LEE LUSTER, for disbursement of the principal sum of \$9,632.35 placed on deposit with the Clerk of this Court on July 3, 2002 as a cash supersedeas bond. It appearing to the Court that GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH (the "GOOCHES") obligated themselves as sureties to judgment creditor LUSTER on their Supplemental Civil Supersedeas Cash Bond filed with the Court on July 3, 2002, in the amount of \$9,632.35, to stay execution of the Final Judgment originally entered on May 21, 2001, in favor of LUSTER against the GOOCHES, pending review of this Court's Order entered December 18, 2001 denying the GOOCHES' Second Motion to Vacate the Final Judgment entered in favor of LUSTER. Subsequent to filing of the Supplemental Civil Supersedeas Cash Bond, the Fourth District Court of Appeal, in a *per curiam* decision issued August 14, 2002, affirmed this Court's denial of the GOOCHES' Second Motion to Vacate Final Judgment. Thereafter the Fourth District Court of Appeal issued its Mandate on November 1, 2002 returning the matter to this Court. It appearing that the judgment debtors, the GOOCHES,

having failed to satisfy the Final Judgment, the cash bond now on deposit with the Clerk of the Court should therefore properly be disbursed to the judgment holder of record, BRUCE ANDERSON, as assignee of judgment creditor MAHALEEL LEE LUSTER. Accordingly, it is

ORDERED AND ADJUDGED, that the Clerk of this Court shall forthwith disburse the sum of \$9,632.35, posted as a cash bond by GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH, as principals and sureties in this action. Disbursement shall be by check payable to BRUCE ANDERSON, the current holder of the unsatisfied judgment. The Clerk is further directed to issue such check to the law firm of Litchford & Christopher Professional Association, P.O. Box 1549, Orlando, Florida 32802 as attorneys on behalf of judgment holder ANDERSON. This disbursement shall be deemed partial satisfaction of the outstanding Final Judgment against the GOOCHES in the original amount of \$240,808.71, that has accrued interest through September 11, 2003 of \$61,178.61, for a total outstanding amount of \$301,987.32 as of that date.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 1st day of September, 2003.


Patti Englander Henning
Circuit Judge

TRUE COPY

RECEIVED

OCT 08 2003

Litchford & Christopher, P.A.

226

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA

GOOCH SUPPORT SYSTEMS, INC.,
GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

CASE NO.: CACE 94-09881 (03)

Plaintiffs,

v.

MAHALEEL LEE LUSTER,

Defendant.

ORDER

THIS CAUSE came before the Court for hearing on June 12, 2003 on the Motion for Stay and the Motion to Abate Proceedings Pending Arbitration, both filed on April 2, 2003, by surety HARTFORD FIRE INSURANCE COMPANY, and Plaintiffs/Judgment Defendants GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH (the "GOOCHES"). Upon consideration of such Motions, and the argument of counsel thereon, it is

ORDERED that the Motion for Stay filed by surety HARTFORD FIRE INSURANCE COMPANY and principals GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH, be and is hereby denied; it is further

ORDERED that the Motion to Abate Proceedings Pending Arbitration filed by surety HARTFORD FIRE INSURANCE COMPANY and principals GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH be and is hereby denied.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this

1 day of September, 2003.


Patti Englander Henning
Circuit Judge

CERTIFICATE OF SERVICE

TRUE COPY

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by U.S. Mail delivery to: The Hartford, The Hartford Fidelity & Bonding (BOND), Hartford Plaza, 690 Asylum Ave., Hartford, CT 06115; Stephen J. McDonald, McDonald & Crawford, P.A., 315 S.E. 7th Street, Suite 303, Ft. Lauderdale, Florida 33301; Martin Sperry and Joseph S. Kashi, Sperry, Shapiro & Kashi, 633 South Andrews Avenue, Suite 101, Ft. Lauderdale, Florida 33301, and Donald E. Christopher, Litchford & Christopher Professional Association, P.O. Box 1549, Orlando, Florida 32802 this ___ day of September, 2003.

Clerk

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GOOCH ENTERPRISES, INC.,
HAL GOOCH and CHRIS GOOCH,

CASE NO.: CACE 94-09881 (03)

Plaintiffs,

v.

MAHALEEL LEE LUSTER,

Defendant.



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ORDER

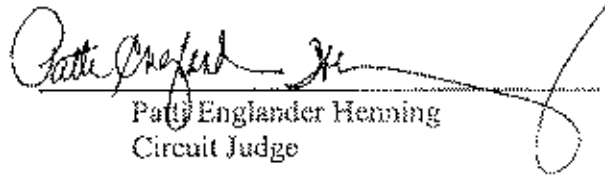
THIS CAUSE came before the Court for hearing on November 6, 2003 on Judgment Creditor BRUCE ANDERSON's Interim Motion to Tax Attorneys' Fees and Costs against the Plaintiffs for Execution Attempts on Judgment. Upon consideration of the Motion, the evidence and affidavits submitted in connection therewith, testimony presented at the hearing, and the arguments of counsel thereon, the Court being otherwise fully advised in the premises, it is

ORDERED that Judgment Creditor ANDERSON's Interim Motion to Tax Attorneys' Fees and Costs against the Plaintiffs for Execution Attempts on Judgment be and is hereby granted to the extent set forth herein, but is otherwise denied; and it is further

ORDERED that this Court finds BRUCE ANDERSON is entitled to recover the sum of \$46,664.00 in attorneys' fees, pursuant to Section 57.115, Florida Statutes. The Court finds that a total of 307 hours at a blended hourly rate of \$152.00 per hour were reasonably spent by counsel on behalf of BRUCE ANDERSON in executing to collect on the judgment in this cause. This award does not include any fees, however, for work performed by North Carolina counsel. In addition to the \$46,664.00 in fees, the Court also finds BRUCE ANDERSON is entitled to recover costs in the amount of \$2,096.05; and it is further

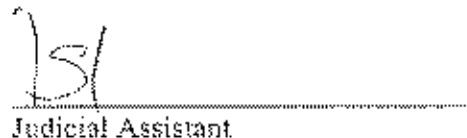
ORDERED AND ADJUDGED that BRUCE ANDERSON shall therefore recover of Defendants GOOCH SUPPORT SYSTEMS, INC., GOOCH ENTERPRISES, INC., HAL GOOCH, and CHRIS GOOCH (the "GOOCHES") the sum of \$48,760.05, pursuant to Section 57.115, Florida Statutes, together with interest thereon from today's date at the statutory rate of six percent (6%) per annum, for which let execution issue.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 18 day of November, 2003.


Patti Englander Henning
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by U.S. Mail delivery to: William G. Crawford, Jr., McDonald & Crawford, P.A., 315 S.E. 7th Street, Suite 303, Ft. Lauderdale, Florida 33301; and Donald E. Christopher, Litchford & Christopher Professional Association, P.O. Box 1549, Orlando, Florida 32802 this 18 day of November, 2003.


Judicial Assistant

LITCHFORD & CHRISTOPHER

PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

BANK OF AMERICA CENTER
390 NORTH ORANGE AVENUE

POST OFFICE BOX 1549
ORLANDO, FLORIDA 32802

(407) 422-6600
TELECOPIER (407) 841-0325

www.litchris.com

September 29, 2003

Mr. Bruce Anderson
11211 Portside Drive
Jacksonville, FL 32225

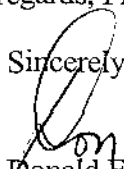
Re: Gooch, et al. v. Luster; Case No.: CACE 94-09881 (03)

Dear Bruce:

As we have discussed, enclosed please find a copy of correspondence I received Thursday by facsimile from Steven McDonald. In that letter, McDonald directs the \$292,702.25 we received last Friday from Hartford Fire Insurance Company in satisfaction of your judgment against them on their supersedeas bond should not be disbursed. We have filed with the court a Satisfaction of the Judgment against Hartford, and the money has been deposited into our firm's trust account and is being held subject to your direction. Notwithstanding the statements set forth in Mr. McDonald's letter, we are aware of no legal basis for restricting your use of that money. Of course, in the unlikely event that Hal Gooch should ever be successful in having the judgment against him set aside, either by the courts in Florida or as a result of Quixtar dispute resolution proceedings, then you could be liable to Hartford Fire Insurance for repayment of the money.

This letter is to confirm that, notwithstanding the risk (albeit slight) that you might someday be responsible to Gooch or Hartford Fire Insurance Company for repayment of the money Hartford has tendered in satisfaction of your judgment against Hartford, you have directed us to disburse the entire \$292,702.25 from our Trust Account for your use and benefit. Specifically, you have directed us to pay your outstanding bills with our firm in the amount of \$43,501.42, and to Federal Express our firm's trust check representing the balance, in the amount of \$249,200.83 payable to you at your home in Jacksonville. As soon as you have returned a signed copy of this letter to us, acknowledging these are your instructions, we will promptly disburse the funds accordingly. With kind personal regards, I remain,

Sincerely yours,


Donald E. Christopher

DEC/cmp
Enclosure

I hereby confirm that I have instructed Litchford & Christopher Professional Association to disburse as specified above the \$292,702.25 it has received from Hartford Fire Insurance Company and presently holds for my benefit.

Bruce Anderson

LITCHFORD & CHRISTOPHER

PROFESSIONAL ASSOCIATION

Attorneys and Counselors at Law

BANK OF AMERICA CENTER
390 NORTH ORANGE AVENUE

POST OFFICE BOX 1549
ORLANDO, FLORIDA 32802

(407) 422-6600
TELECOPIER (407) 841-0325

www.litchris.com

October 8, 2003

Via Federal Express

Mr. Bruce Anderson
11211 Portside Drive
Jacksonville, FL 32225

Re: Gooch, et al. v. Luster; Case No.: CACE 94-09881 (03)

Dear Bruce:

Enclosed please find our firm's trust check in the amount of \$239,838.81, which represents the balance of the \$292,702.25 received by us in satisfaction of your judgment against Hartford Fire Insurance Company, less payment of \$52,863.44 to our firm. That amount represents our outstanding fees billed through September 30, 2003. These disbursements have been made pursuant to your direction during our telephone conference this afternoon. In addition, as we discussed, we have confirmed today that a check from the Clerk of Court in Brevard County has already been sent out to us in the amount of \$9,632.35 in accordance with the Court's Order directing that the cash portion of the bond posted by Hal Gooch be paid to you. As soon as we have those funds in hand, they will be forwarded on to you. In addition, we are awaiting a refund from the Sheriff of Orange County of that portion of the \$2,500.00 advance our firm tendered to the sheriff on your behalf to pay for the execution against Hartford. My understanding is that the sheriff intends to take out fees in an amount slightly less than \$400.00 with the balance being returned to us. Once received, that refunded balance will be held by us and credited against future bills.

This will also confirm your authorization for us to retain counsel in Broward County to act as an expert witness in connection with your claim for attorneys' fees against Gooch that is scheduled to be heard before Judge Henning in Fort Lauderdale on the morning of November 3, 2003. As we approach the end of this month, Steve Fender will be preparing and sending to you a supplemental affidavit to include the additional attorney's fees incurred since your original affidavit was filed back in July of this year. Following our telephone conference today, Steve Fender talked with Bucky Fox, the Fort Lauderdale attorney who has agreed to act as our attorneys' fees expert. According to Steve, Bucky Fox is well acquainted with Judge Henning and feels like she is one of the best and most well-respected judges in Fort Lauderdale. Fox feels confident that Judge Henning will issue a favorable ruling on your request for fees. That remains to be seen, but hopefully he is right.

Please let me know if you have further questions regarding our ongoing efforts to recover attorneys' fees on your behalf and wrap up this matter. With kind personal regards, I remain,

Sincerely yours,


Donald E. Christopher

DEC/cmp
Enclosure

10/8/2003

Mr. Bruce Anderson

Check No. 10457

Invoice Date

Invoice No.

Description

Matter ID

Amount

10/8/2003

03332

Mr. Bruce Anderson

03332

239,838.81