

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

KATHLEEN P. FREDRICK, as  
Personal Representative of the  
Estate of GREGORY FREDRICK,

Claimant,

vs.

Case No. 15-3618MA

NELSON KAZIE, M.D.,

Defendant.

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FINAL ARBITRATION AWARD

The final arbitration hearing in this case was held before W. David Watkins, Chief Arbitrator; Jonathon Lynn, Esquire, Arbitrator; and F. Gregory Barnhart, Esquire, Arbitrator, on November 16 and 17, 2015, in West Palm Beach, Florida.

APPEARANCES

For Claimant: Christopher M. Larmoyeux, Esquire  
Larmoyeux and Bone, P.L.  
Suite 200  
550 South Quadrille Boulevard  
West Palm Beach, Florida 33401

For Defendant: Kevin P. O'Connor, Esquire  
Foley and Mansfield, P.L.L.P.  
Suite 1000  
4770 Biscayne Boulevard  
Miami, Florida 33137

AWARD

The following award was unanimously agreed to by the arbitration panel pursuant to section 776.207, Florida Statutes:

**PAST SUPPORT CLAIM**

1. LOSS OF SOCIAL SECURITY BENEFITS:	\$	26,400.00
2. LOSS OF INCOME:	\$	22,000.00
3. NET LOSS AFTER REDUCTION: TAXES AND PERSONAL CONSUMPTION	\$	35,382.00
4. CONTRIBUTIONS IN KIND:	\$	12,342.00
5. INTEREST (@ 4.75%):	\$	2,267.00
6. <b>TOTAL (add lines 3, 4, and 5):</b>	\$	49,991.00

**FUTURE SUPPORT CLAIM**

1. LOSS OF SOCIAL SECURITY BENEFITS:	\$	148,975.00
2. LOSS OF INCOME:	\$	34,200.00
3. NET LOSS AFTER REDUCTION: TAXES AND PERSONAL CONSUMPTION	\$	130,055.00
4. CONTRIBUTIONS IN KIND:	\$	70,980.00
5. TOTAL REDUCED TO PRESENT MONEY VALUE: (add lines 3 and 4)	\$	201,035.00

**LOSS OF SERVICES CLAIM**

**Kathleen**

1. PAST LOSS OF SERVICES:	\$	47,667.00
2. FUTURE LOSS OF SERVICES REDUCED TO PRESENT MONEY VALUE:	\$	254,030.00

**Corinne**

1. PAST LOSS OF SERVICES:	\$	24,024.00
2. FUTURE LOSS OF SERVICES REDUCED TO PRESENT MONEY VALUE:	\$	59,586.00

**FUNERAL EXPENSES CLAIM:** \$ 12,037.00

**LOSS OF CAPACITY TO ENJOY LIFE AS TO KATHLEEN:**  
\$ 250,000.00

**LOSS OF CAPACITY TO ENJOY LIFE AS TO CORINNE:**  
\$ 250,000.00

**LOSS OF COMPANIONSHIP AND  
PROTECTION AS TO KATHLEEN**

1. PAST LOSS: \$ 4,515.00  
(Fence and alarm)

**LOSS OF PARENTAL GUIDANCE,  
INSTRUCTION AND COMPANIONSHIP  
FOR CORINNE**

1. PAST LOSS: \$ 2,640.00  
(10 hours mo. assisting with horse shows)

2. FUTURE LOSS: \$ 6,547.97  
REDUCED TO PRESENT MONEY VALUE

**ADDITIONAL DAMAGES ALLOWABLE UNDER F.S. § 766.207<sup>1/</sup>**

1. ATTORNEY FEES AND COSTS: \$ 174,311.00

2. COSTS OF THE ARBITRATION: \$ 30,000.00  
(FEES TO PARTIES' ARBITRATORS)

**TOTAL ARBITRATION AWARD: \$1,366,384.00**

DONE AND ORDERED this 24th day of November, 2015, in  
Tallahassee, Leon County, Florida.



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W. DAVID WATKINS  
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 24th day of November, 2015.

ENDNOTE

<sup>1/</sup> The parties stipulated to the reasonable amounts to be paid for Claimant's attorney fees and costs, and to compensate Arbitrators Lynn and Barnhart.

COPIES FURNISHED:

Christopher M. Larmoyeux, Esquire  
Larmoyeux and Bone, P.L.  
Suite 200  
550 South Quadrille Boulevard  
West Palm Beach, Florida 33401  
(eServed)

Kevin Patrick O'Connor, Esquire  
Foley and Mansfield, P.L.L.P.  
Suite 100  
4770 Biscayne Boulevard  
Miami, Florida 33137  
(eServed)

Forrest Gregory Barnhart, Esquire  
Searcy, Denney, Scarola, Barnhart  
and Shipley, P.A.  
2139 Palm Beach Lakes Boulevard  
West Palm Beach, Florida 33409  
(eServed)

Casey D. Shomo, Esquire  
Casey D. Shomo, P.A.  
Tuscany Center, Suite 400  
8845 North Military Trail  
Palm Beach Gardens, Florida 33410

Jonathon P. Lynn, Esquire  
Chimpoulis, Hunter & Lynn, P.A.  
Suite 510  
150 South Pine Island Road  
Plantation, Florida 33324

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 administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the District Court of Appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.