

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
Miami District**

EMPLOYEE:

Luis Sierra
455 SW 78th Court
Miami, FL 33144

EMPLOYER:

Nature's Flowers
2605 NW 77th Avenue
Miami, FL 33122

CARRIER:

Hortica
Post Office Box 428
Edwardsville, IL 62025

ATTORNEY FOR EMPLOYEE:

Ivette Gonzalez, Esquire
3301 Ponce de Leon Blvd., 3rd Floor
Miami, FL 33134

**ATTORNEY FOR
EMPLOYER/CARRIER:**

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

OJCC CASE NO.: 12-018887MGK
D/A: 8/15/2011

ORDER ON EMPLOYER.CARRIER'S MOTION FOR PROTECTIVE ORDER

1. The claimant served a subpoena for Michelle Bayhi, an attorney at Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A. on or about Friday, 8/23/2013 at 3:35 p.m. for a Hearing on multiple Motions set for Tuesday, 8/27/2013 at 1:30 p.m.

2. The Employer/Carrier filed a Motion for Protective Order indicating that Ms. Bayhi was not a current active employee as well as objecting to the records requested in the Subpoena Duces Tecum.

3. I find that the Subpoena Duces Tecum is overly broad as it requested the entire file of defense counsel. Certainly various parts of the file are subject to attorney/client and/or work product privilege.

4. The claimant also requested billing records of defense counsel, again these records are subject to attorney/client and/or work product privilege as well as trade secret privilege as to the amount charged per hour.

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5. Finally, I find the subpoena was not properly served pursuant to Rules of Civil Procedure and 60Q and that as Ms. Bayhi served individually is no longer an active associate with the law firm of Hurley, Rogner, Miller, Cox, Waranch & Westcott, P.A. that the subpoena was not properly served.

Therefore, the Employer/Carrier's Motion for Protective Order is granted in its entirety.

DONE and ELECTRONICALLY MAILED 4th day of September, 2013.



Honorable Margaret G. Kerr
Judge of Compensation Claims



Denise Padron

Secretary to Judge of Compensation Claims

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