

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS
DISTRICT ORLANDO

OJCC CASE NO: 13-026412TWS
JUDGE ASSIGNED: Sculco

D/ACCIDENT: 10/4/2013

EMPLOYEE:
Nicholas Rodriguez
213 Security Circle
Ocoee, FL 34761

REPRESENTED BY:
Basil Valdivia, Esquire
Post Office Box 4979
Orlando, FL 32802-4979

EMPLOYER:
Dana Construction, Inc.
3908 Cedar Cay Circle
Valrico, FL 33596

REPRESENTED BY:
Rissman, Barrett, Hurt,
Donahue & McLain, P.A.
201 E. Pine Street, Suite 1500
P.O. Box 4940
Orlando, FL 32802-4940

CARRIER:
Association Insurance Services
Post Office Box 723099
Atlanta, GA 31139-3099

EMPLOYER #2:
JLSC Services Inc.
1000 South Hoagland Boulevard
#74
Kissimmee, FL 34741

EMPLOYER/CARRIER #2
REPRESENTED BY:
Miller, Kagan, Rodriguez &
Silver, P.L.
1060 Maitland Center Commons
Boulevard
Suite 280
Maitland, FL 32751

CARRIER #2:
Amtrust North America of Florida
Post Office Box 310719
Boca Raton, FL 33431

EMPLOYER #3:
Lennar Homes
4600 West Cypress Street
Suite 200
Tampa, FL 33607

EMPLOYER/CARRIER #3
REPRESENTED BY:
Hurley Rogner Miller Cox
Waranch & Westcott
1560 Orange Avenue
Suite 500
Winter Park, FL 32789

CARRIER #3:
Broadspire Services, Inc. - Tampa
Claims
Post Office Box 14345
Lexington, KY 40512-4345

EMPLOYER #4:

Burgos Construction Corp.
Post Office Box 260636
Tampa, FL 33685

CARRIER #4:

FCBI Serviced by USIS, Inc.
Post Office Box 616648
Orlando, FL 32861-6648

EMPLOYER/CARRIER #4

REPRESENTED BY:

Katherine G. Letzter
Conroy, Simberg, Ganon,
Krevans, Abel, Lurvey, Morrow
& Schefer, P.A.
201 East Kennedy Boulevard
Suite 900
Tampa, FL 33602

EVIDENTIARY ORDER DISCHARGING ORDER TO SHOW CAUSE

The undersigned held an Evidentiary Hearing on July 7, 2014 in Orlando, Orange County, Florida, regarding an Order requiring the Claimant to Show Cause as to the Claimant's failure to attend the State Mediation Conference of June 9, 2014. The Claimant appeared live and testified through a Spanish speaking interpreter. Present for the Claimant was Attorney Edward Combs and an interpreter provided by Mr. Combs' office. Present on behalf of Lennar Homes and Broadspire was Allison Twombly. Present on behalf of Dana Construction, and Builders Insurance, was Attorney Richard Robbins. Present on behalf of Burgos Construction and FCBI serviced by USIS was Katherine Letzter (by telephone).

Live testimony was received from the Claimant, Nicholas Rodriguez. The Claimant based on his sworn testimony, was aware of the mediation scheduled for June 9, 2014. Following his May

29, 2014 deposition he alleged that he had arm pain that required him to go to the Ocoee Hospital. He was evaluated and released the same day with prescriptions for Flexoril and Ibuprofen. He did not notify anyone that he would not be attending the State Mediation.

Based on the Claimant's testimony, the undersigned finds that the Claimant's testimony was not a willful disregard of the Court's authority but did not justify his failure to attend the State Mediation Conference.

As a result of the Claimant's failure to attend the June 9, 2014 State Mediation Conference the undersigned pursuant to 60Q-6.125(1) is assessing the Claimant a fine in the amount of \$150.00. The undersigned finds that the fine is appropriate being that it is not so excessive to preclude the Claimant's ability to litigate, but is an amount that will reasonably deter future conduct. Any further non-appearance by the Claimant in this claim will potentially result in additional sanctions.

The parties shall coordinate a new State Mediation to occur within the next forty-five (45) days.

WHEREFORE, IT IS ORDERED AND ADJUDGED that:

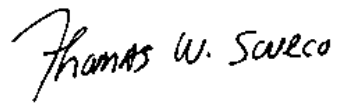
1. The Order to Show Cause dated June 9, 2014 is hereby discharged.

2. The Claimant shall pay a \$150.00 fine (\$50.00 to Dana Construction/Builders, \$50.00 to JLSC Services/Amtrust North America of Florida, and \$50.00 to Lennar Homes/Broadspire).

3. The State Mediation shall be reset to occur within the next forty-five (45) days from the date of this Order.

DONE and ORDERED in Orlando, Orange County, Florida.

This 9th day of July, 2014



Thomas W. Sculco
Judge of Compensation Claims
Division of Administrative Hearings
Office of the Judges of Compensation Claims
Orlando District Office
www.jcc.state.fl.us

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the Order was entered by the Judge of Compensation Claims and was electronically served on the parties through their respective attorneys.

U.S. Mail:
Nicholas Rodriguez
213 Security Circle
Ocoee, FL 34761



7/9/2014

Marla Miller
District Clerk
Orlando District Office