

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ROCK POLLOCK, SR., AND SHAWNA)
M. POLLOCK, on behalf of and as)
parents and natural guardians)
of ROCK POLLOCK, JR., a minor,)
)
Petitioners,)
)
vs.) Case No. 08-4224N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
LAURA L. DANNER, CNM, GULF)
COAST OBSTETRICS & GYNECOLOGY,)
LTD, f/k/a CORCORAN, EASTERLING)
& DOYLE-VALLERY, LTD., AND)
SARASOTA COUNTY PUBLIC HOSPITAL)
DISTRICT,)
)
Intervenors.)
_____)

FINAL ORDER APPROVING STIPULATION

This cause came on for consideration upon Petitioners' and Respondent's Stipulation Resolving Claims for Benefits filed with the Division of Administrative Hearings on October 31, 2012.

On June 6, 2012, Petitioners filed a Motion for Emergency Hearing to Determine if Feeding Supplies and Foods are Covered for Rock, Jr., under Florida Statutes 766.301-766.316.

Petitioners and Respondent have come to an agreement regarding the issues raised in the motion. They have agreed as follows:

NICA agrees to reimburse the Petitioners their actual cost of purchasing feeding bags not to exceed \$650.00 a month.

NICA will continue to provide Petitioners with 30 Mic-Key extensions and 30 syringes per month for use in conjunction with the feeding bags.

If Petitioners' actual cost of the feeding bags or the number of Mic-Key extensions or syringes ever increase above the amount allowed by this agreement, Petitioners may seek modification of this agreement. Additionally, if Rock, Jr. Pollock's diet ever changes Petitioners may also seek modification of this agreement.

Additionally, Petitioners and Respondent have agreed that Petitioners' counsel is entitled to payment of a reasonable attorney fee and incurred costs pursuant to 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:

1. Petitioners' and Respondent's stipulation is approved.
2. The parties shall abide by the terms of the Stipulation Resolving Claims for Benefits.
3. The parties are accorded 30 days from the date of this Order to resolve, subject to the approval of the Administrative Law Judge, the amount of a reasonable attorney's fee and

incurred costs pursuant to section 766.31(1)(c), or to schedule a hearing thereon.

DONE AND ORDERED this 8th day of November, 2012, in Tallahassee, Leon County, Florida.

Susan Belyeu Kirkland

SUSAN BELYEU KIRKLAND
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 November, 2012.

COPIES FURNISHED:

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Review of a final order of an administrative law judge shall be by appeal to the District Court of Appeal pursuant to section 766.311(1), Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy, accompanied by filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. See § 766.311(1), Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n v. Carreras, 598 So. 2d 299 (Fla. 1st DCA 1992).