

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ARIELLE M. RAMOS and EDWARD
GUTIERREZ, as parents and
natural guardians of EASTON
GUTIERREZ, a minor,

Petitioners,

vs.

Case No. 18-0500N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

ADVENTIST HEALTH SYSTEM/SUNBELT,
INC., d/b/a FLORIDA HOSPITAL
CELEBRATION HEALTH,

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 October 17, 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, as parents and natural guardians of Easton Gutierrez, a minor, and Respondent, Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Arielle Ramos and Edward Gutierrez are the parents and legal guardians of Easton Gutierrez; that Easton Gutierrez was born a live infant on or about February 12, 2017, at Florida Hospital Celebration Health, a "hospital," as defined by section 766.302(6) located in Celebration, Florida; and that Easton Gutierrez's birth weight exceeded 2,500 grams. The parties have further agreed that Kristell Valverde, M.D., provided obstetrical services at Easton Gutierrez'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 Easton Gutierrez 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 medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on October 17, 2018, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Arielle Ramos and Edward Guitierrez, as the parents and legal guardians of Easton Guitierrez, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as periodic payments; and 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.

3. Upon the payment of the award of \$100,000.00, and past benefits/expenses, the claims of Petitioners shall be deemed fully satisfied and extinguished.

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 18th day of October, 2018, 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 18th day of October, 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).