

DISTRICT COURT OF APPEAL OF FLORIDA, FIRST DISTRICT

Louis P. Pfeffer and Frank Cerino v. Labor Ready Southeast, Inc. and ESIS and Ruth Zygmund

Pfeffer · No. 1D13-4779 · Decided August 15, 2016

SUMMARY

The Florida First District Court of Appeal considered the case on remand from the Florida Supreme Court. Following the Supreme Court's decision in *Castellanos v. Next Door Co.*, the court reversed an attorney-fee order and remanded for further proceedings.

CASE DETAILS

COURT	District Court of Appeal of Florida, First District
WRITING FOR THE COURT	Osterhaus; Winokur; Winsor
JURISDICTION	Florida
DECIDED	August 15, 2016
DOCKET	1D13-4779
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from an order of the Judge of Compensation Claims concerning attorney fees, considered on remand from the Florida Supreme Court.
PRECEDENTIAL VALUE	Published Florida District Court of Appeal opinion
PARTIES	Louis P. Pfeffer, Frank Cerino v. Labor Ready Southeast, Inc., ESIS, Ruth Zygmund

TOPICS

appellate procedure

workers compensation

remedies

PRACTICE AREAS

workers compensation

appellate procedure

remedies

QUESTIONS PRESENTED

1. What disposition was required on remand from the Florida Supreme Court following its decision in *Castellanos v. Next Door Co.*?

2. Whether the attorney-fee order should be reversed and remanded for further proceedings consistent with the Florida Supreme Court's decision.

HOLDINGS

1. Because the Florida Supreme Court quashed the First District's prior decision and remanded for proceedings consistent with *Castellanos v. Next Door Co.*, the First District reversed the attorney-fee order on appeal and remanded for further proceedings.

FACTUAL BACKGROUND

The appeal concerned an attorney-fee order arising from a workers' compensation matter involving a July 27, 2009 accident. The First District had previously affirmed the order, but the Florida Supreme Court later quashed that decision in light of *Castellanos*.

PROCEDURAL HISTORY

The First District previously affirmed the attorney-fee order and certified a question of great public importance. The Florida Supreme Court quashed that decision and remanded for further proceedings consistent with *Castellanos v. Next Door Co.* On remand, the First District reversed the order on appeal and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Conduct further proceedings consistent with the Florida Supreme Court's decision in *Castellanos v. Next Door Co.*

CASES CITED

- *Pfeffer v. Labor Ready Se., Inc.*, 155 So. 3d 1155 (Fla. 1st DCA 2014)
- *Castellanos v. Next Door Co.*, 124 So. 3d 392 (Fla. 1st DCA 2013)
- *Castellanos v. Next Door Co.*, 41 Fla. L. Weekly S197 (Fla. Apr. 28, 2016)
- *Pfeffer v. Labor Ready Se., Inc.*, No. SC14-1325 (Fla. Apr. 28, 2016)

OPINION

PER CURIAM.

IN THE DISTRICT COURT OF APPEAL FIRST DISTRICT, STATE OF FLORIDA LOUIS P. PFEFFER and FRANK CERINO, NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND Appellants, DISPOSITION THEREOF IF FILED v. CASE NO. 1D13-4779 LABOR READY SOUTHEAST, INC. and ESIS and RUTH ZYGMOND, Appellees.

_____/ Opinion filed August 15, 2016. An appeal from an order of the Judge of Compensation Claims.

Shelley H. Punancy, Judge. Date of Accident: July 27, 2009. Louis P. Pfeffer of Louis P. Pfeffer, P.A., Jupiter, and Frank Cerino, Hialeah, for Appellants. David A. Lamont of the Bleakley Bovol Law Firm, Tampa, for Appellees. ON REMAND FROM FLORIDA SUPREME COURT PER CURIAM In 2014, we affirmed the attorney fee order on appeal and certified a question of great public importance.

Pfeffer v. Labor Ready Se., Inc., 155 So. 3d 1155 (Fla. 1st DCA 2014) (citing Castellanos v. Next Door Co., 124 So. 3d 392 (Fla. 1st DCA 2013)). The Florida Supreme Court has now quashed our decision and remanded for further proceedings consistent with its decision in Castellanos v. Next Door Co., 41 Fla. L. Weekly S197 (Fla. Apr. 28, 2016). See Pfeffer v. Labor Ready Se., Inc., No. SC14-1325 (Fla.

Apr. 28, 2016). Accordingly, we reverse the order on appeal and remand for further proceedings. REVERSED AND REMANDED OSTERHAUS, WINOKUR, and WINSOR, JJ., CONCUR. 2