

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SHALONDA STONE AND MICHAEL
WOODS, individually and as
parents of ZYLER D. WOODS, a
minor,

Petitioners,

vs.

Case No. 17-4239N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

HALIFAX HOSPITAL MEDICAL CENTER,

Intervenor.

_____ /

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 July 18, 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, Shalonda Stone and Michael Woods, as parents and natural guardians of Zyler D. Woods (Zyler), a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Shalonda Stone and Michael Woods are the parents and legal guardians of Zyler; that Zyler was born a live infant on or about November 3, 2016, at Halifax Hospital Medical Center, a "hospital" as defined by section 766.302(6) located in Daytona Beach, Florida; and that Zyler's birth weight exceeded 2,500 grams. The Parties have further agreed that Linda Haddox, M.D., provided obstetrical services at Zyler'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 Zyler suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Zyler's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on December 15, 2017, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Shalonda Stone and Michael Woods, as the parents and legal guardians of Zylar, 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. NICA will reimburse Ronald Gilbert, Esquire, 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 for past benefit/expenses, and \$10,500.00 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 22nd day of February, 2018, 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 22nd day of February, 2018.

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).