



HURLEY ROGNER
MILLER, COX, WARANCH & WESTCOTT, P.A.

Rex A. Hurley*
 William H. Rogner*†
 Scott B. Miller*
 Derrick E. Cox*
 Michael S. Waranch*
 Paul L. Westcott*
 Gregory D. White*
 W. Rogers Turner, Jr.*
 Paul L. Luger
 Gregory S. Raub*
 Anthony M. Amelio*
 Matthew W. Bennett*

CASE NOTES
CASE LAW SUMMARY
April 2012

If you have any questions regarding Case Law Summaries, please contact W. Rogers Turner, Jr. : rturner@hrmcw.com

Robert J. Osburn, Jr.
 Teri A. Bussey*
 Andrew R. Borah*
 Jonathan L. Cooley
 Allison M. Twombly
 Sandra D. Wilkerson
 Timothy F. Stanton*
 Kimberly De Arcangelis
 Julie C. Bixler
 Zalman F. Linder
 Matthew J. Troy
 Geoffrey C. Curreri
 C. Bowen Robinson
 Michelle Bayhi
 Gina M. Jacobs
 Stephen G. Conlin
 Of Counsel

Temporary Indemnity/MMI/Rulings outside the scope

Rosa v. Progressive Employer Services, (Fla. 1st DCA 4/12/2012)

The E/C conceded that the JCC’s ruling on the claimant’s PIR was outside the scope of issues ripe for hearing. The JCC accepted an EMA opinion that a nerve block was medically necessary because it could bring about a degree of improvement but found the claimant was at MMI. The DCA reversed the JCC’s finding that the claimant was at MMI and denying indemnity because the award of treatment was inconsistent with the finding of MMI. The DCA found the JCC’s determination that the nerve block was palliative was not supported by the evidence. [Click here to view Order](#)

*Florida Bar Board
 Certified Workers’
 Compensation
 † Florida Bar Board
 Certified Appellate
 Practice

Advances

HIT Promotional Products v. Krivdic, (Fla. 1st DCA 4/12/2012)

The DCA affirmed the JCC’s award of a \$2,000 advance in a claim where compensability had been denied as “Claimant has been unable to return to the same or equivalent employment, one of the three alternative statutory requisites.” [Click here to view Order](#)

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Please direct replies or inquires to our Winter Park office

Winter Park Office
 1560 Orange Avenue
 Suite 500
 Winter Park, FL 32789
 T (407) 571-7400
 F (407) 571-7401

Ft. Pierce Office
 603 N Indian River Dr
 Suite 102
 Ft. Pierce, FL 34950
 T (772) 489-2400
 F (772) 489-8875

Tallahassee Office
 253 Pinewood Drive
 Tallahassee, FL 32303
 T (850) 386-2500
 F (850) 222-5553

Pompano Beach Office
 1280 SW 36th Ave
 Suite 100
 Pompano Beach, FL 33069
 T (954) 580-1500
 F (954) 580-1501

Fort Myers Office
 4460 Camino Real Way
 Suite 2
 Fort Myers, FL 33966
 T (239)939-2002
 F (239) 939-2247