

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SIMONE HOUVARDAS AND PAUL)
HOUVARDAS, INDIVIDUALLY AND AS)
PARENTS AND NATURAL GUARDIANS)
OF GEORGE HOUVARDAS, A MINOR,)
)
Petitioners,)
)
vs.) Case No. 06-4141N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
KATHARINE WEINSTOCK, M.D. AND)
ROSEWATER, LERNER, RUDOLPH and)
ASSOCIATES, M.D., P.A., d/b/a)
TAMPA BAY WOMEN'S HEALTHCARE)
ALLIANCE, LLP, a/k/a TAMPA BAY)
WOMEN'S CARE,)
)
Intervenors.)
_____)

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(7), Florida Statutes, upon the Stipulation and Joint Petition of the parties, filed April 16, 2008, 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.¹

By the terms of their stipulation, Respondent (NICA) has agreed to pay Petitioners the following benefits under the Plan:

a) The Petitioners shall receive from NICA a lump sum payment of One Hundred Thousand (\$100,000) Dollars. This payment is authorized pursuant to Section 766.31(1)(b), Florida Statutes.

b) NICA will reimburse Florin Roebig, P.A., attorneys for the Petitioner[s], an agreed upon attorney's fee of \$17,500.00 and costs of \$2,500.00, totaling \$20,000.00 in full for services rendered in the filing of this claim.

c) NICA will pay all benefits, past and future, as authorized by Section 766.31, Florida Statutes. Payment of past benefits under Section 766.31(a), Fla. Stat., shall be subject to the provisions of Paragraph 21 of this Stipulation.

d) NICA will pay to the Petitioners within thirty (30) days of the Order approving this Stipulation the sum of \$25,376.60 for past medical bills incurred. Petitioners have submitted an additional sum which is still under consideration and/or dispute and, therefore, is not part of this Stipulation.

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

ORDERED that:

1. The Stipulation and Joint Petition of the parties, filed April 16, 2008, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Upon payment of the award of One hundred thousand dollars (\$100,000.00), attorney's fees and other expenses of Twenty thousand dollars (\$20,000.00), and past expenses of Twenty-five thousand three hundred seventy six dollars and sixty cents (\$25,376.60), the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for any additional sum which may still be under consideration or in dispute regarding past expenses, and except for Respondent's continuing obligation under the provisions of Section 766.31(2), Florida Statutes, to pay future expenses as incurred.

3. The parties are accorded 30 days from the date of this order to resolve, subject to approval by the administrative law judge, the amount owing for any sums in excess of the sums heretofore awarded for past expenses. If not resolved within such period, the parties shall so advise the administrative law judge, and a hearing will be scheduled to resolve such issues. Once resolved, an award will be made consistent with Section 766.31, Florida Statutes.

4. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes should they arise, regarding the parties' compliance with the terms of this Final Order.

DONE AND ORDERED this 28th day of May, 2008, in
Tallahassee, Leon County, Florida.



WILLIAM J. KENDRICK
Administrative Law Judge
Division of Administrative Hearings
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1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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Filed with the Clerk of the
Division of Administrative Hearings
this 28th day of May, 2008.

ENDNOTE

1/ At the time the stipulation was filed, an appeal from the Final Order on Compensability and Notice, dated November 26, 2007, was pending before the District Court of Appeal of the State of Florida, Second District, Case No. 2D07-5949. By Order of May 16, 2008, the Second District Court of Appeal relinquished jurisdiction "to allow the administrative law judge to enter an order on the petitioners' and respondent's stipulation."

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.