

Supreme Court of Florida

No. SC14-1325

LOUIS P. PFEFFER, et al.,
Petitioners,

vs.

LABOR READY SOUTHEAST, INC., et al.,
Respondents.

[April 28, 2016]

PER CURIAM.

This case is before this Court for review of the decision of the First District Court of Appeal in Pfeffer v. Labor Ready Southeast, Inc., 155 So. 3d 1155, 1156 (Fla. 1st DCA 2014), a workers' compensation case involving the statutory attorney's fee provision declared unconstitutional in this Court's opinion in Castellanos v. Next Door Co., No. SC13-2082, slip op. at 1-2 (Fla. Apr. 28, 2016). Pursuant to the fee schedule in section 440.34, Florida Statutes, the judge of compensation claims was constrained to award a total of \$13,017.80 in attorney's fees, to be split by three attorneys that spent a total of 258.10 hours on the case, for

a fee award of \$50.44 per hour. The attorney for the employer/carrier, on the other hand, was paid more than \$50,000.

In an unelaborated opinion, the First District affirmed the statutory fee award “[b]ased on” its decision in Castellanos [v. Next Door Co./Amerisure Ins. Co.], 124 So. 3d 392 (Fla. 1st DCA 2013)] and certified that its disposition passed upon the same question certified in Castellanos. Pfeffer, 155 So. 3d at 1156. We therefore have jurisdiction. See art. V, §§ 3(b)(3), (4), Fla. Const. Because our holding in Castellanos resolves this issue, we quash the First District’s decision and remand for further proceedings consistent with Castellanos. See also Richardson v. Aramark/Sedgwick CMS, No. SC14-738, slip op. at 2-3 (Fla. Apr. 28, 2016); Diaz v. Palmetto Gen. Hosp., No. SC14-1916, slip op. at 1-2 (Fla. Apr. 28, 2016).

It is so ordered.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, and PERRY, JJ., concur.
CANADY and POLSTON, JJ., dissent.

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION, AND
IF FILED, DETERMINED.

Application for Review of the Decision of the District Court of Appeal - Certified
Great Public Importance

First District - Case No. 1D13-4779

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