

Received Event (Event Succeeded)

Date: 6/12/03 Time: 4:49 PM
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MOHAMED I. ABDEL-AZIZ, M.D.,

Petitioner,

vs.

DOAH CASE NO. 03-0295RU *SBK*

Related to:

DOAH CASE NO: 02-4429PL

DEPARTMENT OF HEALTH AND
BOARD OF MEDICINE,

Respondents.

**PETITIONER'S REQUEST FOR
EVIDENTIARY HEARING TO ESTABLISH
THE REASONABLE ATTORNEY'S FEES AND COSTS TO BE AWARDED
PETITIONER UNDER SECTION 120.595(4), FLORIDA STATUTES**

COMES NOW, the Petitioner, MOHAMED I. ABDEL-AZIZ, M.D., by and through his undersigned counsel, and requests an evidentiary hearing to establish the reasonable attorney's fees and costs to be awarded to Petitioner under Section 120.595(4), Florida Statutes. As grounds for his request, Petitioner would state the following:

1. On June 4, 2003, this Administrative Law Judge entered a Final Order finding in favor of the Petitioner¹ and reserving jurisdiction for a determination of the reasonable attorneys fees and costs to be awarded Petitioner under Section 120.595(4), Florida Statutes.

2. Petitioner would respectfully request that this Administrative Law Judge hold and schedule an evidentiary hearing, to the extent deemed necessary, to determine the reasonable fees and costs to be awarded Petitioner.

¹ The petition brought against the Department of Health was dismissed.

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3. Petitioner estimates that the evidentiary hearing should take no longer than one-half day and would request that the hearing be conducted via videoconference to reduce the expense and burden to the Petitioner and witnesses to be called on his behalf. With the exception of Petitioner's expert witness(es), all of Petitioner's witnesses to be called with respect to these issues reside and/or work in Tampa, Hillsborough County, Florida.

4. Petitioner has incurred in excess of Eighteen Thousand Dollars (\$18,000) in attorney's fees and costs for bringing his challenge to the agency statements and he will incur additional attorney's fees and costs in establishing the amount to be awarded under Section 120.595(4), Florida Statutes.

5. The contractual hourly rate charged to Petitioner by his counsel was a rate of \$120.00 per hour, which Petitioner asserts may be equal to or less than the usual, customary, and/or reasonable rate charged for similar services.

6. Petitioner will contact counsel for the parties to obtain suggested dates for the formal hearing and will provide such other information as deemed necessary by this Administrative Law Judge.

WHEREFORE, Petitioner respectfully requests that this Administrative Law Judge schedule and hold an evidentiary hearing via videoconference to establish the reasonable attorney's fees and costs to be awarded Petitioner.

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I HEREBY CERTIFY that a true and correct copy of foregoing has been furnished by

U.S. Mail, postage prepaid, and facsimile to:

Diane K. Kiesling, Chief of Litigation
Department of Health, Proecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Fax # (850) 414-1989

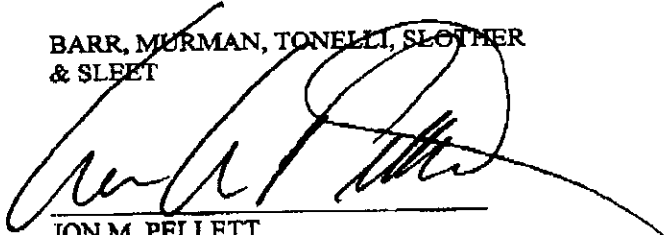
E. Renee Alsobrook
Deputy General Counsel
Department of Health
4052 Bald Cypress Way, Bin A02
Tallahassee, Florida 32399-1703
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Ed Tellechea,
Senior Assistant Attorney General
and Counsel to the Board of Medicine
Office of the Attorney General,
The Capitol, PI-01, Tallahassee, Florida 32399
Fax # (850) 922-6425

and that in lieu of original filing, one copy has been furnished by facsimile to the Division of
Administrative Hearings at (850) 921-6847, this June 12, 2003.

Respectfully submitted,

BARR, MURMAN, TONELLI, SLOTTNER
& SLEET



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