

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DALTON AND AMBER CAMPBELL, on  
behalf of and as parents and  
natural guardians of CLAIRISSA  
CAMPBELL, a minor,

Petitioners,

vs.

Case No. 16-0939N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

WEST FLORIDA REGIONAL MEDICAL  
CENTER; GINA-MARIE PEARCE, ARNP;  
AND JENNIFER PAYNE, M.D.,

Intervenors.

\_\_\_\_\_ /

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 27, 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, Dalton and Amber Campbell, as parents and natural guardians of Clairissa Campbell, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Dalton and Amber Campbell are the parents and legal guardians of Clairissa Campbell (Clairissa), a minor; that Clairissa was born a live infant on or about May 8, 2015, at West Florida Regional Medical Center, a "hospital" as defined by section 766.302(6) located in Pensacola, Florida; and that Clairissa's birth weight exceeded 2,500 grams. The Parties have further agreed that Jennifer Payne, M.D., and Gina-Marie Pearce, ARNP, provided obstetrical services at Clairissa's delivery and were "participating physicians" in the Florida Birth-Related Neurological Injury Compensation Plan, as defined by section 766.302(7). The Parties have agreed that Clairissa suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Clairissa's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on October 27, 2016, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Dalton and Amber Campbell, as the parents and legal guardians of Clairissa, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as lump sum to the parents; 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 19 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

3. NICA will reimburse John Rogers, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of \$4,350.50 and expenses of \$1,381.32, totaling \$5,731.82 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 \$5,731.82 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 28th day of October, 2016, in  
Tallahassee, Leon County, Florida.



---

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 28th day of October, 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. 7012 3050 0001 0080 3402)

John Rogers, Esquire  
Michles & Booth, P.A.  
501 Brent Lane  
Pensacola, Florida 32503  
(Certified Mail No. 7012 3050 0001 0080 3419)

David P. Ferrainolo, Esquire  
Hall Prangel & Schoonveld, LLC  
Suite 301  
4532 West Kennedy Boulevard  
Tampa, Florida 33609  
(eServed)  
(Certified Mail No. 7012 3050 0001 0080 3426)

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7012 3050 0001 0080 3433)

Justin Senior, Interim Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7012 3050 0001 0080 3440)

Laura Barber, M.D.  
2120 East Johnson Avenue, Suite 103  
Pensacola, Florida 32514  
(Certified Mail No. 7012 3050 0001 0080 3457)

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).