

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CAROLINE STRICKLAND MOORE AND
JONATHAN TAYLOR MOORE, on behalf
of and as parents and natural
guardians of ANNE KATHERINE
MOORE, a minor,

Petitioners,

vs.

Case No. 17-3485N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

ALEXANDER FRANZ, M.D., AND NORTH
FLORIDA WOMEN'S CARE,

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 11, 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 the terms of their stipulation, Petitioners, Caroline Strickland Moore and Jonathan Taylor Moore, as parents and natural guardians of Anne Katherine Moore, a minor, and Respondent, Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Caroline Strickland Moore and Jonathan Taylor Moore are the parents and legal guardians of Anne Katherine Moore (Anne), a minor; that Anne was born a live infant on or about September 3, 2015, at Tallahassee Memorial Hospital, a "hospital" as defined by section 766.302(6) located in Tallahassee, Florida; and that Anne's birth weight exceeded 2,500 grams. The Parties have further agreed that Alexander Franz, M.D., provided obstetrical services at Anne'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 Anne suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Anne's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on October 11, 2017, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Caroline Strickland Moore and Jonathan Taylor Moore, as the parents and legal guardians of Anne Katherine Moore, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as a 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. Upon the payment of the award of \$100,000.00, and payment of benefits up to and including the effective date of the Stipulation and Joint Petition, 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.

4. 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 November, 2017, in
Tallahassee, Leon County, Florida.



W. DAVID WATKINS
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 28th day of November, 2017.

COPIES FURNISHED:
(via certified mail)

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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).