<<COURT\_NAME>>

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| <<PROVIDER\_SUITNAME>>,  a/a/o <<INJUREDPARTY\_NAME>>  Plaintiff,  vs.  <<INSURANCECOMPANY\_SUITNAME>>  Defendant  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ | Case No. <<INDEXORAAA\_NUMBER>> |

**MOTION TO DETERMINE EXPERT FEE OF BRIAN DEKKER**

**COMES NOW,** Plaintiff, by and through the undersigned counsel, and hereby files this Motion to Determine Expert Fee pursuant to Rule 1.390 of the Florida Rule of Civil Procedure, and as grounds therefore, states:

1. Brian Dekker is a Professional Engineer (P.E.71814).
2. Mr. Dekker endorsed the engineering report authored by Plaintiff in relation to the inspection performed at the request of the Insured after a Hurricane Michael loss.
3. Defendant now seeks to depose Brian Dekker.
4. Brian Dekker is an expert witness as defined by Rule 1.390(a) of the Florida Rules of Civil Procedure. As such, Rule 1.390(c) mandates that Brian Dekker shall be paid a reasonable expert witness fee.[[1]](#footnote-1)

# MEMORANDUM OF LAW

Rule 1.390(a) states:

(a) **Definition**. The term "expert witness" as used herein applies exclusively to a person duly and regularly engaged in the practice of a profession who **holds a professional degree from a university or college and has had special professional training and experience**, or one possessed of special knowledge or skill about the subject upon which called to testify. **(Emphasis added)**

Rule 1.390(c) states:

(c**) Fee**. **An expert or skilled witness whose deposition is taken shall be allowed a witness fee in such reasonable amount as the court may determine. The court shall also determine a reasonable time within which payment must be made, if the deponent and party cannot agree.** All parties and the deponent shall be served with notice of any hearing to determine the fee. Any reasonable fee paid to an expert or skilled witness may be taxed as costs. **(Emphasis added)**

Brian Dekker is a Professional Engineer who has obtained a professional degree, training and experience. As such, Brian Dekker is entitled to payment of an expert fee for deposition.

**WHEREFORE**, Plaintiff, respectfully requests this Honorable Court to grant the Motion to Determine Expert Fee and grant such other further relief that is just and appropriate under the circumstances.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on ­­­­­­­­­­­­­February 18, 2022, a true and correct copy of the foregoing was filed and served on the Defendant through the Florida E-File Portal.

**The Florida Insurance Law Group, LLC**

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1. Plaintiff will file the expert fee rate documentation under separate cover. [↑](#footnote-ref-1)