

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CHRISTINE LAWHON AND JA DAVED  
LAWHON, on behalf of and as  
parents and natural guardians of  
ZOE ANN LAWHON, deceased,

Petitioners,

vs.

Case No. 13-0712N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

VANESSA DANCE, M.D.; HEALTH  
FIRST PHYSICIANS, INC.; AND CAPE  
CANAVERAL HOSPITAL, INC., d/b/a  
CAPE CANAVERAL HOSPITAL,

Intervenors.

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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, Christine Lawhon and Ja DaVed Lawhon, on behalf of and as parents and natural guardians of Zoe Ann Lawhon, a deceased minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA) have agreed that Christine Lawhon and Ja DaVed are the parents and legal guardians of Zoe Ann Lawhon (Zoe), a deceased minor; that Zoe was born on or about May 6, 2011, at Cape Canaveral Hospital, a "hospital" as defined by section 766.302(6) located in Coco Beach, Florida; and that Zoe's birth weight exceeded 2,500 grams. The Parties have further agreed that Vanessa Dance, M.D., provided obstetrical services at Zoe'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 Zoe suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), and that Zoe died on May 6, 2011. The medical report filed in this case demonstrates that Zoe was born a live infant.

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, Christine Lawhon and Ja DaVed Lawhon, as the parents and legal guardians of Zoe Ann Lawhon, a deceased minor, are awarded \$100,000.00, pursuant to section 766.31(1)(b)1, to be paid as a lump sum, a death benefit of \$10,000.00 pursuant to section 766.31(1)(b)1, and payment of benefits pursuant to section 766.31(1)(a), subject to the provisions of paragraph 20 of the Stipulation and Joint Petition.

3. Respondent shall pay Brian C. Lamb, Esquire, attorney for Petitioners, \$10,000.00 for attorney's fees and \$4,191.02 for expenses, totaling \$14,191.02 in full, for services rendered in the filing of Petitioners' claim.

4. Upon the payment of the award of \$100,000.00, the death benefit of \$10,000.00, attorney's fees and other expenses totaling \$14,191.02 incurred in connection with the filing of this claim, and past benefit/expenses, the claims of Petitioners shall be deemed fully satisfied and extinguished.

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*

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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).