

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CHERRY LEONARD, AS LEGAL  
GUARDIAN OF COURTNEY LINDSEY, AS  
PARENT OF KAMARI JACKSON, A  
MINOR,

Petitioner,

vs.

Case No. 15-2499N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

PUTNAM COMMUNITY MEDICAL CENTER,  
LLC, d/b/a PUTNAM COMMUNITY  
MEDICAL CENTER; AND MOHAMED  
AKHIYAT, 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 Joint Stipulation and Joint Petition for Partial 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 November 21, 2017, 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 Partial Summary Final Order dated March 4, 2016, the following findings of fact and conclusions of law were determined: (1) that Kamari Jackson was born a live infant on or about August 28, 2014, at a hospital, Putnam Community Medical Center; (2) that Kamari Jackson's birth weight exceeded 2,500 grams; (3) that Mohamed M. Akhiyat, M.D., provided obstetrical services at Kamari Jackson's delivery and was a "participating physician" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7) and (4) that Kamari Jackson suffered a "birth-related neurological injury," as that term is defined by section 766.302(2).

By Summary Final Order dated August 26, 2016, it was determined that Dr. Akhiyat and Putnam Community Medical Center provided notice in compliance with section 766.316, Florida Statutes.

Based upon the foregoing, by the terms of their stipulation, Petitioner, Cherry Leonard, as legal guardian of Courtney Lindsey, as parent of Kamari Jackson, a minor, and Respondent, Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Cherry Leonard is the legal

guardian of Courtney Lindsey, as parent of Kamari Jackson, a minor.

It is ORDERED:

1. The Stipulation and Joint Petition filed on November 20, 2017, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Cherry Leonard, as legal guardian of Courtney Lindsey, as parent of Kamari Jackson, a minor, is awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as periodic payments or lump sum<sup>1/</sup> to the legal guardian of Courtney Lindsey; 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 5 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

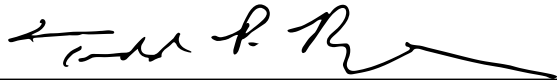
3. The parties have been unable to agree upon an amount of reasonable expenses incurred by Petitioner in connection with filing the instant claim. Accordingly, a hearing on the issue of reasonable expenses, including attorney's fees, will be scheduled regarding the same by a separate notice of hearing.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and 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 1st day of December, 2017, in Tallahassee, Leon County, Florida.



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TODD P. RESAVAGE  
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 December, 2017.

ENDNOTE

<sup>1/</sup> The Stipulation and Joint Petition does not indicate a preference for periodic payments or a lump sum.

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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).