

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE JUDGE OF COMPENSATION CLAIMS
WEST PALM BEACH DISTRICT OFFICE
JCC: GREGORY J. JOHNSEN

ROBERT AYLSWORTH,

OJCC Case No. 19-007096GJJ

Claimant,

D/Accident 02/05/19

v.

County of Venue Palm Beach

CITY OF RIVIERA BEACH and
GALLAGHER BASSETT SERVICES,

Employer/Carrier.

William L. Contole, Esquire, Attorney for Claimant, Wiitala & Contole, P.A., Post Office
Box 14125, North Palm Beach, FL 33408

Esther Zapata Ruderman, Esquire, Attorney for Employer/Carrier, Conroy Simberg,
1801 Centrepark Drive East, Suite 200, West Palm Beach, FL 33401

**JOINT STIPULATION ON EMPLOYER/CARRIER-PAID
ATTORNEY'S FEES AND COSTS**

The Employer/Carrier, CITY OF RIVIERA BEACH and GALLAGHER BASSETT SERVICES, and the Employee/Claimant, ROBERT AYLSWORTH, by and through their undersigned counsel, hereby enter into this Joint Stipulation on Employer/Carrier-Paid Attorney's Fees and Cost, and state:

1. The parties acknowledge that William L. Contole, Esquire with the law firm of Wiitala & Contole, P.A. has been representing the Claimant since at least March 5, 2019 for a date of accident of February 5, 2019.

2. On December 11, 2019, the parties filed a Joint Stipulation on past benefits. In that Joint Stipulation, the parties acknowledged that although the Employer/Carrier previously accepted compensability of an exposure incident at the building he was working on February 5, 2019, the compensable condition remained at issue.

3. On August 23, 2019, the Employer/Carrier stipulated to compensability of an exacerbation of the Claimant's allergic rhinitis. Dr. Pamer remained authorized to treat the Claimant's exacerbation of allergic rhinitis for so long as the industrial accident remains the major contributing cause of the need for medical treatment. If Dr. Pamer is replaced by another authorized physician, then that physician would be authorized to treat the Claimant's exacerbation of allergic rhinitis for long as the industrial accident remains the major contributing cause of the need for medical treatment. On that date, the Employer/Carrier also stipulated to entitlement to attorney's fees and costs.

4. On July 7, 2020, Claimant's counsel filed his Attorney's Verified Petition for Attorney Fees and Costs and Affidavit as to factor pursuant to Lee Engineering and Florida Bar Rule 4-1.5(b)(1)(a)-(h).

5. Due to the uncertainties of litigation and in the spirit of compromise, the Employer/Carrier agree to pay and William L. Contole, Esquire agrees to accept the total sum of \$33,005.21 (\$32,337.50 for attorney's fees plus \$667.71 for costs) as a full and final settlement of all attorney's fees and costs from the beginning of representation through August 3, 2020.

6. The parties stipulate that the settlement above encompasses all time for not only all benefits secured, but also all time for negotiating and resolving attorney's fees and costs.

7. The Employer/Carrier will have thirty (30) days from the date of the Order approving this Joint Stipulation within which to issue their check for attorney's fees and costs.

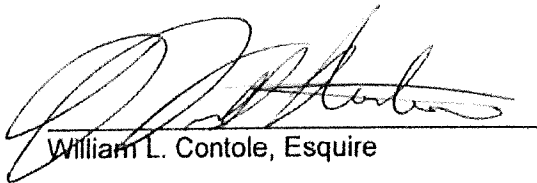
8. Upon this Court's Order approving this Joint Stipulation and the Employer/Carrier's payment thereof, all claims for attorney's fees and costs by the Employee/Claimant and Wiitala & Contole, P.A. against the Employer/Carrier from the beginning date of representation through August 3, 2020 shall be dismissed with prejudice.

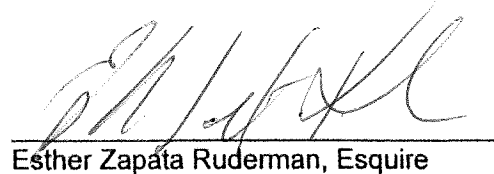
9. Upon this Court's Order approving this Joint Stipulation and the Employer/Carrier's payment thereof, all Petitions for Benefits filed through August 3, 2020 are dismissed.

10. Claimant's counsel, William Contole, Esquire, represents that he has notified the Claimant of this Joint Stipulation and the Employer/Carrier's agreement to pay attorney's fees and costs as stated herein.

11. As a result of this agreement, the attorney fee hearing set for October 22, 2020 is hereby canceled.

The parties set their hand and their seal on this 24 day of August, 2020.


William L. Contole, Esquire


Esther Zapata Ruderman, Esquire

Attorney for Claimant
Wiitala & Contole, P.A.
Post Office Box 14125
North Palm Beach, FL 33408

Attorney for Employer/Carrier
Conroy Simberg
1801 Centrepark Drive East
Suite 200
West Palm Beach, FL 33401

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Box 14125, North Palm Beach, FL 33408

Esther Zapata Ruderman, Esquire, Attorney for Employer/Carrier, Conroy Simberg, 1801
Centrepark Drive East, Suite 200, West Palm Beach, FL 33401

**ORDER APPROVING
JOINT STIPULATION ON EMPLOYER/CARRIER-PAID
ATTORNEY'S FEES AND COSTS**

THIS CAUSE having come on to be heard on the parties' Joint Stipulation on
Employer/Carrier's-Paid Attorney's Fees and Costs, and having reviewed the pleadings
and otherwise being advised in the premises, it is hereby

ORDERED AND ADJUDGED:

1. The parties' Joint Stipulation on Employer/Carrier-Paid Attorney's Fees and
Costs is hereby GRANTED.

2. The Employer/Carrier shall, within thirty (30) days from the date of this Order, pay Wiitala & Contole, P.A. \$33,005.21 for attorney's fees and costs.

3. Upon the Employer/Carrier's payment of the amount stated above, all claims for attorney's fees and costs from the Employee/Claimant and Wiitala & Contole, P.A. against the Employer/Carrier through August 3, 2020 shall be DISMISSED WITH PREJUDICE.

4. Upon the Employer/Carrier's payment of the amount stated above, all Petitions for Benefits filed through August 3, 2020 are DISMISSED.

DONE AND ORDERED at Palm Beach County, West Palm Beach, Florida,
this _____ day of _____, 2020.

GREGORY J. JOHNSEN
JUDGE OF COMPENSATION CLAIMS

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of the foregoing was electronically mailed to the following interested parties on the _____ day of _____, 2020.

ATTORNEY FOR CLAIMANT:

William L. Contole, Esquire
Wiitala & Contole, P.A.
Post Office Box 14125
North Palm Beach, FL 33408

ATTORNEY FOR
EMPLOYER/CARRIER:

Esther Zapata Ruderman, Esquire
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Secretary to Gregory J. Johnsen
Judge of Compensation Claims