

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

Joseph E. Ford,	)	
Employee/Claimant,	)	
	)	OJCC Case No. 09-019549 MRH
vs.	)	Accident date: 10/3/2008
	)	Judge: Marjorie Renee Hill
Watson's Towing/Providence Property and	)	
Casualty,	)	
Employer/ Carrier/ Servicing Agent.	)	
_____	)	

**ORDER ON ATTORNEY'S FEES**

**THIS CAUSE** came on for hearing on August 30, 2011, on Claimant's Motion for Attorney's Fees and Costs, and the E/C's Verified Response to the motion. Claimant was represented by Christopher Puleo and the E/C was represented by Gregory White. Claimant's entitlement to fees is uncontested. Mr. Puleo provided expert testimony on Claimant's behalf, and Mr. White provided expert testimony on the E/C's behalf.

Mr. Puleo attested he completed and reviewed his motion for attorney's fees, and the time and costs expended, as set out in the motion, are accurate. Mr. Puleo testified he expended 33.20 hours obtaining temporary total and temporary partial disability benefits, and \$250.00 is a reasonable hourly rate for his time.

Mr. White provided objections to specific time entries. His objections were that the time claimed was excessive, not related to the benefits obtained, was duplicative, and/or was vague. After deducting for those objections, Mr. White testified Mr. Puleo reasonably expended 17.2 hours, and \$200.00 to \$210.00 is a reasonable hourly rate.

It is uncontested that the claims at issue were not complex, and that Mr. Puleo is a well-respected attorney in the legal community, but is not board certified. When considering the foregoing, this court finds that under the facts of this case, \$210.00 is a reasonable hourly rate for Mr. Puleo's time. After considering Mr. White's objections, this court finds Mr. Puleo reasonably expended 26.2 hours, and is entitled to an attorney's fee of \$5,502.00.

Mr. Puleo also sought \$436.16 in costs. The taxation of costs in any proceeding is within the broad discretion of the trial court. *In re: Amendments to Uniform Guidelines for Taxation of Costs*, 915 So. 2d 612, 616 (Fla. 2005). Upon this court's review, the cost ledger attached in support of the costs claimed is either not sufficiently specific for this court to determine whether the costs were incurred securing the benefits obtained, or seeks costs that are not proper for reimbursement under the Guidelines. *See Hillsborough County Sheriff's Office v. Hilsman*, 23 So. 3d 743, 745 (Fla. 1<sup>st</sup> DCA 2009).

Specifically, Claimant sought reimbursement for “photocopy charges,” “fax charges,” “long distance,” “postage charges,” “disbursement for mileage” for Claimant’s counsel, “Discovery Support Services,” and “Discovery Health Record Solutions.”

Section I.B.1 and 2, of the Guidelines advise the cost of copies of documents filed with the court, which are reasonably necessary to assist the court in reaching a conclusion, and the cost of copies obtained in discovery, even if the copies were not used at trial, should be reimbursed as taxable costs. However, for the court to determine whether copies fall under one of these categories, the claim must be sufficiently specific. *See Hilsman*, 23 So. 3d at 745.

Here, the cost ledger contains a series of dates, with a notion indicating “photocopy charges,” and an amount. However, there is no indication that these copies were obtained during discovery or filed with the court. Thus, it is impossible for this court to determine whether the copies were of the type the Guidelines advise are appropriate for reimbursement. Consequently, the claim for “photocopy charges” is not sufficiently specific to support an award.

The claims for reimbursement for “Discovery Support Services” and “Discovery Health Record Solutions,” are also insufficiently specific to support an award, as there is no indication as to what records were obtained and whether those records were related to the benefit obtained.

Similarly, there is no indication as to the purpose of the long distance charges claimed. Pursuant to Section III A. of the Guidelines, the cost of long distance telephone conferences with expert and non-expert witnesses are among litigation costs that should not be taxed as costs. However, Section I.A.3 of the Guidelines permits reimbursement of long distance phone calls incurred conducting depositions. Here, there is no indication that the long distance telephone charges were incurred conducting depositions. Thus, this claim is not sufficiently specific to support an award.

The facsimile and postage expenses claimed are office expenses which should not be taxed as costs under the Guidelines. *See Robbins v. McGrath*, 955 So. 2d 633 (Fla. 1<sup>st</sup> DCA 2007) (“Postage, fax transmissions, delivery service, and computer research are office expenses or overhead that should not be taxed as costs.”); *see also Wood v. Panton & Co. Realty, Inc.*, 950 So. 2d 534 (Fla. 4<sup>th</sup> DCA 2007); *Dep’t of Transp. v. Skidmore*, 720 So. 2d 1125 (Fla. 4<sup>th</sup> DCA 1998); *Mitchell v. Osceola Farms Co.*, 574 So. 2d 1162 (Fla. 4<sup>th</sup> DCA 1991). Consequently, these costs will not be awarded.

Finally, the request for reimbursement for Claimant’s counsel’s travel expenses fall under Section III. E of the Guidelines and are not reimbursable. Accordingly, Claimant is not entitled to any of the costs claimed, because the costs are either not reimbursable under the Guidelines, or and not sufficiently specific to support an award.

Based on the foregoing, it is hereby,

**ORDERED and ADJUDGED** that the Motion for Attorney’s Fees and Costs is **GRANTED IN PART, and DENIED IN PART**. Specifically, Claimant is awarded attorney’s

fees in the amount of \$5,502.00 (26.2 hours x \$210.00 per hour). Claimant's request for costs is **DENIED**.

**DONE and ELECTRONICALLY MAILED** to counsel this 30<sup>th</sup> day of August, 2011, in Gainesville, Alachua County, Florida.



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