

**IN THE SUPREME COURT OF FLORIDA**

**Nos. SC13-1930; SC13-1976**

BRADLEY WESTPHAL,

Petitioner,

Lower Tribunal Case No(s).  
1D12-3563; 10-019508SLR

v.

City of St. Petersburg/  
City of St. Petersburg Risk Management &  
State of Florida,

Respondents.

**UNOPPOSED MOTION FOR LEAVE TO APPEAR TO FILE A BRIEF AS  
AMICUS CURIAE IN SUPPORT OF PETITIONER WESTPHAL**

Pursuant to Rule 9.370(a) of the Rules of Appellate Procedure, the American Association for Justice (hereinafter “AAJ”) respectfully moves for leave to appear to file a brief as Amicus Curiae in support of Petitioner Bradley Westphal, and states in support of its Motion:

1. AAJ is a voluntary national bar association whose trial-lawyer members primarily represent individual plaintiffs in civil suits, including personal injury actions, consumer lawsuits, and employment-related cases such as in this case. With attorney members in Florida representing Florida citizens in workers’ compensation cases, AAJ has an interest in the development of Florida’s workers’ compensation law.

2. Before the en banc First DCA, AAJ filed an amicus curiae brief with leave of that court arguing that the panel was correct in ruling that section 440.15(2)(a), Florida Statutes (2009), as applied to Petitioner and similarly situated workers, violates the Florida Constitution's right of access to courts. AAJ is familiar with and has knowledge of the workers' compensation system, the development of the constitutional right of access to courts in Florida, and national and Florida-specific statistics concerning the benefits, coverage, and cost of workers' compensation systems, and believes that a brief from it on the applicability and constitutionality of this Florida statute would materially assist this Court in its resolution of this appeal.

3. Counsel for Petitioner, Richard Sicking, Esq., and Counsel for Respondents, Kimberly Proano, Esq. and Allen Winsor, Esq., do not oppose the relief sought by this motion.

Wherefore the American Association for Justice respectfully requests that this Court grant its request for leave to appear to file an amicus curiae brief in support of Petitioner Bradley Westphal.

Date: January 7, 2014

Respectfully submitted,

/s/Andre M. Mura  
*Admission Pro Hac Vice Pending*  
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*Attorney for Amicus Curiae American Association for Justice*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of January, 2014, a true and correct copy of the foregoing Motion to Appear as Amicus Curiae on Behalf of the Petitioner was served via electronic mail delivery to Richard A. Sicking, Esq. (sickingpa@aol.com), co-counsel for petitioner, 1313 Ponce De Leon Blvd., Suite 300, Coral Gables, FL 33134; Jason Fox, Esq. (JayfoxEsq@aol.com), Law Offices of Carlson and Meissner, co-counsel for petitioner, 250 N. Beicher Rd., Suite 102, Clearwater, FL 33765; Bill McCabe, Esq. (billjmccabe@earthlink.net) 1250 South Highway 17/92, Suite 210, Longwood, FL 32750; Geoffrey Bichler, Esq. (geoff@bichlerlaw.com), Bichler, Kelley, Oliver & Longo, PLLC, 541 South Orlando Avenue, Suite 310, Maitland, FL 32751; Mark L. Zientz, Esq. (mark.zientz@mzlaw.com), Two Datan Center, 9130 S. Dadeland Blvd, Suite 1619, Miami, FL 33156; Richard W. Ervin, III (richard.ervin@flappeal.com), 1201 Hay Street, Suite 1000, Tallahassee, FL 32301; Kimberly Proano, Esq. (Kimberly.Proano@stpete.org), Office of the City Attorney, counsel for respondent, City of St. Petersburg, P.O. Box 2842, St. Petersburg, FL 33731; Allen Winsor, Chief Deputy Solicitor General (allen.winsor@myfloridalegal.com), counsel for respondent, State of Florida, Office of the Attorney General, The Capitol, PL-0 1, Tallahassee, FL 32399-1 050; William H. Rogner, Esq. (wrogner@hrmcw.com); Hurley Rogner Miller Cox Waranch & Westcott.

/s/Andre M. Mura  
Andre M. Mura