

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHRISTINA NAVARRO AND ENRIQUE
RODRIGUEZ, on behalf of and as
parents and natural guardians of
VALENTINA NAVARRO, a minor,

Petitioners,

vs.

Case No. 12-4154N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

EMIL ABDALLA, D.O.,

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 Claim 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, Christina Navarro and Enrique Rodriguez on behalf of and as parents and natural guardians of Valentina Navarro, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA) have agreed that Christina Navarro and Enrique Rodriguez are the parents and legal guardians of Valentina Navarro (Valentina), a minor; that Valentina was born a live infant at Memorial Hospital, a "hospital" as defined by section 766.302(6) located in Pembroke Pines, Florida; and that Valentina's birth weight exceeded 2,500 grams. The Parties have further agreed that Emil Abdalla, M.D., provided obstetrical services at Valentina'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 Valentina suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Valentina's permanent and substantial mental and physical impairments. The medical reports filed in this case show that Valentina was born on or about December 23, 2010.

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, Christina Navarro and Enrique Rodriguez, as the parents and legal guardians of Valentina Navarro, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1, to be paid as periodic payments and for use for home, vehicle, or related expenses; 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 Mark A. Kaire, Esquire, attorney for Petitioners, \$4,320.00 for attorney's fees and \$897.77 for expenses, totaling \$5,217.77 in full, for services rendered in the filing of Petitioners' claim.

4. Upon the payment of the award of \$100,000.00, attorney's fees and other expenses totaling \$5,217.77 incurred in connection with the filing of this 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 5th day of June, 2013, in Tallahassee, Leon County, Florida.

Susan Belyeu Kirklund

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 5th 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).