

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JESSICA ALLEY on behalf of and )  
as parent and natural guardian )  
of JERRY BOHANNON, JR., )  
deceased, )  
)  
Petitioner, )  
)  
vs. ) Case No. 11-1165N  
)  
FLORIDA BIRTH-RELATED )  
NEUROLOGICAL INJURY )  
COMPENSATION ASSOCIATION, )  
)  
Respondent, )  
)  
and )  
)  
JOHN FERLITA, M.D., )  
)  
Intervenor. )  
\_\_\_\_\_ )

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 for consideration, pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition of the parties, filed May 19, 2011, 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.

By the terms of their Stipulation, the parties have agreed that Petitioner, Jessica Alley, is the parent and legal guardian of Jerry Bohannon, Jr. (Jerry), a deceased minor; that Jerry was born a live infant on April 13, 2010, at Pasco Regional Medical Center, a "hospital," as defined by section 766.302(6); and that Jerry's birth weight was 2,770 grams, exceeding the statutory 2,500 grams. The parties have further agreed that the physician delivering obstetrical services at Jerry's birth was John Ferlita, M.D., who, 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). Finally, by their stipulation, the parties have agreed that Jerry suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), and died on April 16, 2010.

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 May 19, 2011, is hereby approved, and the parties are directed to comply with the provisions thereof.

2. Petitioner, Jessica Alley, as the parent and legal guardian of Jerry Bohannon, Jr., a deceased minor, is awarded One hundred thousand dollars (\$100,000.00), pursuant to section

766.31(1)(b)1., and a death benefit of Ten thousand dollars (\$10,000.00), pursuant to section 766.31(1)(b)2., to be paid in lump sum.

3. Upon payment of the award of One hundred thousand dollars (\$100,000.00), a death benefit of Ten thousand dollars (\$10,000.00), payment of past benefits under section 766.31(1)(a), and payment of reasonable attorney's fees and expenses as hereafter set out, the claims of Petitioner (claimant) shall be deemed fully satisfied and extinguished.

4. No provision is made under section 766.31(2), to pay future benefits/expenses, because the child, Jerry, is deceased.

5. Petitioner's and Respondent's stipulation for Respondent to pay Charles T. Moore, Esquire, attorney for Petitioner, Seven thousand three hundred twenty dollars (\$7,320.00) and expenses of One thousand six hundred eighty dollars and thirty-nine cents (\$1,680.39) totaling Nine thousand dollars and thirty-nine cents (\$9,000.39) in full for services rendered, pursuant to section 766.31(1)(a), is hereby approved and shall be paid forthwith.

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, including but not limited to past

expenses, should they arise, regarding the parties' compliance with the terms of such stipulation and this Final Order.

DONE AND ORDERED this 27th day of May, 2011, in Tallahassee, Leon County, Florida.



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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 27th day of May, 2011.

COPIES FURNISHED:  
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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 § 766.311, Fla. Stat., and Fla. Birth-Related Neurological Injury Comp. Ass'n 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.