

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

CARL H. SIMPSON,
Employee/Claimant,

OJCC Case No. 16-009807MES

vs.

Accident date: 8/31/2015

Florida Highway Patrol/Division of Risk
Management,
Employer/Carrier/Servicing Agent.

Judge: Margaret E. Sojourner

ORDER ON MOTION TO ENFORCE

A hearing was held in this matter on January 22, 2019 on the EC's motion to enforce settlement filed on November 20, 2018. Attorney Robert Osburn on behalf of the E/C. The claimant, Carl Simpson appeared along with his attorney Paolo Longo.

EC Exhibits:

1. Motion to enforce with exhibits filed at DN 112.

Findings of Fact and Conclusions of Law:

In making my findings of fact I have reviewed and considered the exhibits attached to the motion to enforce and the testimony offered at the hearing.

The claimant sustained a compensable injury while in the course and scope of his employment and subsequently filed a petition for benefits in this matter. On September 28, 2018 counsel for the claimant advised the EC by email that he had spoken to his client who had accepted the offer of settlement. The claimant acknowledged that he gave his counsel authority to settle. He stated that after a period of time he changed his mind as nothing in this agreement would allow him to obtain the knee replacement he needs which he believes is needed as a result of the compensable accident. The claimant has worked as a state trooper for many years and feels that the injury he sustained should be taken care of by his employer.

The claimant does not deny that he gave full authority to accept this settlement to his attorney. A valid and binding agreement was reached. Claimant's subsequent change of heart based upon reasonable concerns does not abrogate the authority given.

The parties may submit the appropriate paperwork regarding attorney's fees, costs and child support for my signature as required by Rule 60Q-6.123 and 6.124. The claimant's failure or refusal to sign the settlement paperwork does not have any effect on the validity of the settlement agreement.

Wherefore it is ordered and adjudged as follows:

1. The motion to enforce settlement is granted.
2. As of September 28, 2018 the EC is relieved of and released from any and all liability for each and every classification of benefits pursuant to Chapter 440 for or on behalf of the claimant as a result of the industrial accidents and injuries sustained in the course and scope of claimant's employment with the Florida Highway Patrol.
3. The claimant's attorney is entitled to an attorney's fee and recovery of costs, if any, and upon submission of the appropriate paperwork the same shall be considered for approval. The amount of the attorney's fees and any costs shall be deducted from the settlement proceeds due the claimant.

DONE AND SERVED this 7th day of February, 2019, in Altamonte Springs, Seminole County, Florida.



Margaret E. Sojourner
Judge of Compensation Claims
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