

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
OFFICE OF THE JUDGES OF COMPENSATION CLAIMS  
LAKELAND DISTRICT OFFICE

Leonora S. Sarbin,  
Employee/Claimant,

OJCC Case No. 18-004733RAA

vs.

Accident date: 11/7/2016

Consulate Health Care, d/b/a Lavie Care  
Centers, d/b/a Wedgewood Healthcare  
Center/Gallagher Bassett Services, Inc.,  
and American Zurich Insurance Company,  
Employer/Carrier/Service Agent.

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Judge: Robert A. Arthur

ORDER APPROVING MOTION TO ENFORCE SETTLEMENT

This matter came before the undersigned on the Employer/Carrier/Service Agent's (E/C/SA) Motion to Enforce Settlement Agreement. A hearing was held on this matter on August 23, 2018. Present in the hearing room were the claimant, Leonora S. Sarbin, her husband, Elvis Morales, her attorney R.A. Patterson, and Paul T. Terlizzese counsel for the E/C/SA. Oral testimony was received from the claimant.

**Documentary Evidence**

Employer/Service Agent

1. E/SA's Motion to Enforce (with Attachments) filed July 25, 2018 at DN 36.

**Findings of Fact and Law**

In making my findings of fact and conclusions of law in this claim, I have carefully considered and weighed all of the testimony and evidence presented. I have resolved all of the conflicts in the testimony and documentary evidence. I have not attempted to painstakingly summarize the substance of the parties' arguments, nor the support given to my conclusions by the various documents submitted and accepted into evidence; nor have I attempted to state nonessential facts. Because I have not done so does not mean that I have failed to consider all of the evidence. In making my findings of fact and conclusions of law in this claim, I have carefully considered and weighed all evidence submitted to me. I have considered arguments of counsel for the respective parties, and analyzed statutory and decisional law of Florida. Based upon the foregoing, the evidence, and the applicable law, I make the following determinations:

I have jurisdiction over the parties and the subject matter of this claim, see Jacobsen V. Ross Stores and Sedgwick Claims, 882 So.2d 431 (FL 1<sup>st</sup> DCA 2004)

Venue is in Polk County, Florida.

I find the parties attended mediation in front of State Mediator Paul Harwood on June 20, 2018.

As a result of that mediation the parties reached a lump-sum settlement of all rights and obligations under Chapter 440, of the Florida Statutes. At the mediation a mediation settlement agreement was drafted and signed by the parties, including the claimant, Leonora S. Sarbin.

Ms. Sarbin testified she speaks and understands English and reads and writes English. She further testified she read and understood the mediation agreement and all her questions were answered by her counsel or Mr. Harwood, the mediator, at the time of signing.

I find the terms and language of the mediation settlement agreement are clear and unequivocal and that the claimant understood the terms of the agreement when signing. As such, I find the parties reached a settlement of the claimant's Workers' Compensation case arising out of her November 7, 2016 accident.

**Wherefore:**

1. The motion to enforce settlement is **GRANTED**.
2. As of June 20, 2018 the EC is relieved of and released from any and all liability for each and every classification of benefits pursuant to Chapter 440 for or on behalf of the claimant as a result of the industrial accident and injury of November 7, 2016.
3. The claimant's attorney is entitled to an attorney's fee and recovery of costs, if any, and upon submission of the appropriate paperwork the same shall be considered for approval. The amount of the attorney's fees and any costs shall be deducted from the settlement proceeds due the claimant.

DONE AND ORDERED this 23rd day of August, 2018, in Lakeland, Polk County, Florida.



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Robert A. Arthur  
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