

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS  
MIAMI-DADE COUNTY DISTRICT**

**EMPLOYEE:**

Maria Salado  
633 East 30th Street  
Hialeah, FL 33013

**EMPLOYER:**

The Simplex Group, Inc  
4333 Collins Ave  
Miami Beach, FL 33140

**CARRIER:**

USIS, Inc.  
P.O. Box 616648  
Orlando, FL 32861-6648

**ATTORNEY FOR EMPLOYEE:**

Jesus B.Ravelo, Esquire  
Law Office of Richard E. Zaldivar, P.A.  
2600 Southwest Third Avenue, Suite 300  
Miami, FL 33129

**ATTORNEY FOR E/C:**

Andrew R. Borah, Esquire  
Hurley, Rogner, Miller, Cox,  
Waranch & Westcott, PA.  
1280 SW 36<sup>th</sup> Ave, Ste. 100  
Pompano Beach, FL 33069

JCC: Sylvia Medina-Shore  
OJCC NO.: 09-024667SM5  
D/A: 5/3/2009

**EVIDENTIARY HEARING ORDER AWARDING COSTS PER F.S. 440.34(3)**

**THIS CAUSE** came before the undersigned Judge of Compensation Claims for an evidentiary hearing on 3/1/11 regarding E/C's Motion to Tax Costs against the claimant per F.S. 440.34(3) filed 1/19/11.

**Documentary Exhibits:**

E/C-

1. E/C's Motion to Tax Costs with attachments filed 1/19/11.

Claimant-

1. Claimant's Response filed 2/4/11 to E/C's Motion to Tax Costs.

**Findings of Fact and Conclusions of Law:**

1. It is undisputed that the Claimant filed a Voluntary Dismissal on 12/21/2010, dismissing all pending petitions for benefits (PFBs) including the 517/10 PFB.

2. Pursuant to F.S. 440.34(3), and *Palm Beach County School District v. Ferrer*, 990 So. 2d 13 (Fla. 1st DCA 2008), I find the employer/carrier is entitled to reimbursement of its costs as the prevailing party.

3. At the outset, E/C has previously been awarded costs of \$1,679.40 in a 10/21/10 final evidentiary hearing order. However, I find that none of the costs awarded in the prior 10/21/10 Order of are being claimed by E/C in the 1/19/11 motion.

4. The Employer/Carrier seeks reimbursement of costs totaling \$3,442.17.

5. The claimant objects to the \$1,590.00 costs (listed under items 9 and 10) for SIU Fraud and a \$95.00 conference room rental rate paid to the court reporter. I find sustain claimant's objections. I find that the SIU Fraud charges and the conference room rental rate are neither reasonable or conform with the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions.

6. As to the remainder of the costs, I find E/C is entitled to reimbursement of same. The adjuster testified at the evidentiary hearing that the remaining \$1,757.17 in costs was paid to the various third party providers.

**WHEREFORE, IT IS ORDERED:**

1. The claimant shall pay E/C \$1,757.17 in taxable costs per F.S. 440.34(3).



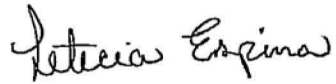
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Sylvia Medina-Shore  
Judge of Compensation Claims

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a copy of the instant final evidentiary hearing order awarding costs

has been mailed, via U.S. mail, to the parties at the above listed addresses and via e-mail to the attorneys of record at: Jesus Ravelo, Esq., [zaldivarpa@gmail.com](mailto:zaldivarpa@gmail.com) and Andrew Borah, Esq., [zzevallos@hrmcw.com](mailto:zzevallos@hrmcw.com) this 10<sup>th</sup> day of March of 2011.



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Secretary to JCC