

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ERIKA MARIE VELAZQUEZ, on behalf
of and as parent and natural
guardian of AMIRAH HOPE
VELAZQUEZ-WILLIAMS, a now
deceased minor,

Petitioner,

vs.

Case No. 14-1431N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

ROSE MARY SOBEL, M.D.,

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 September 30, 2014, 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, Petitioner, Erika Marie Velazquez, as parent and natural guardian of Amirah Hope Velazquez-Williams, deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Erika Marie Velazquez is the parent and legal guardian of Amirah Hope Velazquez-Williams (Amirah), deceased; that Amirah was born a live infant on or about May 1, 2012, at Seven Rivers Regional Medical Center, a "hospital" as defined by section 766.302(6) located in Crystal River, Florida; and that Amirah's birth weight exceeded 2,500 grams. The Parties have further agreed that Rose Sobel, M.D., provided obstetrical services at Amirah'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 Amirah suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of her injury and subsequent death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on September 30, 2014, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Erika Marie Velazquez, as the parent and legal guardian of Amirah Hope Velazquez-Williams, deceased, is 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 Joint Stipulation and Petition pursuant to section 766.31(1)(a), subject to the provisions of paragraph 20 of the Stipulation and Joint Petition; and payment of the \$10,000.00 death benefit pursuant to section 766.31(1)(b)1.

3. NICA will reimburse Tom Copeland, Esquire, attorney for Petitioner, an agreed upon attorney's fee of \$12,000.00 and expenses of \$1,697.56, totaling \$13,697.56 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 \$13,697.56 for attorney's fees and costs, the claims of Petitioner 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 1st day of October, 2014, in
Tallahassee, Leon County, Florida.



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 1st day of October, 2014.

COPIES FURNISHED:
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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).