

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA
ex rel. BRIAN VINCA and
JENNIFER STAUP SWEENEY,

Plaintiffs,

v.

Case No. 8:11-cv-176-SCB-AEP

ADVANCED BIOHEALING, INC.,

Defendant.

_____ /

ORDER

This cause comes before the Court to resolve how the funds from the Court registry should be distributed as a result of charging liens that Barry A. Cohen, P.A. and Saady & Saxe, PA asserted against their former client, Brian Vinca. (Doc. 523). The matter was considered by the United States Magistrate Judge, pursuant to a specific order of referral. Magistrate Judge Porcelli has filed his report recommending as follows:

1. Pursuant to the Stipulation (Doc. 532-1), the undersigned recommends that the Clerk be directed to distribute the funds from the Court registry as follows:

- a. Twenty-five percent (25%) of the combined total of the \$6,128,500.00 *quantum meruit* award (\$1,532,125.00) and 25% of

87% of the total accrued interest be disbursed to Saady & Saxe, P.A., and made payable and mailed to Saady & Saxe, P.A., 360 Central Avenue, Suite 1160, St. Petersburg, Florida 33701.

b. \$62,000.00 be disbursed to Jennifer Sweeney, and made payable and mailed to Jennifer Sweeney, 2150 Milkey Rd, Saline, Michigan 48176.

c. Fifty percent (50%) of the remaining balance (\$4,534,375) of the *quantum meruit* award (\$2,267,187.50) and 50% of the remaining balance of 87% of the total accrued interest be disbursed to Counsel Financial Services, LLC and made payable and mailed to Counsel Financial, Attn: Ryan Kagels, 500 Pearl Street, Suite 820, Buffalo, New York 14202; and the remaining balance of the *quantum meruit* award (\$2,267,187.50) and the remaining balance of 87% of the total accrued interest be disbursed to Kevin J. Darken Law Group, and made payable and mailed to Kevin J. Darken Law Group, LLC Trust Account, 27515 Fordham Drive, Wesley Chapel, Florida 33544.

d. The remaining principal balance being held in the Court registry (\$1,021,500) and 13% of the total accrued interest be disbursed to Brian Vinca, and made payable and mailed to McDonell, MacFarlane, Ferguson & McMullen, PA, 201 N Franklin St Ste 2000, Tampa, FL 33602.

(Doc. 539).

All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

ACCORDINGLY, it is now **ORDERED AND ADJUDGED** that

The Magistrate Judge's Report and Recommendation (Doc. 539) is adopted

and incorporated by reference in this Order of the Court.

DONE AND ORDERED at Tampa, Florida, this 22nd day of June, 2022.



SUSAN C. BUCKLEW
United States District Judge

Copies to:

The Honorable Anthony E. Porcelli
Counsel of Record