

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN  
AND FOR SUMTER COUNTY, FLORIDA**

**IN RE.: APPROVAL FOR TRANSFER  
OF STRUCTURED SETTLEMENT  
PROCEEDS BY**

**DERRICK ROBOTHAM,**

**CASE NO.: 2012-CA-1494**

**Transferor/Payee.**

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**ORDER DENYING PETITION FOR COURT APPROVAL OF A TRANSFER OF  
STRUCTURED SETTLEMENT PAYMENT RIGHTS**

**THIS COURT** having considered the Petition for Court Approval of a Transfer of Structured Settlement Payment Rights ("Petition"), the Objection of Aviva Life and Annuity Company to the Petition, the Response of Peachtree Settlement Funding, LLC to Objection of Aviva Life and Annuity Company, the Reply Brief in Support of Objection of Aviva Life and Annuity Company to the Petition for Court Approval of a Transfer of Workers' Compensation Payment Rights, and having considered the arguments of counsel at the hearing held on October 30, 2012, finds the proposed transfer of Derrick Robotham's periodic monthly payments to be inviolate of the Longshore Act, 33 USCS § 916 and the Florida Structured Settlement Act, section 626.99296(3)(a)(1), Florida Statutes.

Derrick Robotham is receiving periodic monthly payments from a workers' compensation claim he filed through the Longshore Act. The Longshore Act, 33 USCS § 916, provides that workers' compensation payments are not assignable. Specifically, the Longshore Act states:

No assignment, release, or commutation of compensation or benefits due or payable under this chapter, except as provided by this chapter, shall be valid, and such compensation and benefits shall be exempt from all claims of creditors and

from levy, execution, and attachment or other remedy for recovery or collection of a debt, which exemption may not be waived.

33 USCS § 916

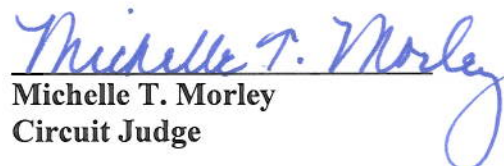
Petitioner notes the Broward County Circuit Court approved the transfer of Mr. Robotham's periodic payments in an unrelated case. Petitioner asserts this Court is bound by collateral estoppel to approve the transfer of Mr. Robotham's periodic payments in this case since the parties in the Broward County Circuit Court case are the same parties with the exception of the purchaser. The Court notes the Petitioner has failed to show that the issue regarding the Longshore Act's prohibition of the assignment of workers' compensation payments was actually litigated in the Broward County Circuit Court case. Consequently, collateral estoppel is inapplicable to this case.

Section 626.99296(3)(a)(1), Florida Statutes provides that the approval of a structured settlement transfer is conditioned upon the transfer complying with the Florida Structured Settlement Act and that such transfer does not contravene any applicable law. In this case, approval of the transfer of Mr. Robotham's periodic payments would contravene the Longshore Act, as discussed above.

Based upon the foregoing;

**ORDERED AND ADJUDGED:** That the Petition for Court Approval of a Transfer of Structured Settlement Payment Rights is **DENIED**.

**DONE AND ORDERED** in Chambers, at Bushnell, Sumter County, Florida, on this 7<sup>th</sup> day of January, 2013.

  
Michelle T. Morley  
Circuit Judge

## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true copy of the foregoing has been furnished to the following individuals by U.S. Mail/Courthouse box delivery/e-mail this 7<sup>th</sup> day of January, 2013:

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