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FINAL ORDERS

Ake v. United States Sugar Corp. and Gallagher Bassett Services, Inc., 38 Fla. Weekly D1044, (Fla. 1st DCA May 10, 2013)

The claimant filed a Notice of Appeal on February 7, 2013 challenging a February 6, 2012 order dismissing with prejudice claims for permanent total disability benefits. The same order from February 6, 2012 directed that the unmediated claim for temporary benefits proceed to mediation. The temporary benefit claim was not resolved until January 8, 2013 when an order was entered approving the parties' stipulation regarding the temporary benefit claims. The claimant argued that the February 6, 2012 order was not final until the temporary benefit claim was addressed in the January 8, 2013 order.

The 1st DCA reviewed the case law that addressed Florida Rule of Appellate Procedure 9.180(b)(1). The Court noted that an order deciding all issues ripe for adjudication is considered a final order even when there is a reservation on unmediated claims. Therefore, the Notice of Appeal relating to the claim for permanent total disability benefits was untimely as the order dismissing those claims with prejudice on February 6, 2012 was a final order at the time it was first entered.