

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
West Palm Beach District**

EMPLOYEE:

Hector Morales
1032 NW 123rd Court
Miami, FL 33182

EMPLOYER:

FrankCrum
100 S Missouri Ave
Clearwater, FL 33756

CARRIER:

Frank Winston Crum Insurance
Serviced by: Broadspire
P.O. Box 30539
Tampa, FL 33630

ATTORNEY FOR EMPLOYEE:

Raul C. De La Heria, Esquire
De La Heria & Associates
2100 Coral Way, Suite 500
Miami, FL 33145

**ATTORNEY FOR
EMPLOYER/CARRIER:**

Matthew J. Troy, Esquire
Hurley, Rogner, Miller, Cox, Waranch and
Westcott, P.A.
1560 Orange Avenue, Suite 500
Winter Park, FL 32789

OJCC CASE NO.: 07-007764SHP

D/A: 12/8/2006

**ORDER ON MOTION TO DISMISS OR IN THE ALTERNATIVE,
MOTION FOR SANCTIONS**

THIS CAUSE was submitted on the employer/carrier's Motion to Dismiss or in the Alternative Motion for Sanctions. Upon consideration of said Motion, the undersigned Judge of Compensation Claims finds the facts to be as follows:

1. An Order was entered on January 17, 2013 compelling the claimant's attorney to file a Verified Petition for Attorney's Fees and Costs on or before January 20, 2013.
2. Pursuant to the Court docket, the claimant's attorney has not filed a Verified Petition for Attorney's Fees and Costs and therefore, did not comply with the Court Order.
3. The Employer/Carrier filed a Motion to Dismiss or in the Alternative Motion for Sanctions due to the claimant's failure to comply with the court order.
4. No response was filed by the claimant to the Motion.
5. The parties appeared at a hearing on the Motion and a Show Cause hearing on

April 26, 2013. Sandra Wilkerson and Raul De La Heria appeared as attorneys for the Employer/Carrier and Claimant, respectively.

6. Claimant's counsel testified that his failure to file a Motion for Attorney Fees and Costs and respond to the Motion was due to oversight, which the undersigned accepts.

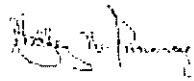
7. Therefore the undersigned finds that an additional 15 days from the date of the April 26, 2013 hearing shall be provided to Claimant's Counsel to file a Verified Motion for Attorney Fees and Costs as stated during the hearing.

8. Further, Sanctions shall be awarded for Claimant's Counsel's failure to comply with a Court Order in order to deter repetition of such conduct.

9. Claimant's Counsel shall pay Employer/Carrier reasonable attorney fees for preparation of the Motion and attendance at the hearing at \$100 per hour.

WHEREFORE, it is the Order of the undersigned Judge of Compensation Claims that said Motion is hereby granted in part. Claimant's counsel shall file a Verified Motion for Attorney Fees and Costs within 15 days of the April 26, 2013 hearing. Counsel for Employer/Carrier shall file a separate Verified Motion for Attorney Fees and Costs substantiating such time as was required for pursuit of this order

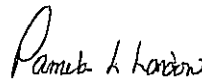
DONE and ORDERED in Chambers.



Honorable Shelley Punancy
Judge of Compensation Claims

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing has been e-mailed to Counsel on 3 day of May, 2013.



Assistant to Judge of Compensation Claims