

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS  
MIAMI-DADE COUNTY DISTRICT**

**EMPLOYEE:**

Orlando Menchaca  
2125 West 52 St., Apt. 208  
Hialeah, FL 33016

**ATTORNEY FOR EMPLOYEE:**

Richard E. Zaldivar, Esquire  
Richard E. Zaldivar, PA.  
2600 S.W. 3rd Avenue, Ste. 300  
Miami, FL 33129

**EMPLOYER:**

Creative Insurance Concepts, Inc.  
5175 Sunset Blvd., Suite 0  
Lexington, SC 29072

**ATTORNEY FOR  
EMPLOYER/CARRIER:**

Robert S. Gluckman, Esquire  
Hurley, Rogner, Miller, Cox, Waranch &  
Westcott, PA.  
1280 SW 36th Avenue, Suite 100  
Pompano Beach, FL 33069

**CARRIER:**

SUA Claims  
P.O. Box 948154  
Maitland, FL 32794-8154

**OJCC NO.:** 07-027939SMS

**D/A:** 3/3/2006

**FINAL EVIDENTIARY HEARING ORDER GRANTING, IN PART, E/C'S MOTION TO  
TAX COSTS**

**THIS CAUSE** came before the undersigned Judge of Compensation Claims for a final evidentiary hearing on 2/26/10 regarding E/C's Motion to Tax Costs filed on 1/4/10.

**Documentary Exhibits:**

E/C-

1. Motion to Tax Costs filed 1/4/10 with attachments consisting of: Affidavit in Support of Motion to Tax Costs; 9/22/09 Final Compensation Order; 10/22/09 Response to Petition for Benefits (PFB); 10/15/09 letter from Ms. Sabbattini to Mr. Zaldivar ; 10/16/09 PFB and Affidavit with invoices and payout sheet.

Claimant-

1. 1/12/10 Response to Motion to Tax Costs.

**Finding of Fact and Conclusions of Law:**

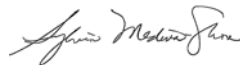
1. On 9/22/09, a Final Compensation Order was entered after holding a final hearing on 8/31/09. The undersigned denied all the claims. As such, E/C is the prevailing party.

2. Ms. Sabattini, the adjuster, testified via telephone at the 2/26/10 evidentiary hearing. She verified the costs expended by E/C in defending the PFBs filed and adjudicated via the 9/22/09 order.

3. After carefully reviewing the costs and the Statewide Uniform Guidelines of Taxation of Costs, I find that \$3,976.10 are taxable costs. I find the following costs non-taxable per the Statewide Uniform Taxation of Costs Guidelines: \$200.00 for conference with Dr. Jarolem; \$200.00 conference with Dr. Grinberg; and \$105.00 court reporter fees for final hearing (as the OJCC has its own recording record). I find that the IMEs were reasonable and necessary in the present case. I find that all other costs dealt with discovery matters wherein, E/C was charged by a third party.

**WHEREFORE, IT IS ORDERED:**

1. E/C's Motion to Tax Costs is granted in part.
2. Claimant shall reimburse E/C \$3,976.10 in taxable costs.

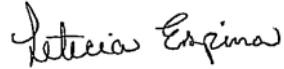


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Sylvia Medina-Shore  
Judge of Compensation Claims

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the instant Final Evidentiary Hearing Order Granting E/C's Motion to Tax Costs has been furnished by U.S. Mail to the parties and via e-mail to the attorneys of record this 4<sup>th</sup> day of March, 2010.



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Secretary to JCC