

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

Julian Alfonso,
Employee/Claimant,

OJCC Case No. 11-016004ERA

vs.

Accident date: 6/15/2011

Maintenance Tech Management,
LLC/Castlepoint Florida,
Employer/Carrier/Servicing Agent.

Judge: Edward Almeyda

EVIDENTIARY ORDER ON MOTION TO TAX COSTS

This matter came before me, the undersigned Judge of Compensation Claims, on the Employer/Carrier's Motion to Tax Costs as the prevailing party. An evidentiary hearing was held on November 17, 2014. The Claimant was represented by Albert Marroquin, Esquire, and the E/C by Kate Albin Esquire. The motion was dated 10/10/2014.

EXHIBITS:

Judges:

J.1 Motion to tax costs with attachments (181*)

J.2 Claimant's response (188*)

Testimony:

1. Tammy Riesz
2. Albert Marroquin

SUMMARY OF EVIDENCE AND CONCLUSIONS OF LAW AND FACT:

The E/C, as the prevailing party is seeking to tax costs on this preceding. The Claimant in his response and at the hearing did not contest the entitlement to those costs by the E/C as the prevailing party. Rather, the challenge was to reasonableness, vagueness, and the fact that the items for which costs were sought were not used at trial.

While no invoices were attached to the adjuster's affidavit outlining the costs, the adjuster testified as to the breakdown of the expenses where the reasonableness was questioned.

The costs are as follows:

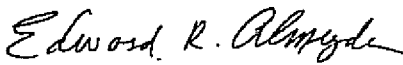
1. G4S Compliance and investigation for the statement of the claimant and the employer. There was no showing why these costs were incurred, particularly since the Claimant was twice deposed. Also no showing why an outside agency was used for the statements or why it was needed for the employer's statement. This item of cost is not allowed.
2. The cost for the Agency for Workforce Innovation records is also objected as those were not used at trial. That objection is overruled and the cost permitted.
3. The two separate items of costs for DMCM process server, dated 5/8/12 and 7/25/12 are denied as there was no showing as to who was served.
4. The costs incurred due to the Claimant's failure to appear at deposition, dated 6/26/12 are granted as a proper taxable cost.
5. The deposition cost dated 9/20/13 totaling \$425.00 includes a charge of \$90.00 for the use of the conference room. This item of \$90.00 is not found reasonable and taxable and thus not allowed.
6. That balance of the claimed costs is allowed.

Thus a total of \$1,975.25 is allowed as a proper taxable cost.

WHEREFORE, IT IS ORDERED AND ADJUDGED THAT:

1. THE CLAIMANT SHALL PAY THE EMPLOYER/CARRIER THE SUM OF \$1,975.25 FOR TAXABLE COSTS.

DONE AND ORDERED this 17th day of November, 2014, in Miami, Dade County, Florida.


S _____
Edward Almeyda
Judge of Compensation Claims
Division of Administrative Hearings
Office of the Judges of Compensation Claims
Miami District Office

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