

## E-Alert Announcement

In an effort to bring you up-to-date information that affects your every day claims handling, the defense team at Conroy Simberg is pleased to bring you electronic alerts regarding the latest court rulings, verdicts, legal implications, firm announcements and practice tips. In addition to this electronic update, the attorneys at Conroy Simberg are ready to answer any questions you may have regarding the contents contained herein, as well as discuss the relationship to existing claims. Please feel free to contact any of our attorneys, at any of our ten office locations throughout the State of Florida. You can also visit our website at [www.conroysimberg.com](http://www.conroysimberg.com).

**Diane H. Tutt**, senior associate in the firm's Hollywood office, and **Neal Ganon**, name partner in the firm's West Palm Beach office, recently prevailed at an evidentiary hearing addressing the competency of the claimant in the workers' compensation matter of Connie Harris v. Contemporary Services Corp/American Zurich Insurance Co., OJCC Case No. 12-010010JLL. In this case, the claimant sustained a serious work-related injury, in which a motorcycle collided with her, resulting in a traumatic amputation followed by a stroke.

Compensable treatment has been extensive, including an inpatient facility secondary to claimant's physical injuries and cognitive deficits. While residing in an inpatient facility, the claimant exhibited behaviors of concern, including leaving a frying pan on a stove, resulting in a fire. The claimant wanted to remove herself from the facility, notwithstanding the E/C's position that such a move would endanger her health and welfare. Based on the treating neuropsychologist's declaration that the claimant was incompetent, the E/C moved on three separate occasions to have the JCC determine her competency under Fla. Stat. Section 440.17. After two denials, Judge Lazarra held an evidentiary hearing and issued an order finding the claimant incompetent, thereby protecting her from making decisions which could endanger her AND providing protection to the E/C, which argued that such decisions, including settlement, were subject to being voided if the claimant was not competent to make them.

The parties were scheduled to attend a mediation, on recent PFB's filed by the claimant's attorney seeking housing, attendant care, home modifications and a van, among other benefits. Judge Lazarra directed the parties to open a guardianship in circuit court and obtain the appointment of a guardian. The workers' compensation case, and mediation, were stayed.

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