

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CASE NO.: 08-3585MA

Spencer Deno and Elizabeth D. Deno,
as Co-Personal Representatives of the
Estate of William S. Deno, deceased

Claimants,

vs.

LifeMark Hospital of Florida, Inc.
d/b/a Palmetto General Hospital,
Abdul-Rahman Jaraki, M.D.; and
Jaraki Medical Care, P.A.

Defendants.

ARBITRATION AWARD

By agreement of the parties, the following award is entered without prejudice to the Claimants' right to file the appeal described below:

AWARD

1. **Economic Damages:**

Medical Expense	\$ 114,929.00
Funeral Expense	\$ 11,242.00
Lost Support	\$1,181,521.74
Lost Services	\$ 73,502.91
Loss of Net Accumulations	\$ <u>42,717.39</u>
TOTAL ECONOMIC DAMAGES	\$1,423,913.04

2. **Noneconomic Damages¹:**

Elizabeth D. Deno	\$ 250,000.00
-------------------	---------------

¹ For purposes of this award, the Defendants stipulate to a 100% impairment of capacity to enjoy life for each survivor.

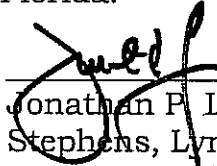
FILED
09 APR 15 AM 8:44
DIVISION OF
ADMINISTRATIVE
HEARINGS

Demi Deno	\$ 250,000.00
William Deno	\$ 250,000.00
TOTAL NONECONOMIC DAMAGES	<u>\$ 750,000.00</u>
TOTAL DAMAGES:	\$2,173,913.04
3. Attorneys' Fees and Costs: (15% of damages pursuant to Fla. Stat. Section 766.207(7))	\$ 326,086.96
TOTAL AWARD:	\$2,500,000.00

Prior to the issuance of this Arbitration Award, Administrative Law Judge Linda Rigot denied the Claimants' Motion for Partial Summary Judgment on the Issue of the Applicability of the Non-Economic Damages Cap set forth under Florida Statute 766.207(7)(b). The Claimants disagree with this ruling and believe that each Claimant is entitled to a separate award of noneconomic damages up to \$250,000.00 from the hospital and Dr. Jaraki respectively. This Award is being entered without prejudice to the Claimants' right to appeal this issue and the Claimants' right to appeal this issue is expressly preserved.


The award shall be made in accordance with Section 766.211, Florida Statutes. Further, pursuant to Section 766.202(9), Florida Statutes, the parties have agreed that from the total award the Defendants shall pay \$1,400,000.00 to purchase separate annuities for each of the three statutory survivors. The specific terms of these annuities and future periodic payments for the benefit of Elizabeth D. Deno, William Deno and Demi Deno are attached hereto as Exhibit A, B and C, respectively.

DONE AND ORDERED this 7th day of March, 2009, in Fort
Lauderdale, Broward County, Florida.



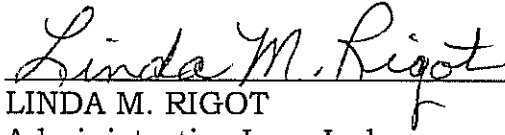
Jonathan P. Lynn, Esq.
Stephens, Lynn, Klein, La Cava & Puya, P.A.
301 E. Las Olas Boulevard, Ste. #800
Ft. Lauderdale, FL 33301

DONE AND ORDERED this 13th day of April, 2009, in Miami, Dade
County, Florida.



William Andrew Haggard, Esq.
Haggard Law Firm, P.A.
330 Alhambra Circle
Coral Gables, FL 33134
(305) 446-5700
(305) 446-1154 fax

DONE AND ORDERED this 15th day of April, 2009, in Tallahassee, Leon
County, Florida.



LINDA M. RIGOT
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the Division of
Administrative Hearings on this 15th day of April,
2009

COPIES FURNISHED:

Neal A. Roth, Esq.
GROSSMAN ROTH, P.A.
Attorneys for Claimants
2525 Ponce De Leon Blvd.
Suite 1150
Coral Gables, Florida 33134
(305) 442-8666
(305) 285-1668 fax

William F. Fink, Esq.
WICKER, SMITH, TUTAN,
O'HARA, McCOY, P.A.
Attorneys for Palmetto General Hospital
2900 SW 28th Terrace
Fifth Floor
Miami, Florida 33133
(305) 448-3939
(305) 441-1745 fax

Julia M. Ingle, Esq.
LUBELL & ROSEN
Attorneys for Abdul-Rahman Jaraki, M.D.
and Jaraki Medical Care P.A.
200 South Andrews Avenue
Suite 602
Fort Lauderdale, Florida 33301
(954) 755-3425
(954) 755-2993 fax

Individually Designed Structured Settlement
Elizabeth Deno
Date of Birth: April 26, 1962

<u>BENEFIT</u>	<u>COST</u>	<u>GUARANTEED YIELD</u>	<u>POSSIBLE LIFETIME YIELD</u>
<u>Monthly Income for Life</u>			
Guaranteed, tax-free payments to begin 6/1/2010.			
\$3,057 per month for life	567,713	917,100	1,283,940
Guaranteed 25 years, or for life, whichever is longer.			
<u>Guaranteed Lump Sums</u>			
\$ 100,000 in 5 Yr(s)	78,550	100,000	100,000
\$ 150,000 in 10 Yr(s)	89,921	150,000	150,000
\$ 200,000 in 15 Yr(s)	83,545	200,000	200,000
\$ 250,000 in 20 Yr(s)	80,271	250,000	250,000
	<u>\$900,000</u>	<u>\$1,617,100</u>	<u>\$1,983,940</u>

*Lump sum payments will be made in 2 equal consecutive monthly installments.





AN RFP COMPANY

One Boca Place, 2255 Glades Road, Suite 324A, Boca Raton, FL 33431
 Tel: 800-229-2228 Fax: 866-463-6945
 www.settlementconsultants.com

Individually Designed Structured Settlement
William Deno
Date of Birth: October 18, 1990

<u>BENEFIT</u>	<u>COST</u>	<u>GUARANTEED YIELD</u>
<u>Monthly Income</u>		
Guaranteed, tax-free payments to begin at age 19 (10/18/2009):		
\$500 per month Guaranteed 3 years.	17,750	18,000
<u>Monthly Income</u>		
Guaranteed, tax-free payments to begin at age 22 (10/18/2012):		
\$600 per month Guaranteed 3 years.	18,100	21,600
<u>Monthly Income</u>		
Guaranteed, tax-free payments to begin at age 25 (10/18/2015), with last payment due at age 30 (10/18/2020):		
\$700 per month Guaranteed 5 years 1 month	28,150	42,700
<u>*Guaranteed Lump Sums</u>		
\$ 47,500 at Age 21	44,500	47,500
\$ 60,000 at Age 24	47,400	60,000
\$ 80,000 at Age 27	52,750	80,000
\$ 100,000 at Age 30	54,750	100,000
	<u>\$263,400</u>	<u>\$369,800</u>

*Lump sum payments will be made in 2 equal consecutive monthly installments.



RECEIVED

**Individually Designed Structured Settlement
Demi Deno
Date of Birth: August 13, 1992**

<u>BENEFIT</u>	<u>COST</u>	<u>GUARANTEED YIELD</u>
<u>Monthly Income</u> Guaranteed, tax-free payments to begin at age 19 (8/13/2011). \$500 per month Guaranteed 3 years	16,500	18,000
<u>Monthly Income</u> Guaranteed, tax-free payments to begin at age 22 (8/13/2014). \$600 per month Guaranteed 3 years	16,500	21,600
<u>Monthly Income</u> Guaranteed, tax-free payments to begin at age 25 (8/13/2017), with last payment due at age 30 (8/13/2022). \$700 per month Guaranteed 5 years 1 months	25,200	42,700
<u>*Guaranteed Lump Sums</u>		
\$ 47,500 at Age 21	40,200	47,500
\$ 60,000 at Age 24	42,400	60,000
\$ 80,000 at Age 27	47,200	80,000
\$ 100,000 at Age 30	48,600	100,000
	<u>\$236,600</u>	<u>\$369,800</u>

*Lump sum payments will be made in 2 equal consecutive monthly installments.



Deno v. LifeMark Hospital of Florida, Inc., et al.

SERVICE LIST

William F. Fink, Esq.
WICKER, SMITH, TUTAN,
O'HARA, McCOY, P.A.
Attorneys for Palmetto General Hospital
2900 SW 28th Terrace
Fifth Floor
Miami, Florida 33133
(305) 448-3939
(305) 441-1745 fax

Julia M. Ingle, Esq.
LUBELL & ROSEN
Attorneys for Abdul-Rahman Jaraki, M.D.
and Jaraki Medical Care P.A.
200 South Andrews Avenue
Suite 602
Fort Lauderdale, Florida 33301
(954) 755-3425
(954) 755-2993 fax

Neal A. Roth, Esq.
GROSSMAN ROTH, P.A.
Attorneys for Plaintiffs
2525 Ponce De Leon Blvd.
Suite 1150
Coral Gables, Florida 33134
(305) 442-8666
(305) 285-1668 fax

Tom Pennekamp, Jr., Esq.
PENNEKAMP LAW, P.A.
2811 S.W. Third Avenue
Miami FL 33129
(305) 860-4445
(866) 353-5529 fax

Michael A. Haggard, Esq.
Haggard Law Firm, P.A.
330 Alhambra Circle
Coral Gables, FL 33134
(305) 446-5700
(305) 446-1154 fax

William Andrew Haggard, Esq.
Haggard Law Firm, P.A.
330 Alhambra Circle
Coral Gables, FL 33134
(305) 446-5700
(305) 446-1154 fax

Jonathan P. Lynn, Esq.
Stephens, Lynn, Klein, La Cava & Puya, P.A.
301 E. Las Olas Boulevard, Ste. #800
Ft. Lauderdale, FL 33301

Andrew S. Connell, Sr.
Marlow, Connell, Valerius, Abrams, Adler & Newman
4000 Ponce de Leon Blvd., Suite 570
Coral Gables, Florida 33146

Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060