

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

WALMART INC. AND WAL-MART STORES
EAST, L.P.,

Petitioner,

vs.

Case Nos. 19-4688RP
19-4913RP

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION, DIVISION OF
ALCOHOLIC BEVERAGES AND TOBACCO,

Respondent,

and

ABC FINE WINE AND SPIRITS, FLORIDA
INDEPENDENT SPIRITS ASSOCIATION, AND
PUBLIX SUPERMARKETS,

Intervenors.

_____ /

FINAL ORDER AWARDING FEES AND COSTS

This Final Order Awarding Fees and Costs issues in accordance with the Joint Stipulation for Attorneys' Fees and Costs and as authorized by section 120.595(3), Florida Statutes (2021). By their Joint Stipulation, the parties fully resolve claims for attorneys' fees and costs in Division of Administrative Hearings Case Numbers 19-4688RP and 19-4913RP and related appeals in First District Court of Appeal Case Numbers 1D19-4599 and 1D20-0004.

Petitioners are awarded \$123,010.00 in attorneys' fees and \$7,407.38 in costs. Respondent must pay these fees and costs as follows:

1. The sum of \$53,010.00 for attorneys' fees must be paid directly to Petitioners and provided in care of Komisar Spicola, P.A.

2. The sum of \$70,000.00 for attorneys' fees must be paid directly to Petitioners and provided in care of Greenberg Traurig, P.A.
3. The sum of \$2,407.38 for costs must be paid directly to Petitioners and provided in care of Komisar Spicola, P.A.
4. The sum of \$5,000 for costs must be paid directly to Petitioners and provided in care of Greenberg Traurig, P.A.
5. Respondent must seek immediate approval for payment and make payment within 60 days of the date of this Final Order.

DONE AND ORDERED this 7th day of December, 2021, in Tallahassee, Leon County, Florida.



JOHN D. C. NEWTON, II
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 7th day of December, 2021.

COPIES FURNISHED:

Raymond Treadwell, Esquire
Executive Office of the Governor
Suite 209
400 South Monroe Street
Tallahassee, Florida 32399

Brigid Cech Samole, Esquire
Greenberg Traurig, P.A.
Suite 4100
333 Southeast 2nd Avenue
Miami, Florida 33131

David C. Ashburn, Esquire
Greenberg Traurig, P.A.
Post Office Drawer 1838
Tallahassee, Florida 32302

Elliot H. Scherker, Esquire
Greenberg Traurig, P.A.
Suite 4400
333 Southeast Second Avenue
Miami, Florida 33131

William D. Hall, III, Esquire
Dean Mead and Dunbar
Suite 1200
106 East College Avenue
Tallahassee, Florida 32301

Ross Marshman, Esquire
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

Daniel Ryan Russell, Esquire
Dean Mead
Suite 1200
106 East College Avenue
Tallahassee, Florida 32301

Sterling Whisenhunt, Director
Division of Alcoholic
Beverages and Tobacco
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

Julie I. Brown, Secretary
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

William Nicholson Spicola, Esquire
Post Office Box 664
Tallahassee, Florida 32302-0664

David W. Aring, Esquire
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

Megan Kachur, Esquire
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399

David Axelman, General Counsel
Department of Business
and Professional Regulation
2601 Blair Stone Road
Tallahassee, Florida 32399-2202

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the district court of appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.