

**IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT, IN  
AND FOR BROWARD COUNTY,  
FLORIDA.**

TIMOTHY NEAL,

CASE NO.: CACE 13-010003

Plaintiff,

JUDGE: CARLOS A. RODRIGUEZ

vs.

DEAN ENTERPRISES, INC., a Missouri Corporation, d/b/a STANLEY STEEMER CARPET, CLEANER, CO., a Florida Registered Foreign Profit Corporation, and the WILLIAM J. MCFARLANE, III, P.A., a/k/a LAW OFFICES OF WILLIAM J. MCFARLANE, III., P.A., d/b/a MCFARLANE DOLAN LAW CENTER, a/ka/ MCFARLANE & DOLAN,

Defendants.

**COMPLAINT**

The Plaintiff, TIMOTHY NEAL, hereinafter referred to as "PLAINTIFF", sues DEAN ENTERPRISES, INC., a Missouri Corporation, d/b/a STANLEY STEEMER CARPET CLEANER, CO., a Florida Registered Foreign Profit Corporation, and the WILLIAM J. MCFARLANE, III., P.A., a/k/a LAW OFFICES OF WILLIAM J. MCFARLANE, III., P.A., d/b/a MCFARLANE DOLAN LAW CENTER, a/ka/ MCFARLANE & DOLAN, hereinafter collectively referred to as "DEFENDANTS", and as grounds states:

1. This is an action for damages for a sum in excess of Fifteen Thousand (\$15,000.00) Dollars exclusive of interest and costs.
2. The Plaintiff, TIMOTHY NEAL, is an individual who at all times relative to this

action, resided and worked in Monroe County, Florida.

3. The Defendant, DEAN ENTERPRISES, INC., is a Missouri Corporation, d/b/a STANLEY STEEMER CARPET, CLEANER, CO., a Florida registered foreign profit corporation, doing business in Monroe County, Florida, hereafter also referred to as “STANLEY STEEMER”.

4. The Defendant, the WILLIAM J. MCFARLANE, III., P.A., a/k/a LAW OFFICES OF WILLIAM J. MCFARLANE, III., P.A., d/b/a MCFARLANE DOLAN LAW CENTER, a/ka/ MCFARLANE & DOLAN is a Florida corporation doing business in Broward County, Florida, hereafter also referred to as “MCFARLANE AND DOLAN.”

5. STANLEY STEEMER operated and continues to operate a carpet cleaning business in Little Torch Key, Florida.

6. The Plaintiff was employed by STANLEY STEEMER as a Crew Chief, and on or about DECEMBER 12, 2011, suffered a work related injury. This gave rise to a Florida Workers’ Compensation Claim for benefits for which Mr. Neal hired the undersigned to assist.

7. When the owner of STANLEY STEEMER, CHARLES PHILIP DEAN, a/k/a “PHIL” DEAN, learned that the plaintiff TIMOTHY NEAL had hired an attorney and was pursuing Florida Workers’ Compensation benefits, Mr. Dean became verbally abusive to Mr. Neal and continued to engage in coercive and intimidating conduct including threatening verbal and written statements.

8. STANLEY STEEMER subsequently obtained MCFARLANE AND DOLAN to defend STANLEY STEEMER against Mr. Neal’s claims for Florida Workers’ Compensation benefits.

9. “At McFarlane & Dolan, we litigate claims with a baseball bat” - WILLIAM J.

MCFARLANE, III, founding partner of MCFARLANE AND DOLAN. Per MCFARLANE AND DOLAN'S website, this is the stated reason that their clients (in this case STANLEY STEEMER) should choose MCFARLANE AND DOLAN for representation. Accompanying the threat is a picture of a baseball bat emblazoned with the MCFARLANE AND DOLAN firm logo. A copy of the web page is attached hereto as **Exhibit "A."**

10. WILLIAM J. MCFARLANE, III., is depicted on MCFARLANE AND DOLAN'S website menacingly holding a baseball bat stating that "McFarlane & Dolan is an Insurance Defense Litigation Firm that "aggressively" and zealously defends and protects the rights of the insurance industry." A copy of the web page is attached hereto as **Exhibit "B."**

11. Another quote by WILLIAM J. MCFARLANE, III, on the firms website, in a reference to all injured workers, states that "[a]t McFarlane & Dolan, a claimant is a fraud until proven injured." This begs the question of how does MCFARLANE AND DOLAN intend to litigate with their bat? A copy of the web page containing the quote is attached hereto as **Exhibit "C."**

12. WILLIAM J. MCFARLANE, III, goes on to state on MCFARLANE AND DOLAN'S website that "a claim is a fraud until proven otherwise." A copy of this web page is attached hereto as **Exhibit "D."**

13. Timothy Neal, in his capacity as a claimant has never been held to be a fraud and has legitimate objectively identifiable injuries.

14. In addition to physical injuries, TIMOTHY NEAL suffered or continues to suffer from emotional distress arising from the coercive and intimidating treatment of the Defendants.

### **JURISDICTION**

15. "[A]n employer who violates [Florida Statute 440.205] has committed an intentional

tort, thereby exposing itself to liability for damages for emotional distress” Scott v. Otis Elevator Co., 572 So.2d 902, 903 (Fla.,1990). See also Chase v. Walgreen Co. 750 So.2d 93, 96 (Fla. 5th DCA 1999).

16. In Bruner v. GC-GW, Inc., 880 So.2d 1244, 1251 (Fla. 1 DCA 2004), a case dealing with discharge of an employee for filing a workers’ compensation claim with a prior employer, the Court held, “[a]ccordingly, because section 440.205 clearly provides for a civil cause of action against an employer who discharges an employee for having filed a workers' compensation claim against a previous employer...”

17. This claim for has been timely brought. The statute of limitations for claims arising from Florida Statute 440.205 is four years. See Scott v. Otis Elevator Co. 572 So.2d 902, 903 (Fla. 1990). The Plaintiff’s workplace accident occurred on December 12, 2011 and the Defendants actions occurred thereafter.

### **VENUE**

18. Venue is proper in Broward County because defendant, MCFARLANE AND DOLAN, have it principal place of business, in Broward County.

### **COUNT I** **VIOLATION OF FLA. STAT. §440.205 BY ENGAGING IN COERCION AND** **INTIMIDATION**

19. Plaintiff hereby re-alleges and incorporates paragraphs one through eighteen (1-18) above herein.

20. “No employer shall discharge, threaten to discharge, intimidate, or coerce any employee by reason of such employee's valid claim for compensation or attempt to claim compensation under the Workers' Compensation Law.” Florida Statute, §440.205.

21. Section 440.205, Fla. Stat., creates a statutory cause of action for wrongful discharge. See Scott v. Otis Elevator Co. 572 So.2d 902, 903 (Fla.,1990), citing Smith v. Piezo Technology & Professional Administrators, 427 So.2d 182 (Fla.1983). See also Chase v. Walgreen Co. 750 So.2d 93 (Fla. 5<sup>th</sup> DCA1999).

22. Because of claiming his Florida Workers' Compensation benefits, the Plaintiff/Claimant, TIMOTHY NEAL is being made to suffer the abusive, threatening, intimidating, and coercive conduct of STANLEY STEEMER and their attorneys, MCFARLANE AND DOLAN, the law firm allegedly vested with overseeing the claimant's well being - with a baseball bat.

23. That MCFARLANE AND DOLAN's express written accusations that all injured workers are frauds and that they remain a fraud until they prove they are injured, combined with the threats of litigation with a baseball bat are scary, chilling and outright intimidating.

MCFARLANE AND DOLAN is not only STANLEY STEEMER'S agent with a responsibility of tending to Mr. Neal's injuries, but a law firm responsible for upholding the ethics of the legal practice. Instead here, MCFARLANE AND DOLAN, apparently view all claimants, including TIMOTHY NEAL as frauds worthy of a beat down with a baseball bat.

MCFARLANE AND DOLAN'S conduct combined with the abusive and threatening language of PHIL DEAN, have left the Plaintiff justifiably coerced and intimidated for the sole reason of making his claim for Florida Workers' Compensation benefits. Furthermore, as a result of the Defendant's actions, the Plaintiff suffered or continues to suffer emotional distress, and suffered and/or continues to suffer pain and suffering.

24. Plaintiff requests trial by jury.

**WHEREFORE**, Plaintiff demands judgment for damages against Defendants in excess of

Fifteen Thousand (\$15,000.00) Dollars, exclusive of costs and interest, attorney's fees and costs, and further demands interest on any liquidated damages and any other relief this honorable court deems appropriate.

**/S./ ROBERT S. WINESS**

Robert S. Winess

FBN: 564931

[rob@winesslaw.com](mailto:rob@winesslaw.com)

Robert S. Winess, P.A.

Attorney for the Plaintiff

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## WHY CHOOSE MCFARLANE & DOLAN

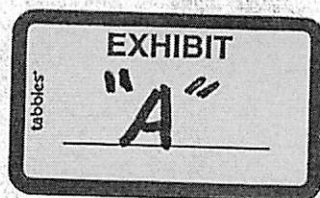
*"At McFarlane & Dolan, we litigate claims with a baseball bat." —William J. McFarlane, III*

### *Rates • Reporting • Results*

- Offices In Fort Lauderdale, Orlando, Tampa, Jacksonville
- Defense of All Florida Claims
- Accurate & Detailed Litigation Budgets
- Internal Audit and Cost Control
- Quality Assurance Audit
- Cost vs. Risk Analysis
- Decrease Claim Life Cycle
- Accurate Setting of Claim Reserves
- Cooperative Defense Litigation Strategies created by McFarlane & Dolan and our claims adjusters
- Proactive Fraud Identification & Defense Strategies
- Alternative Dispute Resolutions – Mediation
- Digital Billing and Accounting
- Computerized Database Research
- Aggressive Pursuit of Contribution and Indemnification Claims
- Timely Reporting
- Results
- Creative Results Orientated Rates
- Technology
- Consistent & Unified Defense of All Florida Claims

## FIRM OVERVIEW

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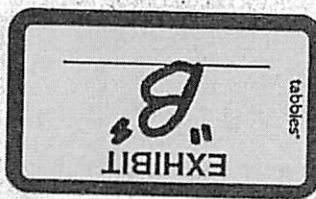
## FIRM PHILOSOPHY

*"McFarlane & Dolan is an Insurance Defense Litigation Firm that 'aggressively' and zealously defends and protects the rights of the insurance industry." —William J. McFarlane, III*

McFarlane & Dolan is an aggressive Insurance Litigation Defense Firm which aggressively and zealously defends and protects the rights of the insurance industry. At McFarlane & Dolan we believe that the best defense is a good offense. We aggressively defend all claims from their inception through the appellate courts. At McFarlane & Dolan we maintain the highest degree of professionalism while aggressively defending the rights of the insurance industry. At McFarlane & Dolan we seek creative and aggressive solutions in an effort to deter future litigation.

McFarlane & Dolan was created from an in depth and extensive knowledge, understanding and experience of the insurance industry with over 200 years of combined insurance industry experience. McFarlane & Dolan understands the needs and demands of our insurance adjusters and claim managers. McFarlane & Dolan provides:

- Accurate and Detailed Litigation Budgets
- Cooperative Defense Litigation Strategies created by McFarlane & Dolan and our claim adjusters
- Proactive Fraud Identification & Defense Strategies
- Decrease Claim Life Cycle
- Accurate Selling of Claim Reserves
- Timely Reporting
- Results
- Creative Results Oriented Rates



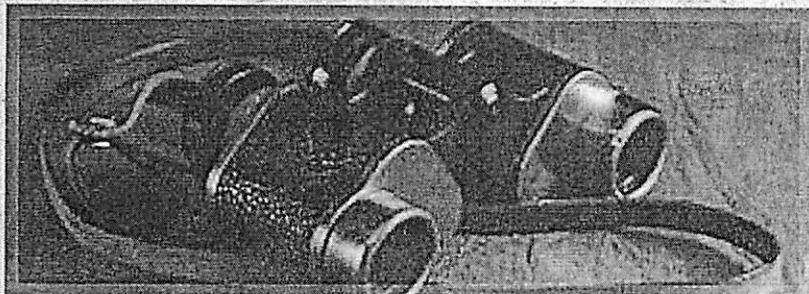




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## FRAUD & SPECIAL INVESTIGATIONS

*"At McFarlane & Dolan, a claimant is a fraud until proven injured." —William J. McFarlane, III*

McFarlane & Dolan offers a staff of Lawyers, licensed insurance adjusters, risk managers and Investigators to investigate all personal injury, wrongful death and insurance claims from their inception throughout the litigation process. McFarlane & Dolan has the ability to dispatch a team of accident investigators immediately to the scene of any accident or casualty loss on an emergency basis throughout the State of Florida.

At McFarlane & Dolan we provide SIU Investigations, SIU Adjusting, Medical SIU Investigation, Consulting and Training for the Insurance Industry. Our services are focused on the defense and the strategic pro-active fight against organized medical and insurance fraud that targets the Personal-Injury Protection and Casualty Claim Insurance Industry. We defend insurance carriers and self-insurers who are targeted by organized medical and insurance fraud claimants.

McFarlane & Dolan offer the following Fraud & Special Investigative Services:

- Accident Investigation
- Arson Investigation
- Accident Prevention
- Asset Searches and Locations
- Bankruptcy Filing and Judgments
- Birth Date Verification
- Business Interruption Analysis
- Business and Corporate Searches
- Credit Search and Investigation
- Civil Background Investigations
- Criminal Fraud Prosecution
- Criminal Background Investigations
- DOT and Workers' Compensation Safety Programs
- Employment Verification
- Examinations Under Oath
  - Insureds
  - Claimants
  - Medical Providers
  - Public Adjusters
- Forgery Detection
- Forensic Medical Analysis
- Fraud Detection
- Fictitious Names
- Homeowner Claim Investigations
- Medical Clinic Inspections
- Medical Clinic Interviews
- Medical Clinic Profiles
- Medical Fraud Detection
- Medical Research
- Medical Life Care Plan Analysis
- Motor Vehicle Ownership
- Pharmacy Searches
- Photo and Video Surveillance
- Premises Security
- Prior Claims
- Polygraph Testing
- Product Recall Analysis
- Residency Investigation
- SIU Defense
  - Investigation
  - Department of Insurance SIU Designate
  - Department of Insurance Fraud
  - Staged Accidents
  - Lawyer Solicitation
  - Patient Brokering
  - Fraudulent Insurance Applications

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- Implementation of Drug-free Workplace Programs
- Industrial Safety Audits
- Law Enforcement Fraud Referrals
- Location of Witnesses
- Fraudulent Medical Clinics
- Social Security Numbers
- Staged Accidents
- Tax Liens
- 3-D Video Animation and Simulations





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## ABOUT THE FIRM

*"A claim is fraud until proven otherwise."*  
—William J. McFarlane, III

McFarlane & Dolan is an aggressive Insurance Defense Litigation Firm that defends personal injury, wrongful death and insurance claims throughout the State of Florida. McFarlane & Dolan specializes in the representation of Insurance Carriers and Self-Insured Businesses in State and Federal Courts for Domestic and International Claims. McFarlane & Dolan provides Pre-Suit Investigation, SIU Defense and Litigation Support for all insurance claims.

### Defense & Litigation Support for All Insurance Claims, including:

- Admiralty Claims
- Affirmative Recovery Actions
- Alternative Dispute Resolution (Mediation)
- Appellate Practice
- Automobile Liability
- Bad Faith
- Catastrophic Loss Claims
  - Pre-Suit Investigation
  - Evaluation
  - Bad Faith Exposure
  - Early Resolution
  - Mediation
  - Multiple Competing Claims
- Claim Evaluation & Settling Reserves
- Complex Litigation Claims
- Construction Defect Claims
- Declaratory Judgments
- Defense of Criminal Chargers with Civil Liability Exposure
- Errors & Omissions Claims
- Expert Witnesses
- Examination Under Oath (EUO)
- First Party Homeowner Claims
- Fraud Claims
- General Liability
- Governmental Liability
- Health Insurance Lien Recovery
- Health Law
- Homeowner Claims
  - First Party
- Mall Claims
- Maritime Liability
- Mass Tort Claims
- Medical Experts
- Medical Clinic Fraud
- Medical Mal-Practice
- Medicare Set-Aside
- MIST-LIST Automobile Claims
- Motor Vehicle Liability Claims
- Multi-Completing Claims
- Negligent Security
- PIP — No-Fault
- Premises Liability
- Pre-Suit Claims Adjusting
- Product Liability
- Professional Liability
- Property & Casualty Defense
- Rental Car Liability
  - Rental Car PIP — No-Fault
  - Staged Accidents
- Risk Management
- Self-Insured Medical Providers
- Self-Insured Risk Retention Plans
- SIU Defense
  - Investigation
  - Department of Insurance SIU Designate
  - Department of Insurance Fraud
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- Third Party
- Examinations Under Oath (EUO)
- Sinkhole Claims
- Kitchen Claims
- Public Adjuster Claims
- Arson
- House Counsel
- Insurance Law & Coverage Opinions
  - Coverage Opinion
  - Actions for Declaratory Judgment
  - Coverage Counsel
  - Reservation of Rights Letters
  - Coverage Denial Letters
  - Insurer Policy Rescission
  - Insurance Regulation
  - International Law Division
  - Jury Verdict Analysis
- Patient Brokering
- Fraudulent Insurance Applications
  - Fraudulent Medical Claims
  - Fraudulent Medical Clinics
- Special Counsel
- Third Party Claims Administration
- Third Party Homeowner Claims
- Toxic Torts
- Transportation Claims (Taxi, Limousine, Bus)
- Trucking Liability
- Underwriting Guidelines
- Workers' Compensation
- Wrongful Death