

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

JAMES JOHNSON AND LINDSEY  
JOHNSON, on behalf of and as  
parents and natural guardians of  
COOPER REILY JOHNSON, a deceased  
minor,

Petitioners,

vs.

Case No. 18-0503N

FLORIDA BIRTH-RELATED  
NEUROLOGICAL INJURY COMPENSATION  
ASSOCIATION,

Respondent,

and

VIRGIL DAVILA, M.D.,

Intervenor.

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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 May 14, 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 Cooper Riley Johnson, deceased, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that James Johnson and Lindsey Johnson are the parents and legal guardians of Cooper Riley Johnson (Cooper), deceased; that Cooper was born a live infant on or about June 13, 2017, at Winnie Palmer Hospital, a "hospital," as defined by section 766.302(6) located in Orlando, Florida; and that Cooper's birth weight exceeded 2,500 grams. The Parties have further agreed that Virgil Davila, M.D., provided obstetrical services at Cooper'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 Cooper 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 and subsequent death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on May 14, 2018, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, James Johnson and Lindsey Johnson, as the parents and legal guardians of Cooper Riley Johnson, deceased, 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)1.

3. NICA will reimburse Brian Lamb, Esquire, attorney for Petitioners, an agreed-upon attorney's fee of \$5,880.00 and expenses of \$15.00, totaling \$5,895.00 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 \$5,895.00 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 24th day of May, 2018, in  
Tallahassee, Leon County, Florida.



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W. DAVID WATKINS  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 24th day of May, 2018.

COPIES FURNISHED:  
(via certified mail)

Brian C. Lamb, Esquire  
Martinez Manglardi, P.A.  
540 North Semoran Boulevard  
Orlando, Florida 32807  
(Certified Mail No. 7016 0910 0001 7987 7609)

Kenney Shipley, Executive Director  
Florida Birth Related Neurological  
Injury Compensation Association  
Suite 1  
2360 Christopher Place  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7016 0910 0001 7987 7616)

Joseph P. Menello, Esquire  
Wicker, Smith, O'Hara, McCoy and Ford, P.A.  
Suite 1000  
390 North Orange Avenue  
Orlando, Florida 32801  
(eServed)  
(Certified Mail No. 7016 0910 0001 7987 7623)

Amie Rice, Investigation Manager  
Consumer Services Unit  
Department of Health  
4052 Bald Cypress Way, Bin C-75  
Tallahassee, Florida 32399-3275  
(Certified Mail No. 7016 0910 0001 7987 7630)

Justin Senior, Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 1  
Tallahassee, Florida 32308  
(eServed)  
(Certified Mail No. 7016 0910 0001 7987 7647)

Winnie Palmer Hospital  
Attention: Risk Management  
83 West Miller Street  
Orlando, Florida 32806  
(Certified Mail No. 7016 0910 0001 7987 7654)

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).