RECEIVED 01/06/2016 FLORIDA SUPREME COURT
RECEIVED, 1/6/2016 12:05 PM, Jon S. Wheeler, First District Court of Appeal

IN THE FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

Jacqueline W. Walden,

Petitioner/Appellant,

v.

LT Case No : 14-010591MAM
Accident date: 3/27/2014
CASE NO.: 1D15-4095

Hillsborough Area Regional Transit
and Commercial Risk Management

Appellees/Employer/Carrier.

_____/

I CERTIFY THE ABOVE
JON S. WHEELER, CLERK
FIRST DISTRICT COURT OF APPEAL
BY
DEPUTY CLERK

APPELLANT'S NOTICE TO INVOKE DISCRETIONARY JURISDICTION OF THE SUPREME COURT

Appellant/Petitioner, Jacqueline W. Walden, by and through her undersigned appellate counsel, files this notice to invoke the discretionary jurisdiction of the Supreme Court of Florida to review the decision of this Court rendered on December 28, 2015. See Fla. R. App. Pro. 9.030(a)(2)(A) and 9.120. This court also denied appellate attorney's fees in its discretion on the same date. Conformed copies of the referenced orders are attached to this notice. (See Appendix attached)

The Supreme Court has discretionary jurisdiction to review the First District Court of Appeal's decision because it passes on the same question that was certified in Castellanos v. Next Door Co., 124 So.3d 392 (Fla. 1st DCA 2013).[1] The Florida Supreme Court

[1]The court certified the following question:
"WHETHER THE AWARD OF ATTORNEY'S FEES IN THIS CASE IS

has accepted jurisdiction based on this Court's certified question in Castellanos. See Castellanos v. Next Door Company, et. al., SC13-2082. The Supreme Court of Florida has also accepted jurisdiction in Richardson v. Aramark, et. al., SC14-738, Pfeffer v. Labor Ready Southeast, Inc., et. al., SC14-1325 and Diaz v. Palmetto General Hospital, et. al. SC14-1916. See Jollie v. State, 405 So. 2d 418 (Fla. 1981); Art. V, §3(b)(4), Fla. Const.; Fla. R. App. P. 9.030(a)(2)(A)(v) and Fla. R. App. P. 9.120.

Additionally, the Supreme Court has accepted jurisdiction in least five other cases which involve the very same certified question as in the instant case, and the Court has entered an order staying the proceedings in those cases pending the outcome of Castellanos. See Gonzalez v. McDonald's, SC15-324, Amat Y Leon v. Miami Dade Public Schools, SC15-535, Mayorga v. Sun Electronic International, SC15-612, Norma Flores vs. Vanlex Clothing Corp., SC15-714, and Ferrer v. Truly Nolen of America, Inc., and Crawford and Company, SC15-818.

ADEQUATE, AND CONSISTENT WITH THE ACCESS TO COURTS, DUE PROCESS, EQUAL PROTECTION, AND OTHER REQUIREMENTS OF THE FLORIDA AND FEDERAL CONSTITUTIONS."

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail this 6th day of January 2016, to Katherine Stone and Steven E. Hovsepian, Barbas, Nunez, Sanders, Butler & Hovsepian, 1802 West Cleveland Street, Tampa, FL 33606.

/s/ *Michael J. Winer*

Michael J. Winer, Esquire
Law Office of Michael J. Winer, P.A.
110 North 11th Street, 2nd Floor
Tampa, FL 33602-4202
Telephone: (813) 224-0000
Florida Bar No.: 0070483
Attorney for Appellant/Petitioner
EMAIL: mike@mikewinerlaw.com

APPENDIX

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

JACQUELINE WALDEN,

Appellant,

v.

HILLSBOROUGH AREA
REGIONAL TRANSIT AND
COMMERCIAL RISK
MANAGEMENT,

Appellees.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D15-4095

_____/

Opinion filed December 28, 2015.

An appeal from an order of the Judge of Compensation Claims.
Mark A. Massey, Judge.

Date of Accident: March 27, 2014.

Michael J. Winer of the Law Office of Michael J. Winer, P.A., Tampa, for Appellant.

Steven Hovsepian and Katherine Stone Agliano of Barbas, Nunez, Sanders, Butler & Hovsepian, Tampa, for Appellees.

PER CURIAM.

Based on Castellanos v. Next Door Co., 124 So. 3d 392 (Fla. 1st DCA 2013), we AFFIRM. In so doing, we certify that our disposition of the instant case passes

upon the same question we certified in Castellanos. Id. at 394. See Jollie v. State, 405 So. 2d 418, 421 n.* (Fla. 1981).

ROWE, OSTERHAUS, and WINOKUR, JJ., CONCUR.

APPENDIX

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

December 28, 2015

CASE NO.: 1D15-4095
L.T. No.: 14-010591MAM

Jacqueline Walden	v.	Hillsborough Area Regional Transit and Commercial Risk Management
Appellant / Petitioner(s),		Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellant's September 16, 2015, motion for appellate attorney's fees is denied.

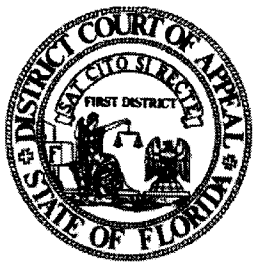
I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Michael J. Winer
Steven Hovsepian
Hon. Mark A. Massey
Katherine Stone Agliano

co

JON S. WHEELER, CLERK



DISTRICT COURT OF APPEAL
FIRST DISTRICT
STATE OF FLORIDA
2000 DRAYTON DRIVE
TALLAHASSEE, FLORIDA 32399-0950
(850) 488-6151

JON S. WHEELER
CLERK OF THE COURT

KAREN ROBERTS
CHIEF DEPUTY CLERK

1/6, 2016

Re: Jacqueline Walden
Appeal No.: 1D 15-4095
Trial Court No.: 14-10591 MAM
Trial Court Judge: Mark Massey

Dear Mr. Tomasino:

Attached is a certified copy of the Notice Invoking the Discretionary Jurisdiction of the Supreme Court, pursuant to Rule 9.120, Florida Rules of Appellate Procedure. Attached also is this Court's opinion or decision relevant to this case.

___ The filing fee prescribed by Section 25.241(3), Florida Statutes, was received by this court and is attached.

___ The filing fee prescribed by Section 25.241(3), Florida Statutes, was not received by this court.

✓ Petitioner/Appellant has previously been determined insolvent by the circuit court or our court in the underlying case.

___ Petitioner/Appellant has already filed, and this court has granted, petitioner/appellant's motion to proceed without payment of costs in this case.

No filing fee was required in the underlying case in this court because it was:

___ A summary Appeal, pursuant to Rule 9.141
___ From the Unemployment Appeals Commission
___ A Habeas Corpus proceeding
___ A Juvenile case
___ Other _____

If there are any questions regarding this matter, please do not hesitate to contact this Office. **A motion postponing rendition pursuant to Florida Rule of Appellate Procedure 9.020(i) ____ is or ✓ is NOT pending in the lower tribunal at the time of filing this notice of appeal.**

Sincerely yours,

Jon S. Wheeler

Jon S. Wheeler
Clerk of the Court

By: R Cousseau
Deputy Clerk