

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JAYLA CAMILLE MOORE, A MINOR
CHILD, BY AND THROUGH HER NEXT
FRIENDS, NATURAL GUARDIANS AND
NATURAL PARENT, COLLETTE WRIGHT;
COLLETTE WRIGHT, INDIVIDUALLY
AND AS MOTHER OF JAYLA CAMILLE
MOORE,

Petitioner,

vs.

Case No. 17-5787N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION (NICA),

Respondent,

and

UNIVERSITY OF FLORIDA BOARD OF
TRUSTEES AND SHANDS TEACHING
HOSPITAL AND CLINICS, INC.,

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 7,

2019, for the entry of an order approving the Stipulation and Joint Petition.

By the terms of their stipulation, Petitioner, Collette Wright, as parent and natural guardian of Jayla Camille Moore (Jayla), a minor; and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Collette Wright is the parent and legal guardian of Jayla.

By Summary Final Order entered on May 20, 2019, the undersigned determined that:

1. Jayla was born a live infant on or about January 8, 2016, at University of Florida Health Shands Hospital, a "hospital" as defined by section 766.302(6), located in Gainesville, Florida; and that Jayla's birth weight exceeded 2,500 grams;

2. Obstetrical services were delivered by Jessica Rose Jackson, M.D., a "participating physician" in the NICA Plan, as defined by section 766.302(7);

3. Jayla suffered a compensable "birth-related neurological injury," as that term is defined by section 766.302(2); and

4. Intervenors complied with the statutory notice requirements of the NICA Plan pursuant to section 766.315.

It is ORDERED:

1. The Stipulation and Joint Petition filed on October 7, 2019, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Collette Wright, as the parent and legal guardian of Jayla, a minor, is 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 parent; 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 17 of the Stipulation and Joint Petition; and payments of future expenses, as incurred.

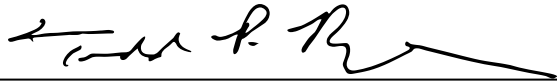
3. NICA will reimburse David R. Best, Esquire, attorney for Petitioner, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$1,000.00, totaling \$11,000.00, for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$11,000.00 for attorney's fees and costs, the claims of Petitioner 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 9th day of October, 2019, in Tallahassee, Leon County, Florida.



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 October, 2019.

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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).