

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

GLEND A FLOWERS AND JOSHUA )  
ROBERT STORM, ON BEHALF OF AND )  
AS PARENTS AND NATURAL )  
GUARDIANS OF ETHON ROBERT )  
STORM, A MINOR, )  
)  
Petitioners, )  
)  
vs. ) Case No. 08-6406N  
)  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
)  
Respondent, )  
)  
and )  
)  
WINTER HAVEN HOSPITAL, INC., )  
VINCENT W. GATTO, M.D., TONYA )  
NICHOLSON, C.M.N., and BOND & )  
STEELE CLINIC, P.A., d/b/a BOND )  
CLINIC, P.A., )  
)  
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 Petitioners and Respondent, filed June 15, 2009, 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, Petitioners and Respondent have agreed that Glenda Flowers and Joshua Robert Storm, are the parents and natural guardians of Ethon Robert Storm (Ethon), a minor; that Ethon was born a live infant on September 8, 2006, at Regency Medical Center, a "hospital" as defined by Section 766.302(6), Florida Statutes, located in Winter Haven, Florida; and that Ethon's birth weight exceeded 2,500 grams. Petitioners and Respondent have further agreed that Vincent W. Gatto, M.D., delivered obstetrical services at Ethon's birth and, at all times material hereto, was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by Section 766.302(7), Florida Statutes. Finally, by their stipulation, Petitioners and Respondent have agreed that Ethon suffered a "birth-related neurological injury," as that term is defined by Section 766.302(2), 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 and Joint Petition, filed June 15, 2009, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Glenda Flowers and Joshua Robert Storm, as the parents and natural guardians of Ethon Robert Storm, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to Section 766.31(1)(b)1., Florida Statutes, to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), attorney's fees and other expenses of Five thousand seven hundred and fifty dollars (\$5,750.00), and past expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under Section 766.31(2), Florida Statutes, to pay future expenses as incurred.

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 29th day of June, 2009, 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 29th day of June, 2009.

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.