



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

ORIGINAL

RESPONSE TO CITY OF HOLLYWOOD, FLORIDA

RFP-4460-15-RD

LEGAL COUNSEL FOR WORKERS' COMPENSATION CLAIMS

Submitted by

Hurley, Rogner, Miller, Cox & Waranch, P.A.

1280 SW 36th Avenue, #100

Pompano Beach, FL 33069

954-580-1500

Contact Person: Andrew R. Borah

SEPTEMBER 1, 2015

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ACKNOWLEDGMENT AND SIGNATURE PAGE

This form must be completed and submitted by the date and the time of bid opening.

Legal Company Name (include d/b/a if applicable): Hurley, Rogner, Miller, Cox & Waranch, PA

Federal Tax Identification Number: 59-3107040

If Corporation - Date Incorporated/Organized: February 1992

State Incorporated/Organized: Florida

Company Operating Address: 1280 SW 36th Avenue, #100

City: Pompano Beach State: FL Zip Code: 33069

Remittance Address (If different from ordering address): 1560 Orange Avenue, Suite 500

City: Winter Park State: FL Zip Code: 32789

Company Contact Person: Andrew R. Borah Email Address: Aborah@HRMCW.com

Address: 1280 SW 36th Avenue, #100, Pompano Beach, FL 33069

Phone Number (include area code): 954-580-1500 Fax Number (include area code): 954-580-1501

Company's Internet Web Address: www.hrmcw.com

IT IS HEREBY CERTIFIED AND AFFIRMED THAT THE BIDDER/PROPOSER CERTIFIES ACCEPTANCE OF THE TERMS, CONDITIONS, SPECIFICATIONS, ATTACHMENTS AND ANY ADDENDA. THE BIDDER/PROPOSER SHALL ACCEPT ANY AWARDS MADE AS A RESULT OF THIS SOLICITATION. BIDDER/PROPOSER FURTHER AGREES THAT PRICES QUOTED WILL REMAIN FIXED FOR THE PERIOD OF TIME STATED IN THE SOLICITATION.



8/31/15

Bidder/Proposer's Authorized Representative's Signature:

Date

Type or Print Name: Andrew R. Borah

THE EXECUTION OF THIS FORM CONSTITUTES THE UNEQUIVOCAL OFFER OF BIDDER/PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE BID/PROPOSAL NON-RESPONSIVE. THE CITY MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY BID/PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE BIDDER/PROPOSER TO THE TERMS OF ITS OFFER. ANY EXCEPTION, CHANGES OR ALTERATIONS TO THE GENERAL TERMS AND CONDITIONS, HOLDHARMLESS/INDEMNITY DOCUMENT OR OTHER REQUIRED FORMS MAY RESULT IN THE BID/PROPOSAL BE DEEMED NON-RESPONSIVE AND DISQUALIFIED FROM THE AWARD PROCESS.

3. RFP Checklist

- ☐ Acknowledgment & Signature Page
- ☐ One (1) original, six (6) copies and (1) one complete electronic copy (CD) of RFP
- ☐ Title Page
- ☐ Table of Contents
- ☐ RFP Checklist
- ☐ Letter of Transmittal
- ☐ Profile of Proposer
 - ___ a) National, Regional or Local
 - ___ b) Location of office
 - ___ c) Firm description
 - ___ d) Similar municipal engagements
 - ___ e) Statement of litigation
- ☐ Proposer's Qualifications
 - ___ a) Good standing with the Florida Bar Association
 - ___ b) Reference Questionnaires (4)
 - ___ c) Lead attorney and team members
- ☐ Project Understanding, Proposed Approach and Methodology
 - ___ a) Types of services provided
 - ___ b) Project plan for engagement
- ☐ Summary of Proposer's Fee Statement
 - ___ a) Detailed listing of hourly billing rates
 - ___ b) Anticipated costs and fees
- ☐ Project time schedule
- ☐ Addenda
 - ___ Hold Harmless & Indemnity Clause
 - ___ Non-collusion Affidavit
 - ___ Sworn Statement on public entity crimes
 - ___ Certifications regarding debarment, suspension & other responsibility matters
 - ___ Drug-Free Workplace Program
 - ___ Solicitation, Giving and Acceptance of Gifts Policy



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

4. Letter of Transmittal:

August 31, 2015

City of Hollywood, Florida
c/o: Office of City Clerk
2600 Hollywood Blvd., Room 221
Hollywood, FL 33020

To Whom It May Concern:

It is my privilege to submit the enclosed response to the City of Hollywood's RFP for Workers' Compensation legal counsel.

Hurley, Rogner, Miller, Cox & Waranch, P.A. (Hurley Rogner) is deeply qualified to provide legal review, advice and representation to the City, and it would be our honor to do so.

Our firm specializes in defending Workers' Compensation cases for employers, insurance carriers and third party administrators. Founded in 1992, we have proudly represented dozens of governmental clients in thousands of Workers' compensation cases for the State of Florida, the cities of Vero Beach, Kissimmee and Edgewater, multiple counties and sheriff's offices as well as the Reedy Creek Improvement District, among others. Hurley Rogner has defended many claims involving the firefighter and police presumptions under §112.18 and will be able to provide counseling as to compensability and aggressive defense of any litigated claims.

Our attorneys rank among the most skilled and respected in the industry: 13 of our 26 attorneys are recognized by the Florida Bar Association as Board Certified Specialists in Workers' Compensation. Our appellate practice has been responsible for more than 300 decisions that have shaped the Workers' Compensation industry in Florida.

The following persons will be authorized to make representations for our firm:

Andrew R. Borah, Partner, Florida Board Certified, Workers' Compensation; 1280 SW 36th Avenue, #100,
Pompano Beach, FL 33609 (954) 580-1500

Rex A. Hurley, Managing Partner, Florida Board Certified, Workers' Compensation; 1560 Orange Avenue, Suite
500, Winter Park, FL 32789 (407) 571-7400

Thank you for your consideration.

Sincerely,



Andrew R. Borah

5. Profile of Proposer, Hurley, Rogner, Miller, Cox & Waranch, PA (Hurley Rogner);

a) National, Regional or Local; Hurley Rogner Miller Cox & Waranch, PA, is a regional firm, representing clients across Florida, with offices in six cities including an office in Pompano Beach, Broward County.

b) Location of Office: Work for the City of Hollywood will be performed from our Pompano Beach office, which is located less than 10 minutes from the Ft. Lauderdale district offices of the Judges of Compensation Claims and 16 miles/25 minutes from the City of Hollywood City Clerk's office.

c) Firm Description: Hurley, Rogner, Miller, Cox & Waranch, P.A. has been defending Workers' Compensation cases for employers, insurance carriers and third party administrators since 1992, with 26 attorneys in six offices across the state of Florida – Pompano Beach, Miami, Tallahassee, Winter Park, Ft. Pierce and Ft. Myers.

We have proudly represented dozens of governmental clients in thousands of Workers' compensation cases for the State of Florida, the cities of Vero Beach, Kissimmee and Edgewater, multiple counties and sheriff's offices as well as the Reedy Creek Improvement District, among others.

Our attorneys rank among the most skilled and respected in the industry: 13 of our 26 attorneys are recognized by the Florida Bar Association as Board Certified Specialists in Workers' Compensation. Our appellate practice has been responsible for more than 300 decisions that have shaped the Workers' Compensation industry in Florida.

Hurley Rogner is committed to pursuing the quick, efficient resolution of Workers' Compensation cases, but where the facts dictate, we are equally adept at preparing for and attending trial. We endeavor to invest whatever time is necessary to completely prepare and research each case, and wherever possible, we employ our skilled team of paralegals to reduce overall litigation expense. We zealously seek prevailing party costs on behalf of our clients when we prevail at trial. Many of those Orders have resulted in payments back to our clients.

d) Similar Municipal Engagements

Linda Allison
Brevard County Board of Commissioners
Linda.Allison@brevardcounty.us
(321) 637-5364 (FAX)
(321) 637-5447 (PHONE)
Dates of Representation: 1995 to present

Beth Martin
Indian River County
BMartin@ircgov.com
(772) 770-5098 (FAX)
(772) 226-1287 (PHONE)
Dates of Representation: 2005 to present

Dana Keller
Reedy Creek Improvement District
DKeller@rcid.org
407-828-2633 (FAX)
(407) 938-1437 (PHONE)
Dates of representation: 1992 to present

Judy Boling
Florida Sheriff's Risk Management Fund
Judy.Boling@fsrmf.org
(850) 320-6939 (FAX)
(850) 320-6880 (PHONE)
Dates of Representation: 2003 to present

e) Statement of Litigation –Hurley Rogner has not been involved in any litigation arising out of professional performance; not in the past five years or ever in our firm's 23-year history.

6. Hurley Rogner's Qualifications

- a) **Good standing:** All Hurley Rogner attorneys are licensed and in good standing with the Florida Bar Association.
- b) **Reference questionnaires** - Please see the attached documents immediately following this page:
 - Brevard County
 - Indian River County
 - Reedy Creek Improvement District
 - Florida Sheriffs Risk Management Fund

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Hurtley, Bogner, Miller, Cox & Waranch

Firm giving Reference: Brevard County Board County Commissioners

Address: 2725 Judge Fran Jamieson Way
Bld B Viera, FL 32946

Phone: (321) 637-5447

Fax: (321) 637-5364

Email: Linda.Allison@brevardcounty.us

1. Q: What was the dollar value of the contract?

A: N/A

2. Have there been any change orders, and if so, how many?

A: N/A

3. Q: Did they perform on a timely basis as required by the agreement?

A: yes

4. Q: Was the ^{Attorney} project manager easy to get in contact with?

A: yes

5. Q: Would you use them again?

A: Definitely and have had a relationship with the law firm for over 20 yrs.

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?

A: Please see below.

The undersigned does hereby certify that the foregoing and subsequent statements are true and correct and are made independently, free from vendor interference/collusion.

Name: Linda Reid Allison Title: Risk Claims Specialist

Signature: Linda Reid Allison Date: 8/31/15

Brevard County has used the above captioned law firm for 20 plus years. They provide excellent service in an extremely timely manner. The firm is very knowledgeable and our overall experience has been excellent.

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Hurley Rogner Miller Cox & Waranch

Firm giving Reference: Indian River County, Risk Management

Address: 1800 27th Street, Vero Beach FL 32960

Phone: (772) 567-8000, ext. 1287

Fax: (772) 770-5098

Email: bmartin@ircgov.com

1. Q: What was the dollar value of the contract?

A: hourly rate

2. Q: Have there been any change orders, and if so, how many?

A: none

3. Q: Did they perform on a timely basis as required by the agreement?

A: yes

4. Q: Was the project manager easy to get in contact with?

A: yes

5. Q: Would you use them again?

A: yes

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?

A: We have used this defense firm for several years, and their service has consistently been outstanding. We highly recommend them.

The undersigned does hereby certify that the foregoing and subsequent statements are true and correct and are made independently, free from vendor interference/collusion.

Name: Beth Martin Title: Risk Manager

Signature: Beth Martin Date: 08/27/15

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Hurley, Roqner

Firm giving Reference: Reedy Creek Improvement District

Address: 1900 Hotel Plaza Blvd., Lake Buena Vista, FL 32830

Phone: (407) 938-1437

Fax: (407) 828-2171

Email: dkeller@rcid.org

1. Q: What was the dollar value of the contract?

A: Hourly basis, per case file

2. Have there been any change orders, and if so, how many?

A: N/A

3. Q: Did they perform on a timely basis as required by the agreement?

A: Yes

4. Q: Was the ^{a Horney} project manager easy to get in contact with?

A: Yes

5. Q: Would you use them again?

A: Yes

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

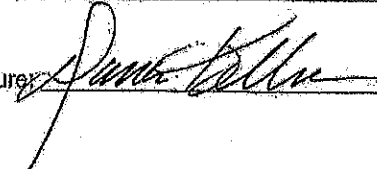
A: ☒ 5 Excellent ☐ 4 Good ☐ 3 Fair ☐ 2 Poor ☐ 1 Unacceptable

7. Q: Is there anything else we should know, that we have not asked?

A: Firm has represented the District as WC defense counsel for 13+ years and we remain very satisfied with our outcomes.

The undersigned does hereby certify that the foregoing and subsequent statements are true and correct and are made independently, free from vendor interference/collusion.

Name: Dana Keller Title: Risk Administrator

Signature:  Date: 8-28-15

REFERENCE QUESTIONNAIRE

It is the responsibility of the contractor/vendor to provide a minimum of three (3) similar type references using this form and to provide this information with your submission. Failure to do so may result in the rejection of your submission.

Giving reference for: Hurley Rogner Miller Cox + Warranch, P.A.

Firm giving Reference: Judy Boling on behalf of the FL Sheriff's Risk Mgmt. Fund

Address: PO Box 12909, Tallahassee, FL 32317

Phone: 850-320-6910

Fax: 850-320-6939

Email: judy.boling@fsrnf.org

1. Q: What was the dollar value of the contract?

A: we do not have a contract, only an agreement as to hourly fees

2. Have there been any change orders, and if so, how many?

A: no, none

3. Q: Did they perform on a timely basis as required by the agreement?

A: yes

4. Q: Was the project manager easy to get in contact with?

A: yes

5. Q: Would you use them again?

A: yes

6. Q: Overall, what would you rate their performance? (Scale from 1-5)

/

7. /

The under
Independence

Name:

Signature

c) **Lead Attorney and Team Members**

Hurley Rogner has assembled a City of Hollywood team with significant Workers' compensation experience and expertise. Lead attorney **Andrew R. Borah** is Board Certified as a Specialist in Workers' Compensation and is the managing partner in charge of our Pompano Beach office. Additional team members include attorney **Kate Albin** and legal assistants Meghan McCauley and Angie Walker.

Please see the attached documents immediately following this page:

Andrew R. Borah

- Resume
- Trial list
- Florida Bar Board Certification certificate

Kate E. Albin

- Resume
- Copies of Florida Bar licenses for Mr. Borah and Ms. Albin

Andrew R. Borah



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

1280 SW 36th Avenue, Suite 100

Pompano Beach, FL 33069

Phone: (954) 580-1500

Fax: (954) 580-1501

Email: aborah@hrmcw.com

Current Employment Position(s):

Partner

Areas Of Practice:

Workers' Compensation-Board Certified since 2009

Bar Admissions:

U.S. District Court Southern District of Florida, 2002

Florida, 2001

Education:

University of Florida College of Law, Gainesville, Florida, 2000

J.D.

University of Florida, Gainesville, FL, USA, 1997

B.A.

Honors: With Honors

Major: Criminal Justice

Published Works:

Apportionment Clarified: Staffmark v. Merrell, Florida Bar Association News & 440 Report 1
(Fall 2010)

Apportionment: Pointing Fingers, Florida Bar Association News & 440 Report 3,
(Fall 2009)

Representative Cases:

Limith v. Lenox of the Lake, case no. 1D14- 3761 (Fla. 1st DCA, April 17, 2015)

Newick v. Webster Training Center, 78 So.3d 108 (Fla. 1st DCA 2012)

Santiago v. Florida Highway Patrol, OJCC Case #14-018783MAM, March 27, 2015

James Precourt v. Reedy Creek Improvement District and Unisource Administrators, 894 So.2d 249
(Fla. 1st DCA 2005)

David Rice v. Reedy Creek Improvement District and Unisource Administrators, 924 So.2d 882
(Fla. 1st DCA 2006)

Professional Associations and Memberships:

Super Lawyers, 2013, 2014 and 2015 Rising Star

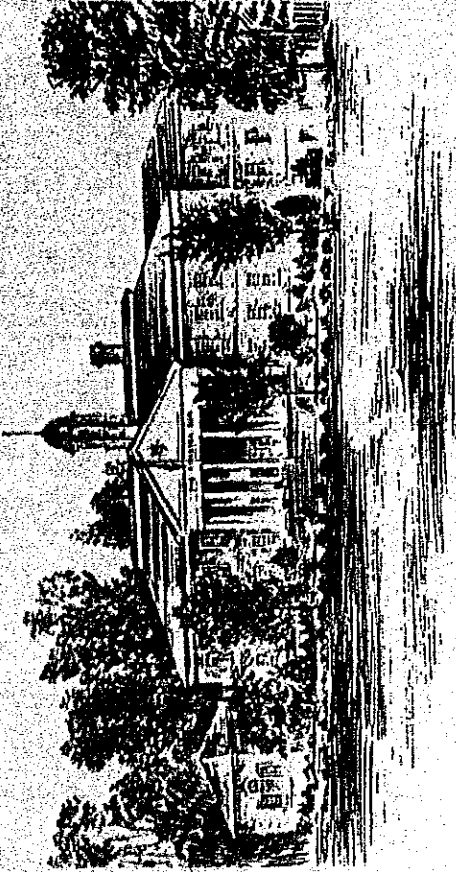
Birth Information:

1975, Smithtown, New York, United States of America

Andrew R. Borah, Litigated Workers' Compensation Trials
36 Trials since August 2009, 31 E/C Wins

Claimant	Docket No.	Date	Results
Bette Peters	97-028443	8/7/15 and 8/17/15	-E/C Win
Nazir Mohammed	11-00724	8/3/15	-E/C Win
Anson Jean-Pierre	96-027093	7/20/15	-E/C Win
Rene Valdez	12-006304	7/10/15	-E/C Win
Guillermo Santiago	14-018783	3/11/15	-E/C Win
Raymonde Etienne	13-004248	2/4/15	-E/C Win
Jorge Carrazana	14-003324	1/8/15	-E/C Win
Sally Vice	14-014553	1/6/15	-E/C Win
Marcelin Phedor	12-021207	9/4/14	-E/C Win
Federic Tamargo	12-019789	4/10/14	-E/C Win
Brenda Leiva	10-005184	3/3/14	-E/C Win
Luis Angel Perez	13-15146	3/3/14	-E/C Win
Julian Alfonso	11-016004	11/12/13	-E/C Win
Lourdes Muro	12-023144	9/19/13	-E/C Win
Anne Marie Limith	11-024247	7/16/13	-E/C Win
Pavel Chipi Gattorno	10-009340	4/16/13	-E/C Win
Oswaldo Sauri	12-021001	3/7/13	-E/C Win
Maria Isabel Delgado	12-001094	2/21/13	-E/C Win
Juan Alitimon	10-06410	10/8/12	-E/C Loss
Collis L. Thomas	11-015914	5/15/12	-E/C Loss
Tressa Rose	10-004343	4/19/12	-E/C Win
Olive McLeish	10-013501	2/7/12	-E/C Loss
Coretta Lewis Baker	10-011460	1/10/12	-E/C Win
Alberto Rodriguez	06-020059	12/8/11	-E/C Win
Martha Noguera	10-000499	12/8/11	-E/C Win
Juan Lantiqua	07-036115	11/17/11	-E/C Win
Alberto Rodriguez	06-020059	11/4/11	-E/C Win
Osvaldo Sanchez	11-007716	10/24/11	-E/C Win
Jeoffre Herrada	08-023358	9/20/11	-E/C Loss
Marcos Fuentes	10-019178	5/25/11	-E/C Win
Casey Newick	10-010678	3/22/11	-E/C Win
Peggy Kash	10-003216	12/16/10	-E/C Win
Martha Noguera	10-000499	11/2/10 and 11/30/10	-E/C Loss
James Wilcox	09-020203	6/24/10	-E/C Win
Maria Iglesias	08-026857	4/28/10	-E/C Win
Marta Cortez	08-029358	8/25/09	-E/C Win

The Florida Bar



be it known that

Andrew R. Morah, D.C.S.

has met the Standards of Certification
and is a Board Certified Specialist in

Workers' Compensation

and is granted the rights and privileges
appertaining to such certification


from


August 1, 2009

to

July 31, 2019


PRESIDENT


CHAIR, BOARD OF LEGAL
SPECIALIZATION AND EDUCATION


CHAIR, WORKERS' COMPENSATION

Kate E. Albin



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

1290 SW 36th Avenue, Suite 100
Pompano Beach, FL 33069
Phone: (954) 580-1500
Fax: (954) 580-1501
Email: KAlbin@hrmcw.com

Current Employment Position(s): Associate

Areas Of Practice: Workers' Compensation Law

Certifications/Specialties:

Bar Admissions:

Florida, 2011

Education:

University of Florida Levin College of Law, JD, 2010

University of Illinois, Champaign-Urbana, B.A. Economics, 2008

Published Works:

Representative Cases:

Professional Associations and Memberships:

American Bar Association
Member

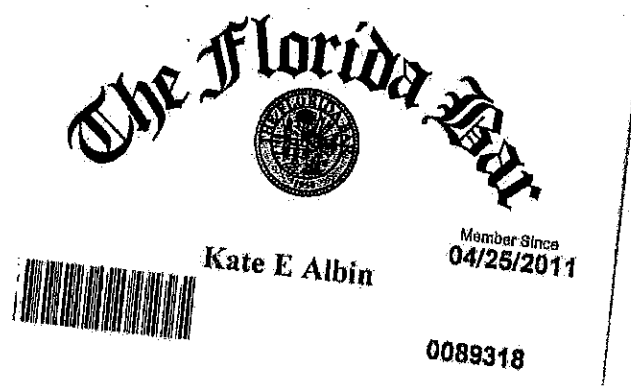
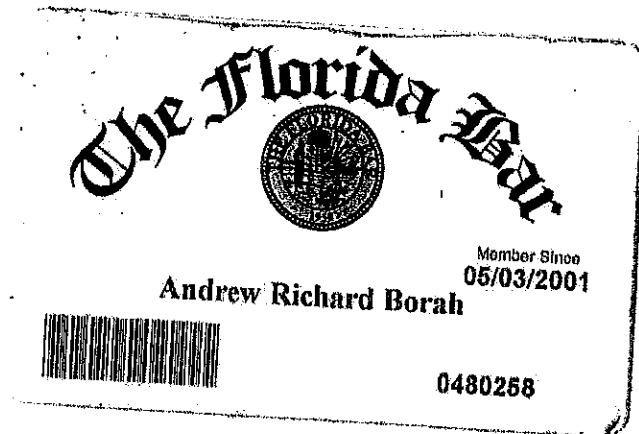
Dade County Bar Association
Member

Prior Experience:

Hernandez, Hicks & Valois, 2011-2012

Birth Information:

Champaign, Illinois



7. Project Understanding, Proposed Approach and Methodology:

- a) **Types of services provided:** Complete Workers' Compensation litigation claims defense

Preliminary Case Evaluation – Our firm's mandatory practice is to provide a claims evaluation and plan of action within seven (7) days of receipt. We are committed to quick, efficient resolution of cases and excel at developing legal strategies to achieve that end. We understand how to assess the facts of a case, distill our client's legal exposure based upon the application of the law and advise accordingly regarding litigation and potential settlement.

Reporting – In litigation, effective, timely communication is key. We place a premium on clear, concise reports to our clients, and that philosophy extends to our interactions with all parties involved in a case. The City of Hollywood and its TPA will receive the following reports: **1)** Initial case evaluation; **2)** pre-mediation report at least 30 days before mediation; **3)** deposition summaries; **4)** pre-trial evaluation 60 days prior to final hearing; and **5)** medical and case updates regularly as actions develop.

Trial Preparation/Case Resolution – Our first objective is always prompt and reasonable resolution, without incurring unnecessary costs. We advise and work with our clients to determine what level of discovery is warranted in a case. It is our policy to obtain client approval before retaining experts or other consultants, and before sending subpoenas, setting depositions or conferring with witnesses.

Settlement, Mediation & Trial Conferences - Hurley Rogner will prepare the file and the claims adjuster for settlement and mediation, and will attend mediation and set trial conferences.

Post Trial/Post Settlement Analyses – Through regular reporting, a post-trial summary and/or expert analysis will be timely provided.

Multi-Forum, Fraudulent and Overlapping Claims - Hurley Rogner has extensive experience regarding exposure for potential liability in other legal venues and under related legal theories. As Workers' Compensation claims necessarily arise out of the employment context, the firm routinely provides counsel regarding EEOC, ADA, FMLA, FLSA, Liability and any other attendant legal claims. The firm has handled wage and hour matters, and has lectured with Employment law litigators regarding the overlapping nature of all employment related claims, and the need for

employers and managers to be savvy regarding the possibility for claimants to raise multiple employment related claims. In addition to those claims, our firm has handled multiple claims involving subrogation (see below), Medicare set asides, Medicaid Liens, hospital Liens, and is fully committed to working with all related City of Hollywood counsel in a collaborative approach should any of the above issues present themselves.

Hurley Rogner has handled multiple cases involving alleged misrepresentation under F.S. s. 440.105 and resultant denials of benefits under F.S. s. 440.09. These cases implicate serious issues for the claimant, and require a thorough understanding of the requisite elements of misrepresentation, especially as it relates to the claimant's intent to secure benefits via their false statements. In all cases where fraud is suspected, we will work closely with adjusters for the TPA, the City of Hollywood Risk Management and other administrative staff to ensure that such cases are prosecuted to the fullest extent, and referred to the appropriate outside entities as needed.

Appeals, Continuances, Waivers - The firm understands that the potential may arise for the City of Hollywood to seek appellate review of an underlying decision of the Judge of Compensation claims. Although the parties have 30 days from the date a final order is rendered, the firm's practice, if an adverse ruling is obtained, is to schedule an immediate conference with the client to assess the potential legal errors or issues at stake, discuss the potential additional exposure and expense in pursuing an appeal, and immediately decide whether or not to file a notice of appeal. The firm has represented clients in more than 300 such cases, and is well versed in appellate procedure. In the event the firm were to represent the City of Hollywood in an appellate issue, Partner Bill Rogner would likely be asked to consult and/or handle the appeal. One of a handful of attorneys certified by the Florida Bar as an expert in both Workers' Compensation and Appellate Practice, Bill's expertise in Appellate matters will be invaluable for the City of Hollywood.

Subrogation - As the City of Hollywood has operations on public roadways, the potential for accidents involving third party tortfeasors and subrogation is ever present. Hurley Rogner has a separate subrogation unit that aggressively pursues our clients' lien rights to ensure we obtain the maximum percentage recovery under F.S. s. 440.39 and the attendant Manfredo formula. For our firm, the issue of lien rights is not a detached negotiation about percentages of recovery, but an active analysis of our position, the merits of the third party case, a detail-oriented review

of the concept of "full value" of the underlying third party case, and the confidence to litigate that percentage of recovery if necessary. The firm's reputation in this regard allows us to negotiate with plaintiff's/claimant's counsel, and recover the maximum allowable lien recovery for our clients.

File Retention – After closing a file, Hurley Rogner will forward all documents not already provided to the TPA's claims adjuster and City of Hollywood Risk Management. We will retain our complete Litigation Claim file for three years post settlement, and five years from the Notice of Injury. We will notify the City of Hollywood prior to destroying physical claims records, but maintain an electronic copy indefinitely.

b) Project Plan for Engagement

1. New Claims: Any new claims may be referred to Hurley Rogner at any time with immediate ability to represent, counsel and defend the city.

2. Old Claims/Transfer: Our firm has the capacity to assume legal representation for all City of Hollywood Workers' Compensation cases currently being handled by any other defense firms. Upon notification that Hurley Rogner has been chosen as WC counsel, we will immediately contact City of Hollywood Risk Management to discuss the transfer and obtain a list of any files to be transferred. Upon receipt of the transferred files, we will promptly review each file and provide a detailed evaluation report within fourteen (14) days. Part of that evaluation includes ranking the listed files in terms of Exposure (greatest to smallest) and Urgency (Files with pending mediations and/or hearings).

Hurley Rogner will prepare Joint Motions for Substitution of Counsel to be submitted to the JCC as soon as the prior attorney is able to sign the Motion.

We will then immediately review the online docket for each case on the DOAH/JCC website, documenting all court calendared events including mediations and trials.

Hurley Rogner will then travel to any office in possession of such files and personally transport the files to our Pompano Beach office.

Following the "Urgency" Ranking above, we will begin analyzing the claims, defense's exposure and recommended strategy for either settlement or trial. We would contact all opposing counsel and speak with them personally regarding the transfer, including any potential needs to reschedule events.

It is not anticipated that any appreciable delay will result upon transfer of the files, related to scheduling conflicts.

Technology

Hurley Rogner utilizes the latest proven technology innovations to increase our efficiency and improve our services. We use leading case management software **Client Profiles** to track all timekeeper hours, manage documents and integrate all related data, including emails and scheduled activities. This system enables nearly instantaneous access to up-to-the-minute reports on all client matters.

Our attorneys can access email and client files remotely – and securely – via the **Citrix** virtual private network, using smart phones, laptops and tablet devices.

Our firm's data is hosted in a **cloud environment** at an offsite data center which provides highly secure, adequate storage space, as well as the ability to access and retrieve data remotely in the event of weather-related emergencies or power outages.

We employ document scanning and electronic delivery in every possible instance in order to reduce the expense of paper copies and postage.

8. Summary of Hurley Rogner's Fee Statement

a) Detailed Listing of Hourly Billing Rates

Principal Attorney(s):	\$115 per hour
Associate Attorneys(s):	\$100 per hour
Legal Assistant:	\$70 per hour

Hurley Rogner will adhere to the highest ethical standards in billing actual time on work performed on a per hour basis. The firm will submit billing electronically or by paper and will follow all City of Hollywood guidelines promulgated for billing standards.

b) Anticipated Costs & Fees

Our firm generally bills clients monthly. We provide a detailed report of all attorney and paralegal time spent on the client's behalf, reporting professional time in increments of .10 per hour. Events are clearly identified as to the specific task performed.

The only soft costs that will be billed regularly are photocopies and overnight postage such as Fed Ex or UPS, if requested by the client. There will be no fax fees, no charge for local postage and no charge for travel within Broward County.

Hurley Rogner will not incur costs for court reporters, expert testimony or other out of pocket vendor fees without prior approval from the City of Hollywood.

Upon receipt of an invoice for services from a vendor (court reporter, medical records provider, etc.), the invoice will be sent directly to the City of Hollywood for payment.

9. Project Time Schedule, If Applicable.

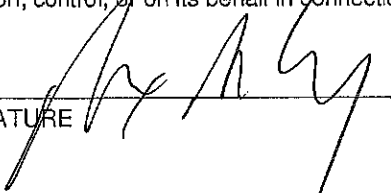
Hurley Rogner is prepared to represent the City of Hollywood immediately.

HOLD HARMLESS AND INDEMNITY CLAUSE

(Company Name and Authorized Representative's Name)

, the contractor, shall indemnify, defend and hold harmless the City of Hollywood, its elected and appointed officials, employees and agents for any and all suits, actions, legal or administrative proceedings, claims, damage, liabilities, interest, attorney's fees, costs of any kind whether arising prior to the start of activities or following the completion or acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act, error or omission, fault or negligence whether active or passive by the contractor, or anyone acting under its direction, control, or on its behalf in connection with or incident to its performance of the contract.

SIGNATURE



PRINTED NAME

REX A. HURLEY

HURLEY, ROGNER, MILLER, COX + WARANCH, PA

COMPANY OF NAME

DATE

8/28/15

Failure to sign or changes to this page shall render your bid non-responsive.

NONCOLLUSION AFFIDAVIT

STATE OF: Florida

COUNTY OF: Orange, being first duly sworn, deposes and says that:

- (1) He/she is Managing Partner of HURLEY, ROGNER, the Bidder that has submitted the attached Bid. MILLER, COX + WATKINS, PA
- (2) He/she has been fully informed regarding the preparation and contents of the attached Bid and of all pertinent circumstances regarding such Bid;
- (3) Such Bid is genuine and is not a collusion or sham Bid;
- (4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant has in any way colluded, conspired, connived or agreed, directly or indirectly with any other Bidder, firm or person to submit a collusive or sham Bid in connection with the contractor for which the attached Bid has been submitted or to refrain from bidding in connection with such contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm or person to fix the price or prices, profit or cost element of the Bid price or the Bid price of any other Bidder, or to secure an advantage against the City of Hollywood or any person interested in the proposed Contract; and
- (5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(SIGNED) _____
Title

Failure to sign or changes to this page shall render your bid non-responsive.

**SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a) FLORIDA
STATUTES ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR
OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS

1. This form statement is submitted to City of Hollywood, FL
by REX HURLEY, managing partner for HURLEY, ROGNER, MILLER, LIX + WATKINS, PA
(Print individual's name and title) (Print name of entity submitting sworn statement)
whose business address is 1280 SW 36th Ave. #100 Pompano Beach, FL
and if applicable its Federal Employer Identification Number (FEIN) is _____ If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement. 59-3107040

2. I understand that "public entity crime," as defined in paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid, proposal, reply, or contract for goods or services, any lease for real property, or any contract for the construction or repair of a public building or public work, involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misinterpretation.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in an federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

4. I understand that "Affiliate," as defined in paragraph 287.133(1)(a), Florida Statutes, means:

1. A predecessor or successor of a person convicted of a public entity crime, or
2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that "person," as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or any entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

☒ Neither the entity submitting sworn statement, nor any of its officers, director, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

☐ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime, but the Final Order entered by the Hearing Officer in a subsequent proceeding before a Hearing Officer of the State of the State of Florida, Division of Administrative Hearings, determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the Final Order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THAT PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017 FLORIDA STATUTES FOR A CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

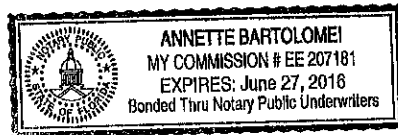
Sworn to and subscribed before me this 28th day of August, 2015.

Personally known

Or produced identification _____ Notary Public-State of Florida

(Type of identification) _____ my commission expires 6/27/16

(Printed, typed or stamped commissioned name of notary public)



Failure to sign or changes to this page shall render your bid non-responsive.

**CERTIFICATIONS REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS**

The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

Applicant Name and Address:

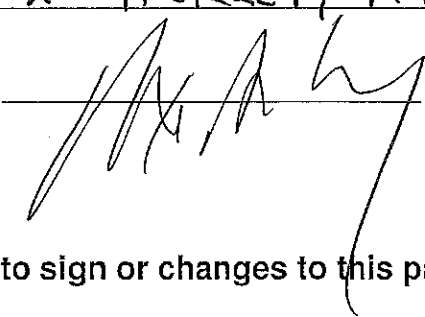
HURLEY, ROGER, MILLER, COX & WARRANCH, PA
1280 SW 36th AVE, #100
POMPANO BEACH, FL 33069

Application Number and/or Project Name:

RFP-4460-15-RD / LEGAL COUNSEL FOR WORKERS' COMPENSATION
Applicant IRS/Vendor Number: 59-3107040 CLAIMS

Type/Print Name and Title of Authorized Representative:

REX A. HURLEY, MANAGING PARTNER

Signature: 

Date: 8/31/15

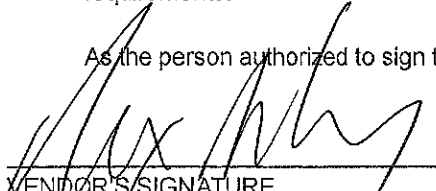
Failure to sign or changes to this page shall render your bid non-responsive.

DRUG-FREE WORKPLACE PROGRAM

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employee that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program (if such is available in the employee's community) by, any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of these requirements.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.


VENDOR'S SIGNATURE

REX A. HURLEY
PRINTED NAME

HURLEY, ROGNER, MILLER, COX & WATKINS, PA
NAME OF COMPANY

SOLICITATION, GIVING, AND ACCEPTANCE OF GIFTS POLICY

Florida Statute 112.313 prohibits the solicitation or acceptance of Gifts. - "No Public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby." The term "public officer" includes "any person elected or appointed to hold office in any agency, including any person serving on an advisory body."

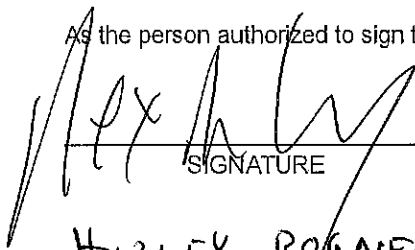
The City of Hollywood policy prohibits all public officers, elected or appointed, all employees, and their families from accepting any gifts of any value, either directly or indirectly, from any contractor, vendor, consultant, or business with whom the City does business.

The State of Florida definition of "gifts" includes the following:

- Real property or its use,
- Tangible or intangible personal property, or its use,
- A preferential rate or terms on a debt, loan, goods, or services,
- Forgiveness of indebtedness,
- Transportation, lodging, or parking,
- Food or beverage,
- Membership dues,
- Entrance fees, admission fees, or tickets to events, performances, or facilities,
- Plants, flowers or floral arrangements
- Services provided by persons pursuant to a professional license or certificate.
- Other personal services for which a fee is normally charged by the person providing the services.
- Any other similar service or thing having an attributable value not already provided for in this section.

Any contractor, vendor, consultant, or business found to have given a gift to a public officer or employee, or his/her family, will be subject to dismissal or revocation of contract.

As the person authorized to sign the statement, I certify that this firm will comply fully with this policy.


SIGNATURE

REX A. HURLEY
PRINTED NAME

HURLEY, ROGER,
NAME OF COMPANY

MANAGING PARTNER
TITLE

MILLER, COX +
WARANCH, PA

Failure to sign this page shall render your bid non-responsive.

ATTORNEYS

SHAREHOLDERS

Rex A Hurley*
William H. Rogner*^t
Scott B. Miller*
Derrick E. Cox*
Michael S. Waranch*
Gregory D. White*
W. Rogers Turner, Jr.*
Paul L. Luger
Gregory S. Raub*
Anthony M. Amelio*
Matthew W. Bennett*
Andrew R. Borah*
Jonathan L. Cooley*

ASSOCIATES

Robert J. Osburn, Jr.
Allison M. Twombly
Sandra D. Wilkerson
Timothy F. Stanton*
Matthew J. Troy*
C. Bowen Robinson
Kate E. Albin
Julie C. Bixler
Jeffrey D. Thompson
Scott D. Newsom
Mark E. Hill
Heather D. Bondhus
Scott Glick

** Florida Bar Board Certified Workers' Compensation*

^t Florida Bar Board Certified Appellate Practice

CLIENTS

4Over, Inc.	Dean Foods	Johns Eastern	Signature Flight Support
ACE USA	Decision HR	Key Risk Management	SMS Holdings
ACE/CIGNA-Healthsouth	Delta Airlines	Kirkland's	St. Lucie County
AirTran	Dillard Department Stores	Labor Finders	Sheriff's Office
Alphastaff	Dunkin Donuts	Lamorte Burns & Co.	St. Paul Fire & Marine
American Coach Lines	EMC Insurance	Lee County School Board	Insurance Company
Anerican Hardware Mutual	Employbridge	Lennar Homes	Stafflink
Americomp Insurance	Employee Leasing Solutions	Liberty Mutual	State of Florida, Div. of Risk Mgmt.
Amerisure	Employers	Logan's Roadhouse	SUA Claims
AmTrust	Employers Mutual Insurance	Lumberman's Underwriting Alliance	Suffolk Construction
Aviall	Enterprise HR	Mastec	Summit Claims
Avizent	ESIS	McKesson Corporation	Sunz Insurance
Baker Concrete	Exceptional Pay, Inc.	Michael's Craft Stores	Swiss Re
Berkley Specialty	Family Dollar	Modern Business Associates	Tenet
Boeing	FARA	National Employer Services	The GEO Group
Borden Dairy	FCCI	Northern American Risk Services	The Hartford
Boston Market	FFVA Mutual Insurance	OccuSure	Thompson & Company of Tampa
Brentwood Services Administration	First Financial	Okeechobee County Sheriff's Office	ThyssonKrupp Elevator
Brevard County	Employee Leasing	Omni Hotels	TIG Specialty Insurance
Broadspire	Fleetwood Homes	OneBeacon Insurance	Tokio Marine Management
Buckhead Beef	Florida Department of Corrections	Orange County Risk Management	Tower Group Companies
Burger King Corporation	Florida Highway Patrol	Packard Claims Administration	Town of Jupiter
Cambridge Integrated Services	Florida Power & Light	Parrish Medical Center	Toys R Us
Castlepoint Florida Insurance Company	Florida Sheriffs Risk Management Fund	Pilot Travel Centers	Tradesmen International
Cemex	Florida State University	Piper Aircraft	Travelers Insurance Company
Central Florida Regional Hospital	Florida United Methodist Churches	PMA Group	TriNet
Chartis Insurance	Frank Winston Crum Ins.	Preferred Governmental Claims Solutions	U.S. Security
Chico's FAS, Inc.	Freshpoint, Inc.	Premier Group Insurance	Underwriters Safety & Claims
Chubb Services	GAB Business Services	Progressive Employer Services	United Launch Alliance
Church Mutual	Gallagher Bassett	Protective Insurance	United Self Insured Services
City of Edgewater	Gate Petroleum	Protegrity Services	Unitek/FTS USA
City of Kissimmee	GEICO	Randstad	Universal Forest Products/ Aljoma Lumbar
City of Vero Beach	Global Risk Services	Ranger Construction	Volusia County
Claims Center	Goodwill Industries	Reedy Creek Improvement District	Waffle House
Claims Management, Inc.	Great Dane Trailers	Regis HR	Wal-Mart Stores, Inc.
Clay County School Board	Guarantee Insurance	Risk Management Services	Walt Disney World Company
Co-Advantage	Gulfcoast Healthcare	Safety National	Westfield Companies
Columbia Insurance Group	HCA	Scibal Associates	Wharton-Smith, Inc.
Corporate Claims Management	HealthSouth	Sedgwick Claims Management Services	Whole Foods
Correct Care Solutions	Heartland Express, Inc.	Select Insurance Co.	Winn Dixie Stores, Inc.
CorVel	HelmshmanMgmt.Svcs.,Inc.	Select Staffing	Wuesthoff Hospital
Cost Plus World Market	Hortica	Sentry Claims Service	YRC Transportation
Cracker Barrel	Howard Leasing	Service Management Systems	Zachry Holdings
Crawford & Company	Hubbard Construction		Zenith Insurance Company
Crum & Forster Insurance Company	Hyatt		Zurich Insurance
Davita, Inc.	Indian River County Insurance Companies of the Americas		
Daytona State College	Insurance Company of the West		

LOCATIONS

Central Florida

1560 Orange Ave, Suite 500
Winter Park, FL 32789
Phone: (407) 571-7400
Fax: (407) 571-7401

North Florida

1701 Hermitage Blvd., Suite 103
Tallahassee, FL 32308
Phone: (850) 222-1200
Fax: (850) 222-5553

Southwest Florida

4460 Camino Real Way, Suite 2
Ft. Myers, FL 33966
Phone: (239) 939-2002
Fax: (239) 939-2247

Treasure Coast

603 North Indian River Dr., Suite 200
Ft. Pierce, FL 34950
Phone: (772) 489-2400
Fax: (772) 489-8875

Broward

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Pompano Beach, FL 33069
Phone: (954) 580-1500
Fax: (954) 580-1501

Miami-Dade

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Phone: (305) 423-7182
Fax: (305) 908-7601

Email: HurleyRogner@hrmcw.com

Website: www.hrmcw.com



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

SEMINARS

Hurley, Rogner, Miller, Cox & Waranch, PA, is accredited by the **Florida Department of Financial Services** as an official provider of Continuing Educational Units, or CEUs, for Workers' Compensation insurance adjusters. Our attorney-instructors present seminars at our clients' offices, and we coordinate all credit submissions and reporting with the state. Topics include:

LAW & POLICY CREDITS

5-Hour Law & Ethics Update	5 Credits, 92595
2015 Florida Case Law Update (<i>One Hour</i>)	1 Credit, 92757
How Will the Affordable Care Act Impact Florida's WC Industry?	2 Credits, 85382
Workers' Compensation Fraud	2 Credits, 58746
Workers' Compensation: Rules of the Game	2 Credits, 37814
What Time Is It? (<i>Fla. Statutes & Chapter 440 deadlines</i>)	2 Credits, 59857
Managed Care Basics	1 Credit, 60108
Firefighter & Law Enforcement Presumption Claims	2 Credits, 61220
Third Party Liens (<i>One Hour</i>)	1 Credit, 60414
Third Party Liens Offsets, Apportionment & Contributions (<i>Two Hour</i>)	2 Credits, 42032
Workers' Compensation for the PEO Adjuster & Risk Manager	2 Credits, 64615
Florida Workers' Compensation Appeals	1 Credit, 64942
Utilization Reviews	1 Credit, 93196
Permanent Total Disability	1 Credit, 64503; 2 Credits 86852
Malingering and Deception	1 Credit, 65404
FMLA, Leave and Workers' Compensation	1 Credit, 65821
Employer/Carrier Paid Attorney's Fees	1 Credit, 66331
Part B(II) Coverage Issues And Claims Handling	1 Credit, 66132



HURLEY ROGNER
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LAW & POLICY CREDITS, cont'd.

The 2003 PTD Standard	2 Credits, 64430
Use and Admissibility Of Surveillance	2 Credits, 64639
Effective Settlement Strategies	2 Credits, 68935
Apportionment, Contribution Between Carriers & Carrier Responsibility For Injuries Not Sustained In An Industrial Accident (One Hour or Two Hours)	1 Credit, 68963; 2 Credits, 69594
Occupational Disease and Exposure Claims in the Workplace	2 Credits, 73236
Liability Under Part II of the Standard Workers' Compensation Policy	2 Credits, 73142
Special Compensability Rules	2 Credits, 74849
Heart Attack, Stroke and Cardiovascular Event Compensability	1 Credit, 75337
Social Security Offsets	1 Credit, 77156
Occupational Disease and Exposure Claims in the Workplace	1 Credit, 77788
Workers' Compensation Identity Fraud	1 Credit, 80755
Temporary Benefits; Partial & Total	2 Credits, 86815

OPTIONAL CREDITS

OSHA Reporting & Recordkeeping for the WC Professional (WEBINAR)	1 Credit, 93723
Medical Benefits: Non-Managed Care Cases	2 Credits, 61049
Giving and Taking Depositions	1 Credit, 60255
Negotiation Strategies	1 Credit, 59898
Subrogation Claims in Florida	1 Credit, 64814
Employer Handbook for Strategic WC Claims Handling	1 Credit, 74786
Social Media	2 Credits, 85808



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



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

Case Law Update

AUGUST 21, 2015

WINTER PARK
1560 ORANGE AVENUE, SUITE 500
WINTER PARK, FL 32789
TEL: (407) 571-7400
FAX: (407) 571-7401
www.hrmcw.com

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) or Matthew Troy (mtroy@hrmcw.com) with questions or comments on any of the listed cases.

HRMCW Cases

JCC Almeyda (Miami) (Andrew Borah) - Denied authorization of an alternate psychiatrist. 1997 d/a. The claimant sought an IME and psychiatrist treatment. The claims assistant mistakenly set up the evaluation as an IME which was corrected. The JCC found the mistake was timely corrected and that the psychiatrist could remain the authorized doctor. The JCC previously awarded the IME in a prior hearing. [Click here to view Order](#)

JCC Hill (Gainesville) (Matthew Bennett) – Denied claimant’s motion for protective order for IME. The JCC found the motion, filed 24 hours before the appointment, to be untimely. [Click here to view Order](#)

JCC Forte (Ft. Lauderdale) (Scott Miller) – Denied claimant’s motion for summary final order on 440.105. The JCC rejected the claimant’s argument that the JCC must enter an order denying benefits before the E/C may unilaterally suspend benefits. [Click here to view Order](#)

JCC Lewis (Ft. Lauderdale) (Matthew Troy) – Taxed \$1,122.42 against the claimant. [Click here to view Order](#)

District Court of Appeal Cases

Vasquez v. Romero, et al, ___ So. 3d ___ (Fla. 1st DCA 8/19/15)

Jurisdiction of JCC over discovery after withdrawal of PFB

The DCA granted the injured worker's Writ of Prohibition, which challenged the JCC's jurisdiction to rule on discovery matters. The injured worker initially filed, but then withdrew without prejudice his PFB. He then filed suit in civil court against Romero and other entities. Romero and his carrier then sought discovery in the form of medical records from a non party doctor, and discovery related to their claim for contribution from another alleged employer. Romero argued the JCC had jurisdiction because the dismissal of the PFB was without prejudice and could be re-filed, or because of their contribution claim under F.S. s. 440.42(4). The DCA granted the writ, finding that jurisdiction of the JCC is removed by the dismissal of a PFB, and that the JCC's jurisdiction under the contribution statute is only conferred once responsibility of a carrier has been established.

The opinion appears to conflict with Chapter 440 and DOAH rules governing discovery, and does not mention HRMCW's 2013 Covell v. Cracker Barrel case, which states "We conclude that a JCC has jurisdiction to compel the production of documentary evidence, even before the filing of a PFB. See Canovas v. Sugar Supply, Inc., 921 So. 2d 26 (Fla. 1st DCA 2006)." The opinion would have provided clearer guidance if it perhaps limited the holding to cases where no benefits were being provided or sought. [**Click here to view Opinion**](#)

Vancamp v. Decision HR 30/FWCGIA/USIS, ___ So. 3d ___ (Fla. 1st DCA 8/19/15)

Temporary Benefits

The DCA affirmed the JCC's denial of additional temporary benefits under Westphal, and noted the claimant failed on appeal to prove that the 104 week limit on temporary benefits was unconstitutional, either facially or as applied. [**Click here to view Opinion**](#)

JCC Merit Orders

Compensability

JCC Lorenzen (Tampa) - Denied compensability. The claimant was a welder who the employer argued was an independent contractor. The JCC found that the claimant was covered by WC as he worked in the construction industry. However the JCC found the claimant not credible regarding his alleged accident. [**Click here to view Order**](#)

JCC Spangler (VTC Miami) – Awarded compensability of one 2008 d/a. Denied E/C's SOL defenses. Denied medical treatment for either date. The claimant alleged two dates of accident in 2008, a repetitive trauma injury and a specific back injury. She also alleged two other dates in 2012 and 2013 which were not part of these claims. The JCC found that for the specific injury claim, the E/C had not obtained MMI and a rating from a doctor, only an ARNP which was legally not sufficient. The JCC also found the E/C did not timely deny compensability and therefore compensability was legally established. The JCC also found the repetitive exposure claim was timely filed in 2012 with a 2008 date of accident as that is when the claimant was first advised that her back complaints could be work related. Finally the JCC accepted the EMA (Wolff) opinions that the claimant's injuries had completely resolved and no treatment was necessary. [Click here to view Order](#)

Permanent Total Disability

JCC Castiello (Miami) – Awarded new law (2013) PTD and increase in AWW. Abbreviated order. [Click here to view Order](#)

Indemnity Benefits

JCC Humphries (Jacksonville) – Awarded TPD and medical treatment. The claimant injured her shoulder while driving a truck. The JCC rejected the E/C's argument that the claimant was required to file for and accept Nebraska WC benefits by contract. The JCC also rejected that the claimant sustained an intervening accident. The JCC found the E/C's IME report was not admissible. Finally the JCC found the E/C waived compensability by not challenging it within 120 days. [Click here to view Order](#)

JCC Anderson (VTC Miami) - Denied TTD/TPD. The claimant was injured in 2010 and quickly returned to her pre injury job until 2014. The JCC found the claimant had reached MMI in 2010 and TTD/TPD was not due. [Click here to view Order](#)

Medical Benefits

JCC Sojourner (Lakeland) – Awarded rhizotomy. 1988 d/a. The JCC rejected the E/C's argument that the neck was not related as the authorized doctor opined it was and the E/C had not timely denied the neck. The JCC also accepted the authorized doctor's opinion that the treatment was medically necessary. [Click here to view Order](#)

JCC Rosen (St. Petersburg) - Denied ER treatment. 2002 d/a. The claimant had a SCS surgically removed. When he was found unresponsive in his home he was taken to the emergency room and treated for sepsis. The JCC accepted the EMA opinion (McClusky) that the ER treatment was unrelated. The JCC rejected the claimant's untimely Daubert challenge. [Click here to view Order](#)

JCC Roesch (Panama City) – Awarded on-call attendant care. 1981 d/a. Remand. [Click here to view Order](#)

JCC Pitts (Orlando) – Awarded Deplin (an augmentation treatment for depression approved by the FDA). The claimant sustained a compensable shoulder injury with depression. The authorized psych prescribed Deplin and testified that it was medically necessary for treatment under the “monoamine” theory of depression. The JCC rejected the E/C’s Daubert challenge and found Deplin was not a nutritional supplement. Alternatively the JCC found that the nutritional supplement ban was substantive and did not apply to this date of accident. [Click here to view Order](#)

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 HRMCW 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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