

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JOHN ROMINE AND REBECCA ROMINE, )  
on behalf of and as parents and )  
natural guardians of LOREN )  
ROMINE, a minor, )  
 )  
Petitioners, )  
 )  
vs. ) Case No. 01-2411N  
 )  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
 )  
Respondent. )  
\_\_\_\_\_ )

FINAL ORDER APPROVING STIPULATION AND JOINT PETITION FOR  
COMPENSATION OF CLAIM ARISING OUT OF FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY PURSUANT TO CHAPTER 766, FLORIDA STATUTES

This cause came on to be heard pursuant to Sections 766.304 and 766.305(6), Florida Statutes,<sup>1</sup> upon the stipulation and joint petition of the parties, filed July 2, 2004, for the entry of an order approving the resolution of a formal claim for compensation benefits heretofore filed in this cause in accordance with the provisions of Chapter 766, Florida Statutes, and a resolution of the exclusive remedy otherwise available as outlined in Chapter 766, Florida Statutes.

By the terms of their stipulation, the parties have agreed, inter alia, that Petitioners (Claimants), John Romine and Rebecca Romine, as the parents of Loren Romine, a minor, receive

from Respondent a lump sum payment of One hundred thousand dollars (\$100,000.00), as authorized by Section 766.31(1)(b)1, Florida Statutes; that Claimants receive from Respondent a lump sum payment of Four hundred fifteen thousand four hundred ninety-five dollars and ninety-one cents (\$415,495.91), for medical expenses (custodial care, nursing expenses, medical equipment and supplies, prescriptions, specialty foods, therapy expenses, and travel and vehicle expenses) incurred from January 26, 1998, through December 31, 2003, as authorized by Section 766.31(1)(a), Florida Statutes; and that Respondent pay McMillen, Reinhart & Voght, P.A., attorneys for Claimants, an agreed-upon attorneys' fee of Thirty-five thousand six hundred eighty dollars (\$35,680.00), and costs of Seven thousand fifty-two dollars and thirty-four cents (\$7,052.34), as reasonable expenses incurred in connection with the filing of the claim, including all appellate fees and costs, as authorized by Section 766.31(1)(c), Florida Statutes.

After due consideration of the interests of all parties, and being otherwise fully advised in the premises, it is

ORDERED that:

1. The stipulation of the parties, filed July 2, 2004, is hereby approved, and the parties are directed to comply with the terms thereof.

2. Petitioners, John Romine and Rebecca Romine, as the parents of Loren Romine, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Sections 766.31(1)(b)1, Florida Statutes, to be paid in lump sum.

3. Petitioners, John Romine and Rebecca Romine, as the parents of Loren Romine, a minor, are awarded Four hundred fifteen thousand four hundred ninety-five dollars and ninety-one cents (\$415,495.91), pursuant to Sections 766.31(1)(a), Florida Statutes, for expenses incurred through December 31, 2003, to be paid in lump sum.

4. Respondent shall pay McMillen, Reinhart & Voght, P.A., attorneys for Claimants, an attorneys' fee of Thirty-five thousand six hundred eighty dollars (\$35,680.00) and costs of Seven thousand fifty-two dollars and thirty-four cents (\$7,052.34), as reasonable expenses incurred in connection with the filing of the claim, including all appellate fees and costs, pursuant to Section 766.31(1)(c), Florida Statutes.

5. Upon payment of the award of One hundred thousand dollars (\$100,000.00) to the Petitioners; payment of the award of Four hundred fifteen thousand four hundred ninety-five dollars and ninety-one cents (\$415,495.91), to the Petitioners for expenses incurred through December 31, 2003; and payment of the award of Forty-two thousand seven hundred thirty-two dollars and thirty-four cents (\$42,732.34) for attorneys' fees and costs

incurred in connection with the filing of the claim, including all appellate fees and costs, the claims of Petitioners shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under the provisions of Section 766.31, Florida Statutes, to pay future expenses (those incurred after December 31, 2003), as incurred.

6. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any dispute as to the interpretation of any provision of the parties' stipulation and to resolve any disputes, should they arise, regarding the parties' compliance with the terms of such stipulation.

DONE AND ORDERED this 8th day of July , 2004, in Tallahassee, Leon County, Florida.



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WILLIAM J. KENDRICK  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 8th day of July, 2004.

ENDNOTE

1/ All citations are to Florida Statutes (2004) unless otherwise indicated.

COPIES FURNISHED:

(via Certified Mail)

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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 Sections 120.68 and 766.311, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original of a notice of appeal with the Agency Clerk of the Division of Administrative Hearings and a copy, accompanied by filing fees prescribed by law, with the appropriate District Court of Appeal. See Section 766.311, Florida Statutes, and Florida Birth-Related Neurological Injury Compensation Association v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992). The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.