



Case Law Update

August 5, 2016

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This Update contains summaries of all relevant Appellate decisions for the preceding week, with comments on how a particular decision affects you. In addition, we review daily the Merit Orders posted on the DOAH website. This Update contains summaries and links to relevant JCC decisions for the past week.

Please feel free to contact Rogers Turner (rturner@hrmcw.com) with questions or comments on any of the listed cases.

District Court of Appeal Cases

O'Connor v. Indian River County Fire and Rescue/Johns Eastern, (Fla. 1st DCA 8/2/2016)
Appellate Practice/Prevailing Party Costs

Bill Rogner

The DCA granted the claimant's Motion for Rehearing, withdrew their May 2016 opinion awarding our client appellate fees as a sanction, and issued this opinion. The original case arose out of the claimant's attempts to have the JCC approve a fee on behalf of the claimant, paid by the employee's union. The JCC denied that request, the claimant attorney withdrew, the claimant withdrew his PFB and then the JCC awarded our client prevailing party costs. The substituted opinion affirms the JCC's award of costs in the underlying proceeding. However, they noted that although the claimant's appellate counsel's use of the appeal process to essentially challenge the fee order twice was improper, they declined to award appellate fees as a sanction. [Click here to view Opinion](#)

Please note that the DCA Opinions and Merit Orders contained in this newsletter are non-final until 30 days after their rendition. Until that time, they are subject to amendment, vacation, or other action which may remove or alter some or all of the decision. Please contact any HRMCWW attorney if you have a question as to the finality and applicability of an Opinion or Order. We endeavor to include any amendments or alterations to Opinions or Orders that may occur at a later date.

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