

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

KASSADY O'CONNOR, individually
and as parent and next friend of
OLIVIA O'CONNOR, a minor,

Petitioner,

vs.

Case No. 18-3018N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

MEETESH DESAI, M.D.; VOLUSIA
OB/GYN, P.A.; AND MEMORIAL
HEALTH SYSTEMS, INC., d/b/a
FLORIDA HOSPITAL MEMORIAL
MEDICAL CENTER,

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 April 15, 2019, 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, Petitioner, Kassady O'Conner, as parent and natural guardian of Olivia O'Conner (Olivia), a minor, and Respondent, Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Kassady O'Conner is the parent and natural guardian of Olivia; that Olivia was born a live infant on or about February 19, 2016, at Memorial Health Systems, Inc., d/b/a Florida Hospital Memorial Medical Center, a "hospital" as defined by section 766.302(6) located in Daytona Beach, Florida; and that Olivia's birth weight exceeded 2,500 grams. The Parties have further agreed that Meetesh Desai, M.D., provided obstetrical services at Olivia'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 Olivia suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Olivia's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition filed on April 15, 2019, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioner, Kassady O'Conner, as the parent and natural guardian of Olivia O'Conner, 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 Kassady O'Conner; 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 McMillen Law Firm, A Professional Association, attorneys for Petitioner, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$1,895.33 (one thousand eight hundred ninety-five dollars and thirty-three cents), totaling \$11,895.33 in full for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00, past benefit/expenses, and \$11,895.33 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 15th day of May, 2019, 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 15th day of May, 2019.

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).