

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

BARBARA J. HARVEY, as Personal  
Representative of the Estate of  
PERRY C. HARVEY, JR.,

Claimant,

vs.

Case No. 13-1357MA

FLORIDA HEALTH SCIENCES CENTER,  
INC., d/b/a TAMPA GENERAL  
HOSPITAL,

Defendant.

\_\_\_\_\_ /

ARBITRATION AWARD

The final arbitration hearing in this case was held before W. David Watkins, Chief Arbitrator; Steven A. Strickland, Arbitrator, and Philip J. Spengler, II, Arbitrator, on October 2 and 3, 2013, in Tampa, Florida.

For Claimant: Nathaniel W. Tindall, II, Esquire  
The Law Office of Nathaniel W. Tindall, II  
4012 North Florida Avenue  
Tampa, Florida 33603

For Defendant: Edward J. Carbone, Esquire  
Patricia S. Calhoun, Esquire  
Carlton Fields, P.A.  
Post Office Box 3239  
Tampa, FL 33601-3239

AWARD

Following the presentation of all evidence in this proceeding, the arbitrators met in person on October 3, 2013, to determine an award, which by majority vote of the arbitrators is stated below:

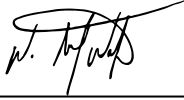
1. Funeral and probate expenses:	\$18,687.73
2. Present value of loss of net estate accumulations:	\$307,663.00
3. Loss of household services:	\$123,700.00
4. Past and future medical expenses: (by stipulation of the parties)	\$0.
5. Non-economic damages, awarded to Barbara J. Harvey for a 100% loss of capacity to enjoy life:	\$250,000.00
Present value of total award:	\$700,050.73

6. The parties have agreed to pay the arbitrators, Steven A. Strickland and Philip J. Spengler, at the rate of \$350.00 per hour. In addition to the days of arbitration hearing, the arbitrators have each spent 10 hours reviewing the evidence and deliberating to reach an award. Accordingly, no later than October 15, 2013, the Defendant shall pay to the arbitrators named above \$6,300.00 each. Defendant shall also pay for the costs of the arbitration proceeding, including the cost of the facility.

7. The parties have stipulated that reasonable attorney's fees and costs to be paid by the Defendant for the Claimant's attorney's fees and costs shall be 15% of the present value of the total award.

8. The parties have stipulated and the panel agrees that the Claimant having withdrawn her claim having to do with Medicare conditional payments and no evidence having been presented as to any medical expenses of any nature whatsoever, that no portion of this award reflects payment or reimbursement or consideration of any medical expenses. The matter of subrogation has not been raised nor considered by this panel.

DONE AND ORDERED this 4th day of October, 2013, in Tallahassee, Leon County, Florida.



---

W. DAVID WATKINS, Chief Arbitrator  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 4th day of October, 2013.

COPIES FURNISHED:

Edward J. Carbone, Esquire  
Carlton Fields, P.A.  
4221 West Boy Scout Boulevard, Suite 1000  
Post Office Box 3239  
Tampa, Florida 33607-5780  
ecarbone@carltonfields.com

Nathaniel W. Tindall, Esquire  
The Law Office of Nathaniel W. Tindall, II  
4012 North Florida Avenue  
Tampa, Florida 33603  
adrian@ntindall.com

Philip Jay Spengler II, Esquire  
Ogden and Sullivan, P.A.  
113 South Armenia Avenue  
Tampa, Florida 33609

Steven Strickland, Esquire  
Stuart & Strickland, P.A.  
203 North Armenia Avenue, Suite 102  
Tampa, Florida 33609

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of appeal with the Clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Appellate District where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.