

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

KEIRY GARAY AND KEIRY GARAY, AS  
CO-PERSONAL REPRESENTATIVES OF THE  
ESTATE OF GLADIS GARAY, DECEASED, ON  
THE BEHALF OF THE ESTATE OF GLADIS  
GARAY AND ON BEHALF OF JOSE GARAY,  
INDIVIDUALLY, AND ON BEHALF OF  
BEVERLY GARAY, JEFFREY GARAY,  
JOSE GARAY, JR., AND KASE GARAY,

Case No. 20-4950MA

Claimants,

vs.

MARGARET MGBEMENA, M.D.,

Defendant.

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ARBITRATION AWARD

The final arbitration hearing in this case was held before June C. McKinney, Chief Arbitrator; David Halberg, Arbitrator; and Ilisa Hoffman, Arbitrator, on June 16 through 18, 2021, by Zoom conference.

For Claimants: Nancy La Vista, Esquire  
Clark Fountain La Vista Prather  
Keen & Littky-Rubin  
1919 North Flagler Drive, Second Floor  
West Palm Beach, Florida 33407

For Defendant: Steven M. Lury, Esquire  
La Cava Jacobson & Goodis  
701 Northpoint Parkway, Suite 330  
West Palm Beach, Florida 33407

At the conclusion of the arbitration hearing and presentation of all evidence, the following award was agreed to by a majority vote of the arbitrators on June 18, 2021, and announced to the parties the same day:

1. Past Economic Damages:

a. Jose Garay, Sr. Past Loss of Services \$29,613.00

2. Future Economic Damages Reduced to Present Money Value:

a. Jose Garay, Sr. Loss of Services \$1,390,980.00

b. Beverly Garay Loss of Services \$97,613.00  
Set-off for Social Security \$(48,160.00)

Total \$49,453.00

b. Kasey Garay Loss of Services \$57,801.00  
Set-off for Social Security \$(48,160.00)

Total \$9641.00

3. Estate Funeral Expenses Claim: \$6,878.00

4. Medical Bills: \$457,401.33  
Set-off for lien \$(114,000.00)

Total \$343,401.33

4. Non-economic damages for 100% Loss of Capacity to Enjoy Life:

a. Jose Garay, Sr. \$250,000.00

b. Beverly Garay \$250,000.00

c. Jeffrey Garay \$250,000.00

d. Jose Garay, Jr. \$250,000.00

e. Kasey Garay \$250,000.00

Total Arbitration Award: \$3,079,966.33

The parties have agreed to pay Arbitrators Halberg and Hoffman at the rate of \$750.00 per hour. Accordingly, no later than 30 days from the date of this Arbitration Award, Defendant Margaret Mgbemena, M.D., shall pay each arbitrator other than the Chief Arbitrator. Defendant shall also pay for the costs of the arbitration proceeding.

The Arbitration Panel determined that the reasonable attorney's fees to be paid by Defendant for Claimants' attorney's fees shall be 15% of the present value of the total award, in the sum of \$461,994.95.

Ruling has been reserved as to the provisions for a periodic payment to 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 24th day of June, 2021, in Tallahassee, Leon County, Florida.



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JUNE C. MCKINNEY, Chief Arbitrator  
Administrative Law Judge  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 24th day of June, 2021.

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.