

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 14- 23109-CIV-SCOLA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

PARTNERS IN HEALTH CARE  
ASSOCIATION, INC. (also d/b/a/ Partners  
In Health Care, Inc.),

GARY L. KIEPER (individually and as officer  
or director of Partners In Health Care  
Association, Inc.),

UNITED SOLUTIONS GROUP INC. (also  
d/b/a Debt Relief Experts, Inc.),

WALTER S. VARGAS (individually and as  
an officer or director of United Solutions  
Group Inc.),

CONSTANZA GOMEZ VARGAS  
(individually and as a director or manager of  
United Solutions Group Inc.),

Defendants.

\_\_\_\_\_ /

**AFFIDAVIT OF KEITH T. GRUMER AS TO ATTORNEYS' FEES  
AND COSTS**

STATE OF FLORIDA        )

)

COUNTY OF BROWARD    )

BEFORE ME, the undersigned authority, personally appeared KEITH T. GRUMER,  
ESQ. who, after being duly sworn, deposes and states as follows:

1. My name is Keith T. Grumer, Esq. and I am managing partner of the law firm of  
Grumer & Macaluso P.A. I am lead counsel for Defendants, PARTNERS IN HEALTH CARE  
ASSOCIATION, INC. and GARY L. KIEPER in the above-captioned case.

2. This affidavit is offered in support of the Defendants' Motion for Limited Relief for Payment of Attorney's Fees from Frozen Assets.

3. The following is a breakdown of all hours billed by attorneys and the assigned paralegal on the Defendants' behalf through the September 4, 2014 temporary injunction hearing:

<b>Professional</b>	<b>Yrs. In Practice</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Keith T. Grumer, Esq.	29	\$550	18.20	\$10,010.00
Maidenly Macaluso, Esq.	21	\$535	13.30	\$7,115.50
Sandra Lopez – Certified Paralegal	8	\$150	2.20	\$330.00

**TOTAL: \$ 17,455.50**

These hours were generated exclusively in preparation of and attendance at the September 4, 2014 hearing on the FTC's application for a temporary injunction.

4. The following table reflects all hours billed from September 5, 2014 through September 30, 2014.

<b>Professional</b>	<b>Yrs. In Practice</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount</b>
Keith T. Grumer, Esq.	29	\$550	6.40	\$3,520.00
Maidenly Macaluso, Esq.	21	\$535	17.60	\$9,416.00
Sandra Lopez – Certified Paralegal	8	\$150	10.30	\$1,545.00

**TOTAL: \$ 14,481.00**

The vast majority of these hours were billed in connection with efforts to comply with the requirements in the Preliminary Injunction Order for Defendants' financial disclosures and financial statements, as well as the dissemination of the Preliminary Injunction Order as mandated by the Court. Other time was incurred in preparation of the Defendants' Answer and Affirmative Defenses, and preparing responses to the Receiver's motions.

Copies of the Time By Job Detail Report and Billing Invoice for these services is attached as Composite Exhibit "1."

5. The hourly rate charged for each attorney and paralegal is commensurate with fees customarily charged by local practitioners, is also in keeping with each professional's experience level, and is also based on the nature of the work and skill level required by each in the representation. The rate also reflects urgency and time demands imposed with the pending *ex parte* Temporary Restraining Order already in place calling for immediate attention and attendance at an evidentiary hearing within a few days of retention, and the serious and nature of the claims lodged by the FTC and relief sought.

6. The total hours expended on this file accurately reflects the time incurred in the representation of the Defendants. Despite the number of attorneys who worked on the file, no duplication of work or effort occurred. No fee is being sought in connection with this application for attorney's fees and costs.

7. I anticipate upcoming efforts on behalf of Defendants to focus on negotiating a resolution to the FTC's claims, and together with work in progress during October, 2014, believe in good faith that the sum of \$10,000.00 should be sufficient to address fees in connection with these efforts.

8. In addition to attorney's fees, my firm has also advanced costs on behalf of Defendants in ensuring their compliance with the Preliminary Injunction Order, namely, the costs of duplicating and mailing the Order to all employees of Defendants and the related companies, as well as the telemarketing agencies (consisting of 52 separate mailings), and other incidental costs. The costs are as follows:

<b>Category</b>	<b>Amount</b>
Postage	\$116.48
Photocopies	\$759.20
Westlaw Research	\$362.98
Courier Service – pickup from Receiver	\$42.80
	\$1,281.46

9. I hereby certify that I have reviewed my firm's time records and statements and that the charges reflected thereon are accurate and that

FURTHER AFFIANT SAYETH NAUGHT.

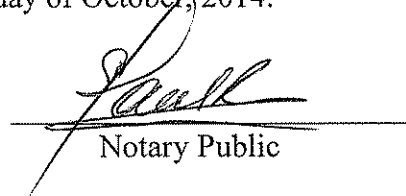
  
\_\_\_\_\_  
KEITH T. GRUMER, ESQ.

STATE OF FLORIDA     )  
  ) ss:  
COUNTY OF BROWARD    )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of October, 2014, by KEITH T. GRUMER, ESQ. who is personally known to me, or has produced \_\_\_\_\_ as identification, who after being duly sworn, deposes and says that he/she has read the foregoing Affidavit and the fact stated therein are true.

SWORN AND SUBSCRIBED before me this 24<sup>th</sup> day of October, 2014.



  
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Notary Public