

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JESUS CAMACHO, JR. and SUSAN E.  
CAMACHO, on behalf of and as  
guardians of JESUS CHRISTOPHER  
MICHAEL CAMACHO, a minor,

Petitioners,

vs.

Case No. 14-6136N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

EMAD ATTA, M.D., AND EMORY  
MEDICAL CENTER CORPORATION,  
d/b/a WOMEN'S CENTER OF FLORIDA,

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 October 1, 2015, 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, Jesus Camacho, Jr., and Susan E. Camacho, as grandparents and natural guardians of Jesus Christopher Michael Camacho, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Jesus Camacho, Jr., and Susan E. Camacho are the grandparents and natural guardians of Jesus Christopher Michael Camacho (Jesus), a minor; that Jesus was born a live infant on or about November 29, 2011, at Shands Lake Shore Regional Medical Center, a "hospital" as defined by section 766.302(6) located in Lake City, Florida; and that Jesus' birth weight exceeded 2,500 grams. The Parties have further agreed that Emad Ismael Atta, M.D., provided obstetrical services at Jesus' 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 Jesus suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Jesus' current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on October 1, 2015, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Jesus Camacho, Jr., and Susan E. Camacho, as the grandparents and legal guardians of Jesus Christopher Michael Camacho, a minor, is awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as lump sum to the grandparents; 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 payments of future expenses, as incurred.

3. NICA will reimburse Stephen A. Smith, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of \$7,500.00 and expenses of \$1,200.00, totaling \$8,700.00 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$8,700.00 for attorney's fees and costs, the claims of Petitioner 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 October, 2015, in  
Tallahassee, Leon County, Florida.



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BARBARA J. STAROS  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 5th day of October, 2015.

COPIES FURNISHED:  
(via certified mail)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
2360 Christopher Place, Suite 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8391)

Stephen A. Smith, Esquire  
Stephen A. Smith, P.A.  
153 Northeast Madison Street  
Lake City, Florida 32056-1792  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8407)

Clemente J. Inclan, Esquire  
Saalfeld, Shad, Stokes, Inclan,  
Stoudemire and Stone, P.A.  
245 Riverside Avenue, Suite 400  
Jacksonville, Florida 32202  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8414)

James Brent Allen, Esquire  
Saalfield, Shad, Jay, Stokes, and Inclan  
50 North Laura Street, Suite 2950  
Jacksonville, Florida 32202  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8421)

M. Mark Bajalia, Esquire  
Bajalia Law  
11512 Lake Mead Avenue, Suite 301  
Jacksonville, Florida 32256  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8438)

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7014 2120 0000 0356 8445)

Elizabeth Dudek, Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7014 2120 0000 0356 8452)

Shands Lake Shore Regional Medical Center  
Attention: Risk Management  
368 Northeast Franklin Street  
Lake City, Florida 32055  
(Certified Mail No. 7014 2120 0000 0356 8469)

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).