

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

Lumine Eugene,
Employee/Claimant,

OJCC Case No. 10-011933MES

Accident date: 2/27/2010

vs.

Judge: Margaret E. Sojourner

American Airlines, TLC Retirement,
Inc./Sedgwick CMS, and Broadspire,
Employer/Carrier/Service Agent.

EVIDENTIARY ORDER AWARDING ATTORNEY FEES

A hearing was held in this matter in Lakeland, Polk County, Florida on March 26, 2014 on former counsel's Verified Petition for attorney fees. Present at the hearing was attorney Rogers Turner, Jr. on behalf of the Employer/Carrier (EC). There was no appearance by former counsel. The notice of this hearing was electronically filed on January 28, 2015 and the docket reflects that this notice was acknowledged by former counsel on that date. No motion was made to allow an appearance by phone or by video conferencing. Video conferencing is not currently available in the Lakeland, District Office.

Issues:

1. Entitlement to an attorney's fee on medical and some indemnity benefits.
2. Amount of attorney's fees.

Defenses:

1. EC has stipulated to the claimant's entitlement to an attorney's fee for obtaining \$440.00 of temporary indemnity benefits, but maintains that all other benefits were timely paid and no attorney fee is due.

At the hearing the following items were marked as exhibits:

Judge's Exhibits:

1. Claimant's Verified Petition for attorney fees filed at docket number (DN) 116.
2. EC's Verified Response to Former Counsels Verified Petition filed at DN 129.

Findings of Fact and Conclusions of Law

In making my findings of fact and conclusions of law in this claim, I have carefully considered and weighed all of the testimony and evidence presented. I have resolved all of the conflicts in the testimony and documentary evidence. Based upon the foregoing, the evidence, and the applicable law, I make the following determinations:

1. I have jurisdiction over the parties and the subject matter of this claim.
2. Venue is in Polk County, Florida.
3. The stipulations of the parties are accepted and adopted by me as findings of fact.
4. Former counsel failed to appear for the properly scheduled and noticed hearing on attorney fees due from the EC for past benefits obtained. Thus no evidence was offered to support entitlement to a fee for any amount of benefits obtained over and above the \$440.00 to which the EC stipulated.
5. I find that a guideline fee of \$88.00 is due to former counsel in resolution of all attorneys' fees due from the EC in this matter.

Wherefore it is ordered and adjudged as follows:

1. The EC shall pay former counsel, Tony Villaverde, an attorney's fee of \$88.00.

DONE AND ORDERED this 27th day of March, 2015, in Lakeland, Polk County, Florida.



Margaret E. Sojourner
Judge of Compensation Claims
Division of Administrative Hearings
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