

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JAIME BARNES AND JONATHAN  
TALLEY, individually and as  
natural parents of SOPHIA  
TALLEY, minor,

Petitioners,

vs.

Case No. 13-3313N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION a/k/a NICA,

Respondent,

and

LAKELAND REGIONAL MEDICAL CENTER  
AND JEFFREY PURETZ, M.D.,

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 March 22, 2016, 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, Jaime Barnes and Jonathan Talley, as parents and natural guardians of Sophia Talley, a minor, deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Jaime Barnes and Jonathan Talley are the parents and legal guardians of Sophia Talley (Sophia), deceased; that Sophia was born a live infant on or about June 14, 2011, at Lakeland Regional Medical Center, a "hospital" as defined by section 766.302(6) located in Lakeland, Florida; and that Sophia's birth weight exceeded 2,500 grams. The Parties have further agreed that Jeffrey Puretz, M.D., provided obstetrical services at Sophia'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 Sophia suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Sophia's injury.

It is ORDERED:

1. The Stipulation and Joint Petition filed on March 22, 2016, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Jaime Barnes and Jonathan Talley, as the parents and legal guardians of Sophia Talley, deceased, are awarded one hundred thousand dollars (\$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 Stipulation and Joint Petition pursuant to section 766.31(1)(a), subject to the provisions of paragraph 19 of the Stipulation and Joint Petition; and payment of the \$10,000.00 death benefit pursuant to section 766.31(1)(b)2.

3. NICA will reimburse Maria Tejedor, Esquire, and Jack T. Cook, Esquire, attorneys for Petitioners, an agreed-upon attorney's fee of \$8,000.00 and expenses of \$500.00, totaling \$8,500.00 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, the death benefit of \$10,000.00, past benefit/expenses, and \$8,500.00 for attorney's fees and costs, 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 31st day of March, 2016, in  
Tallahassee, Leon County, Florida.



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BARBARA J. STAROS  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 31st day of March, 2016.

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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).