

**Peter Alizio**  
**111 15<sup>th</sup> Street – Unit E2**  
**Garden City, NY 11530**

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October 1st, 2018

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Steven Levitt  
Levitt LLP  
129 Front Street  
Mineola, NY 11501

**Re: Overbilling and Request for Refund**

Dear Mr. Levitt

I am in receipt of your invoice dated September 14, 2018 with a balance due of \$37,106.27. As you know, I believe Levitt LLP completely overbilled me. I want my most recent payment of \$25,000 that was made in good faith when I believed that I was being fairly billed refunded to me.

Your firm came highly recommended by Jennifer Ann Wynne, who assured me that you were a good litigator and I would be treated and billed fairly by Levitt LLP. According to my records you billed me approximately **\$117,000+** which is troubling considering we are still at the pleading stage of litigation and the opposition has not filed an answer or asserted any counterclaims. The opposition did express an interest in buying me out and we agreed to split the cost of a real estate appraiser and allow Judge Driscoll to mediate the settlement process.

**June & July Invoices– 180+ Billable Hours**

I was billed over \$55,000 or 180+ billable hours during a two month period in which there should not have been much activity with regards to my case. I emailed you "I do not believe anything happened in June or July that could warrant you spending 180 billable hours on my case".

**Meeting to Discuss Invoices – 9/4/2018**

I meet with you to discuss the invoices and see the work-product generated by 180 billable hours. You refused to go through the invoices with me and wanted to discount the outstanding bill and move on. I am the client, it is my right to go through the invoices with you (line by line if I want).

The fact that you did not want to address the underlying problem confirms that I have been overbilled.

I asked to see the research that I was billed for and you produced nothing. I reviewed the case file and there was nothing in there that would substantiate or justify 180 billable hours.

### Issues with Invoices (only some of the issues)

- Being billed for multiple attorneys at meetings
- Being billed for interoffice meetings
- Performing unnecessary work
- Performing work that I asked you not to do – i.e. accounting and tax return analysis
- Block Billing
- # of Billable Hours
- Research – a lot of research. Why?
- Being billed multiple times by different attorneys for the same work.
- “Strategizing”
- Charging Attorney Rates for Clerical Work – i.e. \$350 an hour for making folders
- Overstaffing - why are all these people working on my case?

### Budget for Litigation

I made it clear that I had a budget for this litigation. In the beginning of the engagement we agreed we would keep the costs down by me doing a lot of the leg work. Additionally, I would do all the number crunching because of my cpa/accounting background (and to keep legal fees down).

- I provided you with numerous reports and excel schedules.
- I got 3<sup>rd</sup> party bids on real estate management and prepared damage calculations
- I got Broker Opinions on the properties (fmv of properties)

I wanted to be smart and cost effective regarding what work needed to be done by your firm.

### Capell Barnett Matalon & Schoenfeld LLP

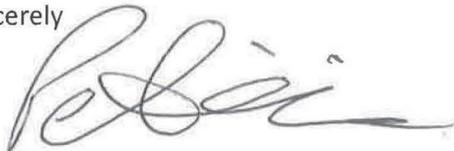
I felt that Levitt LLP, was unable to handle the tax and the trust aspect of my case. It appeared, I was being billed for your firm to learn about something they had no experience in. I decided that it would be cheaper to retain an additional law firm to handle the tax and trust segment of my case.

### To Recap

You put me in a bad position by depleting my litigation funds prior to opposing counsel filing an answer or asserted any counter claims. It is wrong that you refused to go through my invoices with me while subsequently taking the position that those legal fees are not in dispute. According to my records, you billed me **\$117,000+** and I have already paid you \$80,000. I am requesting a refund of my most recent payment of \$25,000 made on August 29<sup>th</sup> in good faith and prior to the September 4<sup>th</sup> meeting when you refused to go through my invoices with me.

Please sign the consent to change attorney form my new counsel sent you and provide my file to him as soon as possible. If you choose not to settle with me now then send me a legal fee arbitration package. I will also have my attorney make a motion to the Court. Thank You.

Sincerely



Peter Alizio