

IN THE SUPREME COURT
STATE OF FLORIDA
TALLAHASSEE, FLORIDA

DANIEL STAHL

CASE No. : SC15-725

Petitioner,
vs.

1st DCA No. : 1D14-3077

HIALEAH HOSPITAL and SEDGWICK
CLAIMS MANAGEMENT SERVICES,

Respondents.

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**MOTION FOR LEAVE OF COURT FILE AMICUS CURIAE BRIEF BY NATIONAL
EMPLOYMENT LAWYERS ASSOCIATION, FLORIDA CHAPTER IN SUPPORT OF
PETITIONER**

COMES NOW, National Lawyers Association, Florida Chapter (Florida NELA) and petitions this Court for leave to file an amicus curie Brief in Support of Petitioner and would show as follows:

1. This Motion is brought pursuant to Fla. R. App. 9.370.
2. The instant case involves an appeal of a constitutional challenge that the Florida Workers Compensation law, Chapter 440.01, et seq. (Chapter 440, is facially unconstitutional because it denies substantive due process in violation of the 14th Amendment to the U.S. Constitution, denies Access to Courts in violation of Article I, section 21 of the Florida Constitution, and violates the right to trial by jury guaranteed by Article I, section 22 of the Florida Constitution.

3. Statement of Amicus's Interest: The National Employment Lawyers Association (NELA) is an organization of approximately 3,000 attorneys around the nation who represent employees in civil

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rights and other employment-related litigation. The Florida Chapter was founded in 1993 and has approximately 200 participating attorneys around the state. The Florida Supreme Court has previously accepted ten amicus briefs from the Florida Chapter, *Castellanos v. Next Door Company*, SC13-2082 (presently pending), *Delva v. Continental Group*, 137 So.3d 371 (Fla. 2014), *Bifulco v. Patient Business & Financial Services, Inc.*, 39 So.3d 1255 (Fla. 2010), *Maggio v. Florida Department of Labor and Employment Security*, 899 So2d 1074 (Fla. 2005), *Joshua v. City of Gainesville*, 767 So. 2d 432 (Fla. 2000), *The Golf Channel v. Jenkins*, 752 So.2d 561 (Fla. 2000), *Allstate v. Ginsburg*, 863 So.2d 156 (Fla. 2003); *Poer v. Calder Race Course, Inc.*, 775 So.2d 970 (Fla. 3d DCA 2000), rev. disp'd, 823 So.2d 739 (Fla. 2002); *Woodham v. Blue Cross and Blue Shield of Florida, Inc.*, 829 So.2d 891 (Fla. 2002); and, *Bach v. United Parcel Service, Inc.*, 837 So.2d 395 (Fla. 2002). Florida NELA has also filed amicus briefs in the District Courts of Appeal throughout Florida, in the U.S. Court of Appeals for the Eleventh Circuit, and in the U.S. Supreme Court. Florida NELA has filed more than 50 amicus briefs.

4. In the accompanying amicus brief, Florida NELA addresses the constitutionality of Chapter 440 including the applicable standard of review and the inadequacy of benefits available to injured workers in Florida following legislative amendments made to Chapter 440 over the past twenty five years. The Court's decision in this case will profoundly affect the rights of the state's

injured workers as well as the attorneys who represent them, so Florida NELA wishes to file a brief to assist the Court in the proper disposition of the significant issues raised by this case.

5. Neither National nor Florida NELA has any financial interest in the outcome of this case. Amicus counsel Louis P. Pfeffer is a member of both National and Florida NELA and therefore pays regular member dues to each organization.

6. Petitioner's counsel Mark L. Zientz, Esq. has been contacted and has consented to Florida NELA filing a brief as amicus curiae in support of the Petitioner.

7. Respondent's counsel, Kim Fernandez, Esq. has been contacted and has no objection to Florida NELA filing a brief as amicus curiae in support of the Petitioner.

WHEREFORE, Florida NELA, respectfully requests that this Court enter an Order granting this Motion for Leave to File an Amicus Brief in support of the Petitioner.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished on this 16th day of November, 2015 to: Mark L. Zientz, Two Datan Center, 9130 S. Dadeland Boulevard, Suite 1619, Miami, Florida 33156 by email at mark.zientz@mzlaw.com, Kimberly Ann Johnson, 201 S. Monroe Street, Suite 5, Tallahassee, Florida 32301 by email kfernandes@kelleykronenberg.com, Alan Tanenbaum, Office of the Attorney General, State of Florida, The Capitol, Tallahassee, Florida 32399 by email at atanenbaum@myfloridalegal.com, Richard A. Sicking 1313 Ponce de Leon Boulevard, 300 Coral Gables, FL 33134 by email at SickingPA@aol.com, Geoffrey Bichler, 541 South Orlando Avenue, Suite 310, Maitland, Florida 32751 by email at Geoff@bichlerlaw.com, Michael Winer, 110 N 11th Street, FI 2, Tampa, Florida 33602 by email at mike@mikewinerlaw.com, Kimberly Hill, 821 SE 7 th Street, Fort Lauderdale, Florida 33301 by email at kimberlyhillappellatelaw@gmail.com and to Pamela Bondi,

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Respectfully submitted,

**FLORIDA NATIONAL EMPLOYMENT
LAWYERS ASSOCIATION**

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/s/ Louis P. Pfeffer
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