



**WEST PALM BEACH  
OFFICE PURCHASED**

SEE PAGE A10

# dbb DAILY BUSINESS REVIEW

OFFICIAL COURT NEWSPAPER OF SOUTH FLORIDA

**DailyBusinessReview.com**

An **ALM** Publication VOL. 92, NO. 109 **\$2.00**

## Attorneys Win \$3M Judgment in Legal Drama Over Ship Injury

by Celia Ampel

A cargo ship is at the center of a bizarre legal drama involving a gruesome foot injury, a mysterious murder and the theft of 3,800 bags of black beans meant for Pollo Tropical.

Miami attorneys from Lipcon, Margulies, Alsina & Winkelman won a \$3.3 million judgment Monday against the Glory Sky I and its owners and operators on behalf of a former crew member denied medical treatment for a minor foot injury that got so bad, one doctor recommended amputation. The defendants did not appear at the damages trial after a default liability judgment was entered.

Uninsured defendants Dantor Cargo Shipping Inc. and Pof Transport Inc. don't appear to have any significant assets besides the vessel, which is likely "somewhere in Haiti," Lipcon Margulies partner Michael Winkelman said—and former crew member Saul Alberto Acosta Varela might not be the only one seeking to arrest the ship.

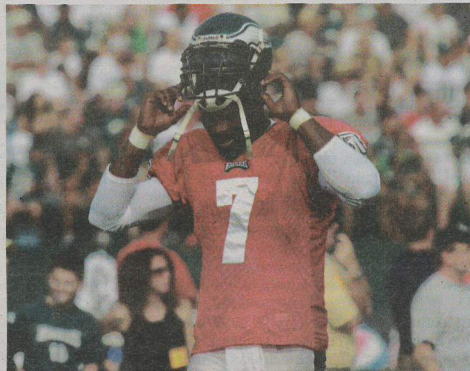
Last year, a Miami-Dade judge ordered Dantor Cargo owner Rose Destin to turn over her company to food importer David

SEE SHIP, PAGE A2

COMING MONDAY

## SPECIAL REPORT: LAW FIRM LEADERS OUTLOOK

## Miami Trustee Secures 99 Percent Recovery for Former NFL Quarterback Michael Vick's Creditors



SHUTTERSTOCK

Michael Vick's largest creditors included the Atlanta Falcons, former agent Joel Enterprises and multiple mortgage lenders on the athlete's homes and properties he'd purchased for relatives.

by Samantha Joseph

Miami-based liquidating trustee Joseph Luzinski secured a 99 percent recovery for creditors of former National Football League quarterback Michael Vick, who filed for Chapter 11 bankruptcy protection in 2008.

Luzinski made a final distribution of about \$1.5 million Thursday to creditors who recovered about \$17.4 million on verified claims of about \$17.6 million.

"This is highly unusual. Most bankruptcies don't pay that high on creditor claims," said Luzinski, who is senior managing director of Miami financial advisory firm Development Specialists Inc. "In a lot of business bankruptcies, 5, 10, 15 percent is a more average recovery."

Vick played for 13 seasons in the NFL with the Philadelphia Eagles, New York Jets, Pittsburgh Steelers and Atlanta Falcons. His career stalled when he pleaded guilty in 2007 to participating in a dog-fighting ring operated at one of his properties in Virginia. He spent 18 months in a federal prison in Kansas. Vick rejoined the NFL and later spent a summer as a coaching intern with the Kansas City Chiefs, before landing a position in August as an NFL studio analyst with Fox Sports Interactive Media LLC.

SEE VICK, PAGE A2

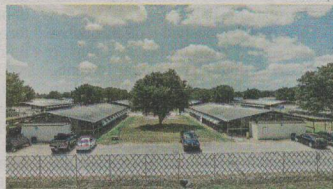
## Developer of Calder Race Course Site Accused of Ditching Partner

by Lidia Dinkova

A Jackson, Mississippi, real estate investment trust has embarked on its first venture in Miami-Dade County — and already there's bad blood with a developer who claims he is a spurned partner.

EastGroup Properties Inc. plans to build an 850,000-square-foot warehouse and commerce center southwest of Florida's Turnpike and County Line Road, records show. The company bought the 55-acres, formerly the practice track and stables at Calder Casino & Race Course, in November 2016 for \$26.5 million.

But developer David C. Metalonis said he introduced EastGroup to the site and revealed his plans for the well-placed acreage, but EastGroup went behind his back to buy the land and pursue the project Metalonis envisioned as a joint



The company bought the 55 acres, formerly the practice track and stables at Calder Casino & Race Course, in November 2016 for \$26.5 million.

venture, according to a lawsuit filed Oct. 12 in Miami-Dade Circuit Court.

Alan Grunspan and Charles Throckmorton V of Carlton Fields in Miami filed the lawsuit on behalf of Metalonis, seeking more than \$750,000 in damages. Metalonis is a former Colliers International South Florida senior vice president who formed his own

SEE LITIGATION, PAGE A2

## David Boies' Weinstein Work May Hamper Role in Campaign Finance Fight

by Miriam Rozen

Just two weeks ago, the St. Petersburg City Council was trumpeting an agreement by star litigator David Boies to represent the city in a case that some expect could eventually wind up at the U.S. Supreme Court.

Not anymore.

According to the Tampa Bay Times, city officials are now recoiling at Boies' pro bono offer, more than a week after he acknowledged hiring ex-spies to thwart reporting that ultimately exposed allegations of rampant sexual misconduct by Boies client Harvey Weinstein.

In an email to The American Lawyer on Wednesday, Boies said the city had initially reached out to him, and he reiterated his support for their effort.

"I did not offer to help. I was asked to represent the city and agreed to do

SEE BOIES, PAGE A2

### PUBLIC NOTICES & THE COURTS

Public notices, court information and business leads, including foreclosures, bid notices and court calendars. **B1**

Public notices from Miami-Dade, Broward and Palm Beach also available at [DailyBusinessReview.com/public\\_notices.jsp](http://DailyBusinessReview.com/public_notices.jsp). Public notices published in newspapers statewide available at [FloridaPublicNotices.com](http://FloridaPublicNotices.com).

Should you have delivery questions, call **1.877.256.2472**

Daily Business Review is published daily Monday through Friday, except legal holidays, by ALM Media, LLC, 1 SE 3rd Ave., Suite 1750, Miami, FL 33131, (305) 377-3721.

© 2017 ALM. Daily Business Review (USPS 344-300) (ISSN 1538-1749) Miami.

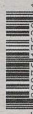
Subscription Rates: One year (253 issues) - basic (individual and small firms) \$575.88 plus tax; discounted group rates available. Single copies (M-F) - \$2.

Back issues when available (M-F) - \$6. Periodicals postage paid at Miami, FL.

POSTMASTER: Send address changes to Daily Business Review,

1 SE 3rd Ave., Suite 1750, Miami, FL 33131

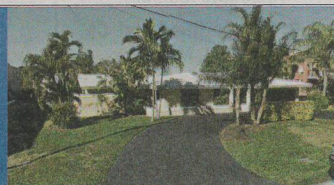
DF 702  
CHARLES LIPCON  
2 S BISCAYNE BLVD STE 1776  
MIAMI FL 33131 1803  
265723



### TROPICAL TRANSFERS

## Lighthouse Point Home Sells for Nearly \$1.4 Million

See Page A9





FROM PAGE A1

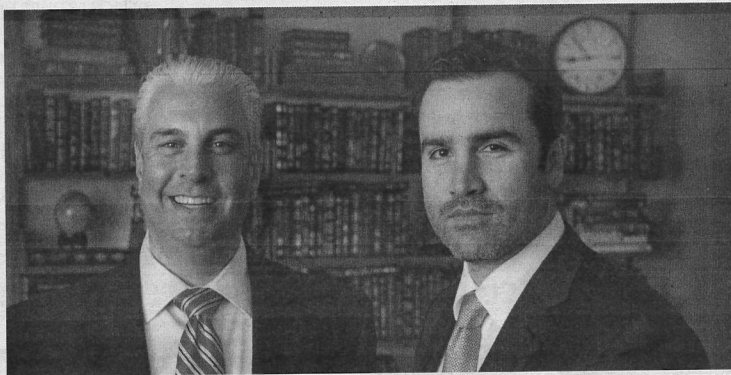
## SHIP

Middleton to satisfy a \$789,000 judgment for stealing black beans from his warehouse and reselling them in Haiti. Middleton also held a previous \$300,000 judgment against Destin's husband, Emile.

But Middleton was murdered the day before the Oct. 18, 2016, deadline to turn over the company. The murder investigation is still "active and ongoing," according to the Palm Beach County Sheriff's Office.

Middleton's estate has not moved to substitute into the lawsuit, said the businessman's former attorney Scott Tuckman of Lavin Law Group in Miami. A lawyer for the estate, George Blow III of the Blow Law Firm in Live Oak, did not immediately respond to a request for comment.

Generally, collecting assets is a first-past-the-post endeavor, meaning plaintiffs competing for limited assets are in a race to the courthouse. Winkleman said it's possible Middleton's estate could go after the Glory Sky I, but the Lipcon Margulies firm is already working on it for Acosta.



J. ALBERT DIAZ

Jason Margulies and Michael Winkleman of Lipcon, Margulies, Alsina & Winkleman won a \$3.3 million judgment against the Glory Sky I and its owners and operators on behalf of a former crew member denied medical treatment.

"The difficulty in this case is really finding a collectable asset," Winkleman said. "We're making efforts to try to seize the vessel that Mr. Acosta was injured on. But this operation was basically a single-vessel operation going back and forth from Miami to Haiti, so these can be fly-by-night companies that come and go. The lowest concern on their totem pole is their crew members."

The shipping company appeared to start the process of going out of business while Acosta was working as chief engineer on the ship, Winkleman said. The crew stopped receiving wages and at times, there wasn't enough food to go around.

"It was a nightmare scenario," he said. "I'm not sure what was going on."

Acosta developed the diabetic ulcer on his foot because of

the low food supply on the ship, the judge found. Acosta did not have diabetes when he underwent his pre-boarding physical. Because of the delay in medical care, the ulcer became necrotic.

Acosta was denied medical attention for his foot and given a plane ticket back to Honduras, where he lives, according to the lawsuit.

One doctor in Honduras recommended amputation, but a

second opinion led Acosta to receive a different operation that left him with a deformed foot. The 56-year-old is now disabled and cannot work, U.S. District Judge Robert Scola of the Southern District of Florida found after the one-day bench trial. Winkleman worked on the case with colleagues Jason Margulies and Adria Notari.

Although Winkleman heard from Miami solo practitioner A. Platon Alexandrakis at one point in the case, Alexandrakis told the Daily Business Review he never "officially" represented the defendants.

Winkleman now turns his attention to the 220-foot-long, Tanzanian-flagged cargo vessel his firm hopes to use to fulfill the judgment.

"It's such an awful thing that happened to Mr. Acosta, and a lot of lawyers might have turned down the case if there weren't an insurance policy or a viable defendant to go after," he said. "But we take a lot of pride in taking on the most awful cases and seeing what we can try to do to help people."

**Celia Ampel covers South Florida litigation. Contact her at [campel@alm.com](mailto:campel@alm.com) or on Twitter at @CeliaAmpel.**

FROM PAGE A1

## BOIES

so. Although I think the council members are reacting to press reports rather than the facts, the city should have counsel of their choice. I wish them every success," Boies wrote.

After The New Yorker described Boies' efforts to derail The New York Times' reporting on Weinstein last week, The Times angrily ended its own client relationship with Boies and his firm, Boies Schiller Flexner, which was active-

ly representing the newspaper in other matters.

For St. Petersburg council member Steve Kornell, it was too much. He vowed in a Facebook post to oppose Boies' offer to defend a local law limiting political contributions that is likely to be challenged in court, the Tampa Bay Times reports.

"I find this reprehensible and will absolutely NOT vote to accept Boies' offer to represent the city of St. Petersburg pro bono on the campaign finance issue," Kornell wrote.

Earlier this fall, the council approved an ordinance capping at \$5,000 each year the amount that an individual may

give to a political action committee. The law could ultimately serve as a vehicle to challenge the U.S. Supreme Court's 2010 ruling in *Citizens United v. Federal Elections Commission*.

Boies, who represented Democrats in *Bush v. Gore* and successfully argued for marriage equality in the high court, had offered to defend the new ordinance free of charge. When he first made his offer to St. Petersburg, prior to the revelations about Weinstein, council members heralded the gesture.

"We are honored to have the pro bono assistance of David Boies and

his law firm in our shared interest in defending more effective election laws to preserve our democracy," Darden Rice, the City Council chair told the Florida Politics website two weeks ago.

Fast forward to this week, and Rice wasn't so sure. "His interest tells me we have a great case," she told the Tampa Bay Times. "But we have plenty of time to keep our options open."

**Miriam Rozen covers the business of law with a focus on law firm-client relationships. Contact her at [mrozen@alm.com](mailto:mrozen@alm.com). Twitter: @MiriamRozen.**

FROM PAGE A1

## VICK

Luzinski applauded the pro-footballer's choice of Chapter 11 proceedings over Chapter 7, which would have used the assets available at that time to repay creditors. Instead, by filing for Chapter 11 reorganization, Vick agreed to a reorganization plan that would dis-

tribute a percentage of his future earnings to repay his debts.

"If he had just flushed it off through a Chapter 7 and went on his way, maybe his creditors might have gotten 14 cents, 10 cents, 8 cents (on the dollar). Who knows?" Luzinski said.

Vick's largest creditors included the Atlanta Falcons, former agent Joel Enterprises and multiple mortgage lenders on the athlete's homes and proper-

ties he'd purchased for relatives. His debts hovered around \$18 million before claims adjudication reduced that number by about \$400,000.

Creditors received six distributions, with the final payment issued this week. Their initial pay-out plan was supposed to have spanned five years, but Luzinski and his team of financial experts from DSI requested more time for a maximum recovery.

"Vick was able to pay back most of what he owed thanks to salaries he received from playing pro football again," Luzinski said. He "has been a stand-up guy from the very beginning."

**Samantha Joseph is an award-winning journalist with Daily Business Review, Law.com + more. Grad School: Newhouse Syracuse. Contact: [sjoseph@alm.com](mailto:sjoseph@alm.com). On Twitter: @SJosephWriter**

FROM PAGE A1

## LITIGATION

development, acquisition and investment company, Metalonis & Partners LLC.

EastGroup executives did not respond to a request for comment by deadline.

The complaint said Metalonis started talks with the seller in August 2015, came up with a vision of how to rezone and develop the site, and started working to resolve business and legal issues for a purchase.

He negotiated with Churchill Downs Inc., which owns Calder as well as other casinos and racetracks in the U.S. He was looking at joint venture opportunities when a former business associate introduced him to EastGroup executives. Metalonis shared his ideas with the company, according to the complaint.

"I was introduced to EastGroup and was told they were professionals who I

could trust. I introduced this outstanding joint venture opportunity to them, but they cut me out of the deal I had created, taking advantage of the endless work I had put in to develop this parcel," Metalonis said in an emailed statement.

The two signed a nondisclosure agreement in April 2016 labeling EastGroup a potential partner, records show. The purchase deal between EastGroup and the seller was "very nearly" the same as the one Metalonis worked on, and the development plan reflected Metalonis' concept, according to the complaint.

The complaint alleging breach of nondisclosure agreement, tortious interference with a business relationship and unjust enrichment lists counts against EastGroup Properties, EastGroup Properties LP, EastGroup TRS Inc., president and chief executive officer Marshall A. Loeb and executive vice president John F. Coleman.

EastGroup has taken the first steps to build on the site, getting rezoning approval for the Gateway Commerce Park from the Miami Gardens City Council. The site is just off the Northwest 27th Avenue turnpike interchange about 16 miles from PortMiami and Port Everglades.

EastGroup is an industrial REIT with a portfolio of 38.5 million square feet.

Its other industrial properties in South Florida include the five-building, 230,000-square-foot Blue Heron Distribution Center in Riviera Beach; the four-building, 209,000-square-foot Sample 95 Business Park in Pompano Beach; the three-building, 140,000-square-foot Executive Airport Distribution Center in Fort Lauderdale; and the three-building, 99,000-square-foot Linpro Commerce Center in Fort Lauderdale.

**Lidia Dinkova covers South Florida real estate for the Daily Business Review. Contact her at [LDinkova@alm.com](mailto:LDinkova@alm.com) or 305-347-6665. On Twitter @LidiaDinkova.**

**Neil Flaxman,**  
Mediator

**Prepared • Patient  
Persistent**

**Certified Circuit and  
Appellate Mediator**

**L.R. 16.2 Certified Dist. Ct.  
(S.D. Fla.), Mediator**

Facilities: Brickell & E. Las Olas Area

[flaxy@bellsouth.net](mailto:flaxy@bellsouth.net)

**Availability: [neilflaxman.com](http://neilflaxman.com)**