

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DAVID MARINO AS THE PERSONAL  
REPRESENTATIVE FOR THE ESTATE OF  
DOROTHE MARINO AND SURVIVORS,  
DAVID MARINO, TIFFANY SMITH AND  
AMBER MARINO,

Claimants,

vs.

Case No. 19-0654MA

HCA HEALTH SERVICE OF FLORIDA,  
INC., d/b/a ST. LUCIE MEDICAL  
CENTER,

Defendant.

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AMENDED FINAL ARBITRATION AWARD

The final arbitration hearing in this case was held before W. David Watkins, Chief Arbitrator; Maria P. Sperando, Arbitrator; and Scott H. Michaud, Arbitrator, from July 30 through August 2, 2019, in West Palm Beach, Florida.

APPEARANCES

For Claimants: Paul M. Silva, Esquire  
Peter J. Somera, Jr., Esquire  
Somera & Silva, LLP  
Suite 232W  
2255 Glades Road  
Boca Raton, Florida 33431

For Defendant: Adam W. Rhys, Esquire  
Amanda V. Ritucci, Esquire  
Wicker, Smith, O'Hara, McCoy  
and Ford, P.A.  
Suite 1600  
515 North Flagler Drive  
West Palm Beach, Florida 33401

AWARD

The following award was unanimously agreed to by the arbitration panel pursuant to section 776.207, Florida Statutes ("\*" indicates "stipulated" amounts):

1. Past Economic Damages	
a. Past Medical Bills	\$0.00*
b. Past Loss of Net Accumulations of the Estate of Dorothe Marino	\$18,637.00*
c. Past loss of household services	\$22,412.00*
d. TIFFANY SMITH	
Past loss of support and services provided by Dorothe Marino to Tiffany Smith	\$199,097.00
2. Future Economic Damages	
e. Present Value of Future Loss of Net Accumulations of the Estate of Dorothe Marino	\$195,531.00*
f. Present Value of Future loss of household services	\$744,303.00*
g. TIFFANY SMITH	
Present Value of Future loss of support and services provided by Dorothe Marino to Tiffany Smith	\$3,900,000.00
3. Non-economic Damages	
DAVID MARINO	\$250,000.00*
AMBER MARINO	\$250,000.00*
TIFFANY SMITH	\$250,000.00*
4. Funeral Expenses	\$2,770.00*

5. Section 766.207(e): interest on all accrued damages with respect to which interest would be awarded at trial (6.77% per annum)

Daily rate = .000185479 x 606 x past loss of support and contributions in kind provided by Dorothe Marino to Tiffany Smith plus past loss of net accumulations of the Estate of Dorothe Marino plus past loss of household services \$26,992.48

6. **Present value of economic and non-economic damages** \$5,859,742.48

7. Fees and costs 15% all Damages \$878,961.37

**TOTAL PRESENT VALUE ARBITRATION AWARD:** \$6,738,703.85

8. POST-ARBITRATION AWARD FEES TO BE PAID BY DEFENDANT:

Section 766.207(7)(g):

Defendant shall pay all the costs of the arbitration proceeding and shall pay all fees for all the Arbitrators other than the Administrative Law Judge. Defendant has agreed to pay the arbitrators, Maria P. Sperando and Scott H. Michaud, at the rate of \$750.00 per hour. Arbitrator Sperando and Arbitrator Michaud 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 August 16, 2019. Defendant shall also pay for the costs of the arbitration proceeding, including the cost of the facility.

DONE AND ORDERED this 15th day of August, 2019, in  
Tallahassee, Leon County, Florida.



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W. DAVID WATKINS, CHIEF ARBITRATOR  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 15th day of August, 2019.

COPIES FURNISHED:

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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.