

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MERCEDES AFONSO, AS SURVIVING)
SPOUSE AND PERSONAL)
REPRESENTATIVE OF THE ESTATE OF)
ALEXIS AFONSO, DECEASED,)
)
Claimant,)
)
vs.) Case No. 06-3916MA
)
LIFEMARK HOSPITALS OF FLORIDA,)
INC., d/b/a PALMETTO GENERAL)
HOSPITAL,)
)
Defendant.)
_____)

AMENDED ARBITRATION AWARD

On June 1, 2007, an Arbitration Award was entered in this cause following the arbitration hearing conducted on May 30, 2007. On August 22, 2007, a Supplemental Arbitration Award was entered as to the amount of attorney's fees and costs to be paid to the Claimant's attorney, in accordance with an agreement reached by the parties.

On March 11, 2009, the Third District Court of Appeal issued its opinion setting aside a portion of the Arbitration Award. Pursuant to that Opinion and the Mandate issued March 27, 2009, the arbitration hearing in this cause was reconvened on June 30, 2009, before Linda M. Rigot, Chief

Arbitrator; Richard P. Cole, Arbitrator; and Gary D. Fox,
Arbitrator, in Miami, Florida.

APPEARANCES

For Claimant: Charles H. Baumberger, Esquire
Lincoln J. Connolly, Esquire
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44 West Flagler Street, Suite 2300
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For Defendant: Norman M. Waas, Esquire
Glenn P. Falk, Esquire
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The August 22, 2007, Supplemental Arbitration Award and the
June 1, 2007, Arbitration Award are adopted and ratified in
their entirety except that the award for loss of earning
capacity is deleted and loss of support and loss of net
accumulations are now included in the award. At the conclusion
of the re-convened arbitration hearing, the amended award was
announced on the record as follows:

Non-economic damages	\$ 250,000
Loss of services	
Past	15,762
Future	132,358
Loss of support	394,766
Loss of net accumulations	<u>109,607</u>
Total award	\$ 902,493

Since the Defendant has previously paid the amount of \$799,258 to the Claimant pursuant to the June 1, 2007, Arbitration Award although this cause was on appeal, the balance remaining to be paid to the Claimant pursuant to this Amended Arbitration Award is \$103,235.

Defendant has agreed to pay the amount of \$5,000 each to Arbitrators Cole and Fox as their arbitrator's fee for the re-convened hearing.

By agreement of the parties, Defendant shall also pay the amount of \$5,000 toward Dr. Raffa's fee for his testimony at the re-convened hearing.

DONE AND ORDERED this 1st day of July, 2009, in Tallahassee, Leon County, Florida.

Linda M. Rigot

LINDA M. RIGOT, Chief Arbitrator
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of July, 2009.

COPIES FURNISHED:

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