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SPECIAL REPORT: MOST EFFECTIVE LAWYERS 2016 | MONDAY, DECEMBER 5, 2016

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DAILY BUSINESS REVIEW

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# MOST EFFECTIVE LAWYERS of 2016

## MEDICAL MALPRACTICE

# Attorneys Opt for Arbitration, Win \$4.3 Million Award in Mother's Death

**Bonnie Navin, Robert Kelley and  
Kimberly Wald  
Kelley/Uustal**

Attorneys Bonnie Navin, Robert Kelley and Kimberly Wald made a risky move in choosing arbitration over trial in a case that likely would have tugged at jurors' heartstrings. But their decision paid off with a nearly \$4.3 million award.

The Kelley/Uustal attorneys were working to recover for the death of Patricia Belzi, 24, who died in a vegetative state months after losing oxygen to the brain during labor. They faced limited recovery for Belzi's survivors under Florida's medical malpractice arbitration statute.

The Coral Springs woman was 33 weeks pregnant when she was admitted to Plantation General Hospital for shortness of breath in August 2014. First responders placed her on oxygen, but the hospital staff removed the breathing aid and never replaced it. Belzi's condition worsened and her oxygen levels dropped as the emergency room doctor delayed intubation. By the time clinicians decided to intubate, Belzi had suffered irreparable brain damage. Her daughter, Abigail, was delivered via emergency Caesarean section. Belzi slipped into a vegetative state and died three months later.

The Kelley/Uustal attorneys had a tough decision. On the one hand,

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Navin, Wald

the case's emotional story suggested it would resonate with jurors. But on the other, Florida tort law limits recovery for noneconomic damages to \$250,000 per claimant.

Navin, Kelley and Wald opted for arbitration on behalf of Abigail Belzi and her father, Bernard, a church pastor, and prepared to demonstrate to the panel that the family

had suffered tremendous economic losses as a result of Patricia Belzi's death. They argued her future earnings and noneconomic losses to the

family would have been immense as the young woman would have been mother, wife, caregiver and eventual breadwinner as she advanced in the medical field.



Kelley

Hospital attorneys rejected the argument the family's losses should be based on Belzi's future occupational achievements and the potential earnings these might have generated.

But arbitrators disagreed and ruled in the Belzis' favor. They awarded \$1.81 million for loss of household services, \$1.4 million for loss of support and the statutory maximum of \$250,000 each for Bernard and Abigail Belzi.

The panel also awarded \$23,000 for funeral expenses, \$560,000 in legal fees and costs, and required Plantation General Hospital to cover all arbitration costs.

### Finalists

• Peter Spillis and Bonnie Navin, Kelley/Uustal