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IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FOURTH DISTRICT

CASE NO.: 4D16-2652

PLANTATION GENERAL HOSPITAL L.T.# 15-3711 MA
LIMITED PARTNERSHIP d/b/a Florida Dep't of Admin. Hearings
PLANTATION GENERAL HOSPITAL

Appellant,

vs.

BERNARD BELZI, individually and as
Personal Representative of the Estate of
Patricia Belzi, deceased, and as legal
guardian and parent of A.B., minor

Appellee.

**APPELLEE BERNARD BELZI'S MOTION OR REQUEST FOR ORAL
ARGUMENT**

The undersigned counsel for appellee, BERNARD BELZI, individually and as Personal Representative of the Estate of Patricia Belzi, deceased, and as legal guardian and parent of A.B., a minor, files this Motion or Request for Oral Argument in this cause and would show the Court as follows:

1. This is a special statutory appeal under Florida Statute §766.212 from a unanimous decision of an arbitration panel established and regulated under Florida Statute §766.207 of the Medical Malpractice Act.

2. Pursuant to those statutes and three decisions of the Florida Supreme Court [most recently *Franks v. Bowers*, 116 So. 3d 1240, 1248 (Fla. 2013)] any review of an award from such a panel is extremely limited, requiring a showing that the award represents a “manifest injustice”.
3. Further, the principal issues selected by the appellant to seek review on are, at their base, essentially evidentiary questions which also have an inherently limited scope of review, under ordinary appellate standard of review limitations. These procedures are reinforced further by the fact that all such evidentiary questions are relaxed in medical malpractice arbitrations. Florida Statute §120.569(g). In fact, under the strictly balanced statutory construct for such appeals, these discretionary fact and evidentiary issues are not even available for limited appellate review. Florida Statute §120.68.
4. These factors are largely ignored by appellant, and in the face of that, it would seem that the benefit of oral argument is limited if present at all.
5. However, should the Court wish to discuss these controlling principals with counsel, or otherwise feel that oral argument might benefit the decision in this cause, the undersigned will of course be happy to appear for any oral argument scheduled, and therefore this request is made.

Respectfully submitted,

/s/ Paul R. Regensdorf
Paul R. Regensdorf

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail this 10th day of March 2017, to all counsel on the service list below.

By: /s/ Paul R. Regensdorf

SERVICE LIST

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