

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JASON DINUNNO AND MINDY DINUNNO,  
on behalf of and as parents and  
natural guardians of MCKENZIE  
DINUNNO, a minor,

Petitioners,

vs.

Case No. 15-1060N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

JORGE LONDONO, M.D.; TRACY  
NIELSON, C.N.M.; AND ORLANDO  
HEALTH, INC., d/b/a WINNIE  
PALMER 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 September 28, 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, Jason Dinunno and Mindy Dinunno, as parents and natural guardians of McKenzie Dinnuno, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Jason Dinunno and Mindy Dinunno are the parents and natural guardians of McKenzie Dinunno (McKenzie), a minor; that McKenzie was born a live infant on or about August 6, 2012, at Winnie Palmer Hospital, a "hospital" as defined by section 766.302(6) located in Orlando, Florida; and that McKenzie's birth weight exceeded 2,500 grams. The Parties have further agreed that Jorge L. Londono, M.D., provided obstetrical services at McKenzie'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 McKenzie suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of McKenzie's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on September 28, 2015, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Jason Dinunno and Mindy Dinunno, as the parents and legal guardians of McKenzie Dinunno, 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 to the parents; 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 Brian C. Lamb, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of \$6,500.00 and expenses of \$1,058.26, totaling \$7,558.26 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 \$7,558.26 for attorney's fees and costs, 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 1st day of October, 2015, 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 1st day of October, 2015.

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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).