

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ROBIN GRILLAKIS AND MICHAEL)
GRILLAKIS, individually and as)
parents and next friends of)
JULIAN GRILLAKIS, a minor,)
)
Petitioners,)
)
vs.) Case No. 10-5369N
)
FLORIDA BIRTH-RELATED)
NEUROLOGICAL INJURY)
COMPENSATION ASSOCIATION,)
)
Respondent,)
)
and)
)
ORLANDO HEALTH, INC., BARBARA)
HANSON, CNM, AND MARDI J.)
BISHOP, M.D.,)
)
Intervenors.)
_____)

FINAL ORDER APPROVING STIPULATION
FOR ENTRY OF AN AWARD

This cause came on for consideration upon the Stipulation and Joint Petition for Compensation of Claim Arising Out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes, filed December 13, 2011.

By an agreed Order entered May 3, 2011, Respondent NICA's proposal to accept the claim of Robin Grillakis and Michael Grillakis individually and as parents and next friends of Julian Grillakis, a minor, was approved, pursuant to section

766.305(7), Florida Statutes. The Order contained a provision that its ruling would be included in the final order when entered.

The Stipulation and Joint Petition filed December 13, 2011, is fully executed by all parties and seeks a final order approving the resolution of the formal claim for compensation benefits heretofore filed.

By the terms of that certain stipulation filed December 13, 2011, the parties have agreed that Robin Grillakis and Michael Grillakis are the parents and legal guardians of Julian Grillakis (Julian), a minor; that Julian was born a live infant on or about September 14, 2008, at South Seminole Hospital, a fictitious entity owned by Orlando Health, Inc., a hospital located in Longwood, Orange County, Florida, which is the "hospital" as defined by section 766.302(6); and that Julian's birth weight exceeded 2,500 grams. The parties have further agreed that Certified Nurse Midwife Barbara Hanson, under the supervision of Mardi J. Bishop, M.D., delivered obstetrical services at Julian's birth, and that at all times material hereto, Dr. Bishop was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). Finally, by their stipulation, the parties have agreed that Julian suffered a

"birth-related neurological injury," as that term is defined by section 766.302(2).

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 December 13, 2011, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioners, Robin Grillakis and Michael Grillakis, as the parents and legal guardians of Julian Grillakis, a minor, are awarded One hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid forthwith by Respondent in lump sum.

3. Respondent also shall forthwith pay to Allison McMillen, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of Ten thousand dollars (\$10,000.00) and expenses (costs) of Four hundred, eighty-eight dollars and twenty-six cents (\$488.26), totaling Ten thousand, four hundred eighty-eight dollars and twenty-six cents (\$10,488.26) for services to date.

4. Upon payment of the award of One hundred thousand dollars (\$100,000.00), attorney's fees and other expenses, and past benefits/expenses, the claims of Petitioners (Claimants) shall be deemed fully satisfied and extinguished, except for the

issues reserved in paragraph 12 of the parties' Stipulation and Joint Petition (the single parent award as expressed in Samples v. NICA, (SC 10-1295)), including attorney's fees and costs the Petitioners may be entitled to as a result thereof, and Respondent's continuing obligation under section 766.31(2), to pay future expenses as incurred.

5. With regard to any dispute regarding past benefits/expenses, a hearing will be scheduled by a separate notice of hearing to address those issues. As for the date of hearing, the parties shall, within 45 days of the date of this Order, advise the undersigned Administrative Law Judge, with specificity, whether or not any past expenses remain in dispute, and if they do remain in dispute, of several mutually-agreeable dates for hearing on that dispute and of the time required for such hearing.

6. With regard to the issues reserved in paragraph 12 of the parties' Stipulation, the parties are affirmatively charged with notifying the undersigned immediately of the disposition of the Samples case and of whether or not (and when) they will require a hearing on the issues of paragraph 12 of their Stipulation.

7. 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 Order.

DONE AND ORDERED this 20th day of December, 2011, in Tallahassee, Leon County, Florida.



ELLA JANE P. DAVIS
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of December, 2011.

COPIES FURNISHED:
(Via certified mail)

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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).