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AUG 31 1989

BUREAU OF RATES

FLORIDA DEPARTMENT OF INSURANCE
FLORIDA MEDICAL PROFESSIONAL LIABILITY
CLOSED CLAIM REPORTING FORM

8902935
DEPT. FILE NO.

INSURER'S CLAIM NUMBER: 135201

1. PRIMARY INSURER NAME: Caduceus Self Insurance Fund INSURER CODE: 44010 (See Table A)

2. EXCESS INSURER NAME: N/A INSURER CODE: (See Table A)

ORTOLANI

3a. HEALTH CARE PROVIDER: Ortolani, John August
(Last Name, First and Middle Name or Hospital Name from Table D)

3b. IF HEALTH CARE PROVIDER (above) IS A PHYSICIAN, DENTIST OR PODIATRIST ENTER DEPARTMENT OF PROFESSIONAL REGULATION LICENSE NUMBER: 0034710

3c. INSURED'S NAME: Same

STREET ADDRESS: 624 N. Halifax Drive

CITY: Ormond Beach STATE: FL ZIP: 32074 COUNTY CODE: 08 (See Table B)

4.

	POLICY NUMBER	PER CLAIM POLICY LIMITS	AGGREGATE POLICY LIMITS
PRIMARY INSURER:	100990	$1,000,000.00	$1,000,000.00
EXCESS INSURER:	N/A	$ N/A .00	$ N/A .00

5. IS THE INSURED PHYSICIAN A FOREIGN MEDICAL GRADUATE? ✓ (01) Yes ___ (02) No (If yes, enter the country in which primary medical education was received: Bologna, Italy IT

6. PROFESSION OR BUSINESS: (Check one)
- ✓ (01) Physicians & Surgeons
- ___ (02) Hospitals
- ___ (03) Podiatrists
- ___ (04) Dentist
- ___ (05) Abortion Clinics
- ___ (06) Ambulatory Surgical Centers
- ___ (07) Crisis Stabilization Unit
- ___ (08) Health Maintenance Organization

7. SPECIALTY CODE: 80261 (See Table C) (Applies to physicians, surgeons, and dentists. Use ISO Common Statistical Base Classification Codes.)

8. BOARD CERTIFICATION: (Check one)
- ✓ (01) In specialty coded in Item 7, above.
- ___ (02) In a different specialty.
- ___ (03) In the specialty in Item 7 and another. Enter the additional specialty code here: ___ (See Table C)
- ___ (04) Insured is not board certified.

9. PLACE WHERE INJURY OCCURRED: (Check one)
- ✓ (01) Hospital Inpatient Facility
- ___ (02) Emergency Room
- ___ (03) Hospital Outpatient Facility
- ___ (04) Nursing Home
- ___ (05) Physician's Office
- ___ (06) Patient's Home
- ___ (07) Other Outpatient Facility
- ___ (08) Other Location
- ___ (09) Other Hospital/Institution

10. IF PLACE OF INJURY (above) IS CHECKED AS ((08) OTHER), THEN PROVIDE A DESCRIPTION OF THE PLACE WHERE THE INJURY OCCURRED: N/A

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. NAME OF INSTITUTION: Halifax Hospital Medical Center INSTITUTION CODE: 100012 (See Table D)

. LOCATION OF INSTITUTIONAL INJURY: (Check one)

___ (01) Patient's Room	___ (05) Physical Therapy Dept.	___ (09) Radiology
___ (02) Operating Suite	___ (06) Nursery	✓ (10) Emergency Room
___ (03) Recovery Room	___ (07) Critical Care Unit	___ (11) Other _____
___ (04) Labor & Delivery Room	___ (08) Special Procedure Room	

. DATE OF OCCURRENCE: 03/10/86

DATE REPORTED TO INSURER: 08/20/87

. INJURED PERSON'S AGE: 53 Years (If less than one year, enter 00; if unknown, enter UNK.)

INJURED PERSON'S SEX: M (F) (Circle one)

.1 INJURED PERSON'S NAME: _____ _____
Last Name First and Middle Initial

STREET ADDRESS: _____

CITY: _____

5. FINAL DIAGNOSIS FOR WHICH TREATMENT WAS SOUGHT OR RENDERED: Convulsive disorder, Compression fracture of T12, Downs Syndrome. (LEAVE BLANK) 15. _____

6. DESCRIBE MISDIAGNOSIS MADE, IF ANY, OF THE PATIENT'S ACTUAL CONDITION: None 16. _____

17. DESCRIBE ACTION WHICH CAUSED CLAIM TO BE MADE: Permanent paraplegia. 17. _____

18. DESCRIBE THE OPERATION, DIAGNOSTIC OR TREATMENT PROCEDURE CAUSING THE INJURY. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE PROCEDURES USED. INCLUDE METHOD OF ANESTHESIA, OR NAME OF DRUG USED FOR TREATMENT, WITH DETAIL OF ADMINISTRATION: None 18. _____

19. DESCRIBE THE PRINCIPAL INJURY GIVING RISE TO THE CLAIM. USE NOMENCLATURE AND/OR DESCRIPTIONS OF THE INJURY. INCLUDE TYPE OF ADVERSE EFFECT FROM DRUGS WHERE APPLICABLE: Patient was not informed of any danger of the T12 fracture Resulting in permanent paraplegia. 19. _____

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20. SEVERITY OF INJURY: (check only one -- rate most serious injury if several are involved.)

__(01) Emotional only - Fright, no physical damage.

__(02) Insignificant - Lacerations, contusions, minor scars, rash. No delay.
Temp- __(03) Minor - - - - - Infections, misset fracture, fall in hospital. Recovery delayed.
orary __(04) Major - - - - - Burns, surgical material left, drug side effect, brain damage. Recovery delayed.

__(05) Minor - - - - - Loss of fingers, loss or damage to organs. Includes nondisabling injuries.
Perma- __(06) Significant - - Deafness, loss of limb, loss of eye, loss of one kidney or lung.
nent ✓(07) Major - - - - - Paraplegia, blindness, loss of two limbs, brain damage.
__(08) Grave - - - - - Quadraplegia, severe brain damage, lifelong care or fatal prognosis.

__(09) Death

21. DATE OF SUIT, IF ANY: 03/03/88

21.1 CIRCUIT COURT CASE NUMBER: 88-137-CIV-ORL-19

21.2 COUNTY CODE OF COUNTY SUIT FILED IN: 07 (SEE TABLE B)

22. LIST OTHER DEFENDANTS INVOLVED IN THIS CLAIM, THE INSURER'S NUMBER AND THE COMPANION CLAIM FILE ID NUMBER:

	DEFENDANT'S NAME (Last Name, First Name)	INSURER CODE NO.	INSURER FILE ID.
1)	Harrington, Michael P., M.D.	unk	unk
2)	Alhambra, Pedro M., M.D.	unk	unk
3)	Halifax Hospital Medical Center	unk	unk
4)			
5)			

23. WAS PLAINTIFF REPRESENTED BY AN ATTORNEY? (Check one)
✓(01) Yes __(02) No

24. DATE OF FINAL CLAIM DISPOSITION: 08/01/89

25. FINAL METHOD OF CLAIM DISPOSITION:
✓(01) Settled by parties.
__(02) Disposed of by a court.
__(03) Disposed of by arbitration.

26. STAGE OF THE LEGAL SYSTEM AT WHICH SETTLEMENT WAS REACHED OR AWARD MADE: (Check one)
__(01) Within the presuit period as set forth in Section 768.57, Florida Statute (usually within 90 days).
__(02) After arbitration is initiated or prior to suit being filed.
__(03) Within 90 days of suit being filed.
✓(04) More than 90 days after suit filed and prior to or during the course of mandatory settlement conference.
__(05) During trial but before court verdict.
__(06) After court verdict and prior to filing of notice of appeal.
__(07) After notice of appeal is filed or post-judgement relief or action is required for recovery.
__(08) During appeal.
__(09) After appeal.
__(10) Claim or suit abandoned.

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COURT: (Check one)

✓ (01) No court proceedings.
__(02) Directed verdict for plaintiff.
__(03) Directed verdict for defendant.
__(04) Judgment notwithstanding the verdict for plaintiff.
__(05) Judgment notwithstanding the verdict for defendant.
__(06) Judgment for the plaintiff.
__(07) Judgment for the defendant.
__(08) Judgment for the plaintiff after appeal.
__(09) Judgment for the defendant after appeal.
__(10) Other
__(11) Summary judgment for the plaintiff.
__(12) Summary judgment for the defendant.

ARBITRATION: (Check one)

✓ (01) Claim not subject to arbitration.
__(02) Claim subject to arbitration, but settlement reached in lieu of award.
__(03) Award for plaintiff.
__(04) Award for defendant.

. Was there an itemized verdict? (Check one)
__(01) Yes ✓ (02) No (If yes, please attach copy of settlement or verdict.)

. INDEMNITY PAID BY YOU ON BEHALF OF THIS DEFENDANT: - $ 230,000 .00

.1 AMOUNT OF DEDUCTIBLE PAID BY THIS DEFENDANT: - $ 0 .00

. INDEMNITY PAID BY EXCESS CARRIER ON BEHALF OF THIS DEFENDANT: - - - - - - - - - - - - - - - $ 0.00

:. LOSS ADJUSTMENT EXPENSE PAID TO DEFENSE COUNSEL: - $ 24,302 .00

). ALL OTHER LOSS ADJUSTMENT EXPENSE PAID: - $ 13633 .00

. NUMBER OF DAYS OF INJURED PERSON'S WAGE LOSS PAID TO DATE: - - - - - - - - - - - - - - - unk days

5. ESTIMATED NUMBER OF FUTURE DAYS OF INJURED PERSON'S WAGE LOSS: - - - - - - - - - - - - unk. days

6. INJURED PERSON'S GROSS WEEKLY INCOME: - $ unk. .00

7. INJURED PERSON'S TOTAL ECONOMIC LOSS:

	MEDICAL	WAGE LOSS	OTHER EXPENSES
A) INCURRED TO DATE - - - -	$ unk .00	$ unk .00	$ unk .00
B) ESTIMATED FUTURE - - - -	$ unk .00	$ unk .00	$ unk .00

8. AMOUNT PAID FOR INJURED PERSON'S NON-ECONOMIC LOSS: - - - - - - - - - - - - - - - - - - - $ 230,000 .00

9. IF A STRUCTURED SETTLEMENT OR PERIODIC PAYMENTS USED IN THIS CLAIM:

A) PRESENT VALUE OF PERIODIC PAYMENTS - $ N/A .00

B) COST TO THE INSURER OF THE PAYMENTS - $ N/A .00

C) TOTAL EXPECTED PAYMENT TO PLAINTIFF - $ N/A .00

D) DID YOU PURCHASE AN ANNUITY? __ (01) Yes ✓ (02) No

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40. BRIEFLY DESCRIBE THE STRUCTURED SETTLEMENT INCLUDING HOW IT IS FINANCED: N/A

41. TYPE OF NON-ECONOMIC DAMAGE LIMIT: (Check one)

___ (01) No limit (neither party requests or agrees to voluntary binding arbitration).
___ (02) No limit (defendant refuses claimant's offer of voluntary binding arbitration).
___ (03) $250,000 limit (both parties accept arbitration). (See Item 42 for exception.)
___ (04) $350,000 limit (plaintiff rejects arbitration).
✓ (05) Does not apply because occurrence happened before the 02-08-88 law.

42. IF (03) IS CHECKED IN ITEM 41 AND THE LIMIT ON NON-ECONOMIC DAMAGES IS DIFFERENT THAN $250,000, THEN INDICATE THE MODIFIED LIMIT: - $ N/A .00

43. COLLATERAL SOURCE INFORMATION:
ENTER TO THE NEAREST PERCENT (use no decimals) THE PERCENT RECOVERY FOR ECONOMIC LOSS FROM:

A. 80 % Health
B. ___ % Disability
C. ___ % Workers' Compensation
D. ___ % Automobile
E. ___ % Medicare, Medicaid & Social Security
F. ___ % Other sources, specify: _____

44. SAFETY MANAGEMENT STEPS TAKEN BY INSURED TO MAKE SIMILAR OCCURRENCES LESS LIKELY: Unknown

CONTACT PERSON: Clive Smith ADDRESS 5430 NW 33 Ave., Suite 100
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