

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JESSICA LYNN KOLLN AND DAKOTA  
BLAIZE SMALL, as parents and  
natural guardians of ANNA  
VIRGINIA SMALL, deceased,

Petitioners,

vs.

Case No. 15-6067N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

ERIKA D. GLAS, D.O., AND NORTH  
FLORIDA OB/GYN, LLC,

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 May 17, 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, Jessica Lynn Kolln and Dakota Blaize Small, as parents and natural guardians of Anna Virginia Small, deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Jessica Lynn Kolln and Dakota Blaize Small are the parents and legal guardians of Anna Virginia Small (Anna) deceased; that Anna was born a live infant on or about October 20, 2015, at Baptist Medical Center, a "hospital" as defined by section 766.302(6) located in Jacksonville, Florida; and that Anna's birth weight exceeded 2,500 grams. The Parties have further agreed that Erika Glas, M.D., provided obstetrical services at Anna'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 Anna suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Anna's death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on May 17, 2016, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Jessica Lynn Kolln and Dakota Blaize Small, as the parents and legal guardians of Anna Virginia Small, 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 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 Matthew Sowell, attorney for Petitioners, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$500.00, totaling \$10,500.00 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 \$10,500.00 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 18th day of May, 2016, 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 18th day of May, 2016.

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 1200 0002 3330 6495)

Matthew W. Sowell, Esquire  
Matthew W. Sowell, P.A.  
233 East Bay Street, 8th Floor  
Jacksonville, Florida 32202  
(eServed)  
(Certified Mail No. 7014 1200 0002 3330 6501)

Richard E. Ramsey, Esquire  
Wicker, Smith, O'Hara,  
McCoy and Ford, P.A.  
50 North Laura Street, Suite 2700  
Jacksonville, Florida 32202  
(eServed)  
(Certified Mail No. 7014 1200 0002 3330 6518)

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 1200 0002 3330 6525)

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 1200 0002 3330 6532)

Baptist Medical Center  
Attention: Risk Management  
800 Prudential Drive  
Jacksonville, Florida 32204  
(Certified Mail No. 7014 1200 0002 3330 9670)

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).