

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

Patricia Lavan,  
Employee/Claimant,

vs.

OJCC Case No. 14-024040MRH

Accident date: 7/25/2014

N. Florida Surgical Pavillion/Broadspire,  
Employer/Carrier/Servicing Agent.

Judge: Marjorie Renee Hill

**FINAL EVIDENTIARY ORDER DENYING EMERGENCY MOTION  
FOR PROTECTIVE ORDER AND ATTORNEY'S FEES AND COSTS**

**THIS CAUSE** came on for an emergency evidentiary hearing on August 18, 2015 on Claimant's Emergency Motion for Protective Order filed August 18, 2015, and the E/C's response in opposition. Claimant was represented by Joey Oquist and the E/C was represented by Matthew Bennett.

Claimant seeks to preclude the E/C from obtaining an IME with Dr. Sanchez, which is scheduled to take place on August 19, 2015. Claimant asserts the IME requires Claimant to travel 75 miles, and is unreasonable under the circumstances, since there are over 100 physicians with Dr. Sanchez' specialty within a 10 mile radius of Claimant's home.

Notably, although Claimant received notification of the E/C's IME with Dr. Sanchez on or about July 29, 2015, Claimant filed the emergency motion for protective order on August 18, less than 24 hours before the scheduled appointment. By the time the motion was filed, the E/C had paid for Dr. Sanchez to review Claimant's records, and pre-paid for the IME. Claimant has not shown she is not physically able to travel 75 miles, or shown good cause for failure to timely file the motion for protective order. Under these circumstances, granting the motion for protective order would prejudice the E/C monetarily, and infringe on its right to select the IME of its choice. *See Miller v. Jupiter Medical Center*, 928 So. 2d 485, 486 (Fla. 1<sup>st</sup> DCA 2006) (noting there is a "'reasonableness' requirement in the IME provisions that is subject to a JCC's exercise of discretion"); *see generally Reed v. Reed*, 643 So. 2d 1180 (Fla. 1<sup>st</sup> DCA 1994) (noting E/C is required to conduct an IME in a reasonable manner). After considering the foregoing, and being fully advised in the premises, it is hereby,

**ORDERED and ADJUDGED** that the emergency motion for protective order is **DENIED**. The request for attorney's fees and costs is **DENIED**.

**DONE and ELECTRONICALLY SERVED** this 18<sup>th</sup> day of August, 2015, in Chambers, in Alachua County, Florida.



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Marjorie Renee Hill  
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