

IN THE DISTRICT COURT OF APPEAL  
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

G.F.I. MANAGEMENT  
SERVICES, INC. and  
AEQUICAP CLAIMS  
SERVICES, INC.,

CASE NO. 1D09-3299

Appellants,

v.

RAY MILLS,

Appellee.

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Opinion filed October 5, 2009.

An appeal from an order of the Judge of Compensation Claims.  
Alan M. Kuker, Judge.

Date of Accident: September 20, 2003.

Stephanie A. Robinson of Conroy, Simberg, Ganon, Krevans, Abel, Lurvey,  
Morrow & Schefer, P.A., Hollywood, for Appellants.

Jay M. Levy of Jay M. Levy, P.A., Miami, for Appellee.

PER CURIAM.

Upon review of Appellants' response to this court's August 7, 2009, order to  
show cause, we dismiss this appeal. See Fla. R. App. P. 9.410. As explained

below, Appellants have not timely or meaningfully responded to this court's orders dated July 7, 2009, and August 7, 2009.

On July 6, 2009, Appellants filed a notice of appeal in this court, indicating they sought to appeal an order of the Judge of Compensation Claims rendered June 18, 2009, which awarded permanent total disability and supplemental benefits to the claimant, along with penalties, interest, costs, and attorney's fees. On July 7, 2009, this court issued an order directing Appellants to file, within ten (10) days, a conformed copy of the order on appeal. This order also stated, "The failure of appellant[s] to timely comply with this order could result in the imposition of sanctions, including dismissal of the appeal/petition without further opportunity to be heard." See Fla. R. App. P. 9.410. Appellants did not comply with this order.

On August 7, 2009, this court issued an order directing Appellants to show cause within ten (10) days why the appeal should not be dismissed because of Appellants' failure to comply with the July 7 order. This order also stated, "Failure to timely comply with this order will result in the imposition of sanctions, including dismissal of the appeal, without further opportunity to be heard." See Fla. R. App. P. 9.410.

On August 14, 2009, Appellants filed with this court a copy of the order on appeal. Appellants did not file a timely response to the order to show cause,

however.

On August 25, 2009, Appellants filed a response to the show cause order. Appellants indicate in the response that undersigned counsel received the August 7 order on August 11, 2009. The response states that the failure to attach a conformed copy of the order being appealed was a clerical error and not intentional. Counsel states, "Upon it being brought to the undersigned's attention, same was provided immediately to this Court." Counsel requests this court forgive the error because it was not intentional. Counsel indicates she was out of the office from August 12, through August 21, 2009, because of a sick child and a vacation, and was unable to formally respond to the order; however, counsel did provide a conformed copy of the order on appeal.

Appellants have twice been warned -- once with a "could" and once with a "will" -- that this case is subject to dismissal for noncompliance with this court's orders. In neither instance did Appellants timely respond to this court's order. In the untimely response to the show cause order, Appellants' counsel does not indicate why she did not respond at all to this court's order dated July 7, 2009, which required Appellants to file a conformed copy of the order on appeal within ten (10) days. Further, even though this particular attorney may have been out of the office for the referenced time period, she indicates she received the order to

show cause on August 11 (the day prior to her extended absence) and does not indicate why another attorney in the firm could not respond to the order. Thus, Appellants have not responded, timely or meaningfully, to either this court's July 7 order or August 7 show cause order. Accordingly, this appeal is DISMISSED.

WOLF, PADOVANO, and THOMAS, JJ., CONCUR.