

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

VANN EASTON AND ANDREA SORTINO,
on behalf of and as parents and
natural guardians of ASHTON C.
EASTON,

Petitioners,

vs.

Case No. 12-3167N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

ST. PETERSBURG GENERAL HOSPITAL,

Intervenor.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305(7), Florida Statutes, upon the Stipulation and Joint Petition for Compensation of Claims Arising out of Florida Birth-Related Neurological Injury Pursuant to Chapter 766, Florida Statutes (Stipulation and Joint Petition), filed with the Division of Administrative Hearings on June 3, 2013, for the entry of an order approving the resolution of a claim for compensation benefits filed in accordance with the

provisions of chapter 766 and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their stipulation, Petitioners, Vann Easton and Andrea Sortino, on behalf of and as parents and natural guardians of Ashton C. Easton, a minor; Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA); and Intervenor, St. Petersburg General Hospital (collectively, the Parties) have agreed that Vann Easton and Andrea Sortino are the parents and legal guardians of Ashton C. Easton (Ashton), a minor; that Ashton was born a live infant on or about August 18, 2010, at St. Petersburg General Hospital, a "hospital" as defined by section 766.302(6) located in St. Petersburg, Florida; and that Ashton's birth weight exceeded 2,500 grams. The Parties have further agreed that Romeo Acosta, Jr., M.D., provided obstetrical services at Ashton's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Ashton suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Ashton's permanent and substantial mental and physical impairments.

It is ORDERED:

1. The Stipulation and Joint Petition filed on June 3, 2013, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Vann Easton and Andrea Sortino, as the parents and legal guardians of Ashton C. Easton, a minor, are awarded \$100,000.00, pursuant to section 766.31(1)(b)1, to be paid as a lump sum; payment of benefits up to and including the effective date of the Joint Stipulation and Petition pursuant to section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition; and payment of future expenses as incurred.

3. Respondent shall pay Chafica A. Singha, Esquire, attorney for Petitioners, the reasonable expenses incurred in connection with the filing of this claim. Within 30 days of the date of this Order the Parties shall advise whether Petitioners and Respondent have agreed upon the amount of expenses due to Chafica A. Singha, Esquire. If the parties have not agreed upon the amount, the parties shall advise the undersigned Administrative Law Judge of the matters remaining in dispute, several mutually agreeable dates for hearing, and of the time required for such hearing, and a hearing will be scheduled by a separate notice of hearing.

4. Upon the payment of the award of \$100,000.00, expenses incurred in connection with the filing of the claim, and past benefit/expenses, the claims of Petitioners shall be deemed fully satisfied and extinguished, except for Respondent's continuing obligation under section 766.31(2) to pay future expenses as incurred.

5. 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 6th day of June, 2013, in Tallahassee, Leon County, Florida.



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 6th day of June, 2013.

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).