

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JOHANSI ZUMOZA GARCIA,  
WILMER PEREZ, HER HUSBAND,  
SANTIAGO PEREZ, SEBASTIAN PEREZ,  
AND MARCELA PEREZ, THEIR MINOR  
CHILDREN,

Claimants,

vs.

Case No. 19-0167MA

KENDALL HEALTHCARE GROUP, LTD,  
d/b/a KENDALL REGIONAL MEDICAL  
CENTER,

Defendant.

\_\_\_\_\_ /

ARBITRATION AWARD

The final arbitration hearing in this case was held before June C. McKinney, Chief Arbitrator; Jay Cohen, Arbitrator; and Ilisa W. Hoffman, Arbitrator, from May 20 through 23, 2019, in Coral Gables, Florida.

APPEARANCES

For Claimants: Daniel Harwin, Esquire  
Freedland Harwin Valori, PL  
110 Southeast 6th Street, Suite 2300  
Fort Lauderdale, Florida 33301-5055

For Defendant: Oscar J. Cabanas, Esquire  
Teresita M. Baron, Esquire  
Robert E. Pardela, Esquire  
Wicker, Smith, O'Hara, McCoy & Ford, P.A.  
2800 Ponce De Leon Boulevard, Suite 800  
Coral Gables, Florida 33134

At the conclusion of the arbitration hearing and presentation of all evidence in this proceeding, the following award was unanimously agreed to by all three arbitrators on May 23, 2019, and announced to the parties the same day:

1. Past Medical Expenses:

Total \$197,060.00<sup>1/</sup>

2. 80% of Present Value of Past Wages and Future Lost Wages and Loss of Earning Capacity:

Total \$450,000.00\*

3. Present Money Value of Past and Future Loss of Household Services:

Total \$388,000.00\*

4. Present Money Value of Future Medical Expenses:

Total \$11,000,000.00

5. Non-economic Damages for 100% Loss of Capacity to Enjoy Life:

a. Johansi Zumoza Garcia	\$250,000.00
b. Wilmer Perez	\$250,000.00
c. Santiago Perez	\$250,000.00
d. Sebastian Perez	\$250,000.00
e. Marcela Perez	\$250,000.00

Total Arbitration Award: \$13,285,060.00

The parties have agreed to pay the arbitrators other than the Chief Arbitrator at the rate of \$750.00 per hour. Arbitrator Cohen and Arbitrator Hoffman shall submit invoices to Defendant for payment of their time preparing the case, hearing the matter, and deliberating the case, as well as reimbursement costs by June 7, 2019. Defendant shall also pay for the costs of the arbitration proceedings.

The Arbitration Panel determined that the reasonable attorney's fees and costs to be paid by Defendant for Claimants' attorney's fees and costs shall be 15% of the present value of the total award in the amount of \$1,992,759.00.

Ruling has been reserved as to the provisions for a periodic payment to the Claimants. The parties shall confer and attempt to come to an agreement regarding periodic payments pursuant to section 766.207(7)(c), Florida Statutes. The parties shall have ten days from the date of this written Arbitration Award by which to notify the undersigned in writing as to a joint periodic payment proposal or unilateral recommendation for the undersigned's consideration.

DONE AND ORDERED this 31st day of May, 2019, in Tallahassee, Leon County, Florida.



---

JUNE C. MCKINNEY  
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 31st day of May, 2019.

ENDNOTE

<sup>1/</sup> Each monetary amount that has an asterisk beside it is a stipulated amount by the parties.

COPIES FURNISHED:

Oscar J. Cabanas, Esquire  
Teresita M. Baron, Esquire  
Wicker, Smith, O'Hara, McCoy & Ford, P.A.  
2800 Ponce De Leon Boulevard, Suite 800  
Coral Gables, Florida 33134  
(eServed)

Robert E. Pardela, Esquire  
Wicker, Smith, O'Hara, McCoy & Ford, P.A.  
2800 Ponce De Leon Boulevard, Suite 800  
Coral Gables, Florida 33134

Daniel Harwin, Esquire  
Freedland Harwin Valori, PL  
110 Southeast 6th Street, Suite 2300  
Fort Lauderdale, Florida 33301-5055  
(eServed)

Ilisa W. Hoffman, Esquire  
Ilisa W. Hoffman, P.A.  
4601 Ponce de Leon Boulevard, Suite 350  
Coral Gables, Florida 33146

Jay Cohen, Esquire  
Cohen Blostein & Ayala, P.A.  
100 Southeast Third Avenue, Suite 1100  
Fort Lauderdale, Florida 33394  
(eServed)

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.