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In the Nick of Time: Miami Lawyer Scored \$4M Final Judgment Award Hours Before COVID-19 Court Closures

Miami-Dade Circuit Court Judge Veronica Diaz will determine attorney fees later this month based on ACS International Project's \$279,000 demand.

By Michael A. Mora | September 01, 2020



D. Fernando Bobadilla, the founder of The Bobadilla Law Firm in Miami. Photo by J. Albert Diaz/ALM

A South Florida litigator will soon be rewarded for his unique litigation strategy when a Miami-Dade Circuit Court judge awards his attorney fees.

D. Fernando Bobadilla, the founder of The Bobadilla Law Firm in Miami, scored a nearly \$4 million final judgment for his client mere hours before the Miami courthouse closed due to the coronavirus.

Bobadilla represented an Israeli company, ACS International Projects, in the international banking fraud and identity theft case against Petr oleos de Venezuela, the Venezuelan state-owned oil and natural gas company.

In the race against time, Bobadilla called the judge's judicial assistant at the Miami-Dade Circuit Court on March 13, with the aim of having a final judgment entered before "a forced hiatus of unknown duration."

"The court asked for a proposed final judgment to which I responded within the hour," Bobadilla said in an email. "While the courts were readying for the closure that afternoon, the court signed it minutes afterward."

The case goes back to 2016, when Petr6leos de Venezuela sent international wire transfers of over \$1.5 million as payment to ACS International for water treatment services.

However, according to court documents, a disgruntled former ACS International partner, Yair Barak, diverted the wire transfers to himself. Barak formed a fake Florida corporation using ACS International's name. Then, Barak allegedly opened a sham Miami bank account for the phony corporation, where Petr6leos de Venezuela directed the wired funds to be sent.

Bobadilla said that once his firm and ACS International's New York counsel learned of the theft, they persuaded the Miami bank to freeze the funds, so the money would not leave the U.S. Soon after, according to court documents, an emergency preliminary injunction froze more than \$1.5 million in the Barak-controlled Miami bank account.

"If a court has the chance to safeguard a banking victim's rights," Bobadilla said, "it is imperative for lawyers to make contact with banks quickly before ever arriving at court."

The bank was allowed to return the funds to Petr6leos de Venezuela, which it did several months later. Petr6leos de Venezuela then wired the funds to the authentic ACS International.

Michael L. Addicott, an attorney at Addicott & Addicott in Hallandale Beach who is representing Barak, said "the defendant has appealed the granting of summary judgment in favor of the plaintiff."

Read the affidavit:

Filing # 112412239 E-Filed 08/26/2020 01:10:49 PM

IN THE CIRCUIT COURT IN AND FOR
THE 11TH JUDICIAL CIRCUIT IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

ACS INTERNATIONAL PROJECTS, LTD., an
Israeli corporation,

Plaintiff,

v.

YAIR BARAK, an individual, ACS
INTERNATIONAL PROJECTS, LTD., a Florida
limited liability company, NELSON R.
RAMIREZ, an individual, and JOHN DOES 1 - 50,
as yet unidentified individuals,

Defendants.

CASE NO.: 2016-6231 CA 05

NOTICE OF FILING

PLEASE TAKE NOTICE that Plaintiff ACS INTERNATIONAL PROJECTS, LTD.

has filed the attached Affidavit of Reasonableness of Fees and Costs of Plaintiff's fee request.

Bobadilla sought triple damages pursuant to Florida's civil theft statute, including attorney fees, over the four-year period. That led to the nearly \$4 million final judgment.

Beyond the appeal, what remains in the case is the financial compensation Bobadilla will receive. Miami Circuit Court Judge Veronica Diaz will determine attorney fees on Sept. 30, based on ACS International's \$279,000 demand.

"I was afraid the COVID-19 pandemic would delay justice for my client, but we were able to keep things moving forward using video appearances," Bobadilla said. "With this judgment, we have prevailed in all aspects of the case."

Read more:

'I Will Never Say I'm Sorry': South Florida Lawyer Sought \$700,000 in Fees to Fight a \$100,000 Claim Against Him (<https://www.law.com/dailybusinessreview/2020/08/12/i-will-never-say-im-sorry-south-florida-lawyer-sought-700000-in-fees-to-fight-a-100000-claim-against-him/>)

Appellate Panel Reverses Attorney Fees Award Involving Pembroke Pines Condo (<https://www.law.com/dailybusinessreview/2020/08/05/appellate-panel-reverses-attorney-fees-award-involving-pembroke-pines-condo/>)