

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ESPERANZA VENTURA AND ROLANDO  
CHACLAN, on behalf of and as  
parents and natural guardians of  
ALAN CHACLAN VENTURA, a deceased  
minor,

Petitioners,

vs.

Case No. 17-5209N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

ST. MARY'S MEDICAL CENTER,

Intervenor.

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FINAL ORDER APPROVING STIPULATION

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 March 7, 2018, 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, Esperanza Ventura and Rolando Chaclan, as parents and natural guardians of Alan Chaclan Ventura, deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Esperanza Ventura and Rolando Chaclan are the parents and legal guardians of Alan Chaclan Ventura (Alan); that Alan was born a live infant on or about April 13, 2015, at Saint Mary's Medical Center, a "hospital" as defined by section 766.302(6) located in West Palm Beach, Florida; and that Alan's birth weight exceeded 2,000 grams. The parties have further agreed that Cecile Walker, M.D., provided obstetrical services at Alan'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 Alan suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of his injury.

It is ORDERED:

1. The Stipulation and Joint Petition filed on March 7, 2018, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

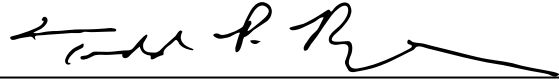
2. Petitioners, Esperanza Ventura and Rolando Chaclan, as the parents and natural guardians of Alan Chaclan Ventura, are awarded one hundred thousand dollars (\$100,000.00) pursuant to section 766.31(1)(b)1., to be paid as a lump sum; payment of benefits up to and including the effective date of the 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)2.

3. NICA will reimburse Robert L. Spector, attorney for Petitioners, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$3001.26, totaling \$13,001.26 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 \$13,001.26 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 9th day of March, 2018, 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 9th day of March, 2018.

COPIES FURNISHED:  
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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).