

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

AMANDA MORENO and ISRAEL SIERRA,
individually and as parents and
next friends of LEIAH SIERRA, a
minor,

Petitioners,

vs.

Case No. 18-5024N

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 December 17, 2018,^{1/} 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, Amanda Moreno and Israel Sierra, individually and as parents and natural guardians of Leiah Sierra, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association ("NICA"), have agreed that Amanda Moreno and Israel Sierra are the parents and legal guardians of Leiah Sierra ("Leiah"), a minor; that Leiah was born a live infant on or about September 10, 2017, at Adventist Health System/Sunbelt, Inc., d/b/a Florida Hospital Celebration Health, a "hospital" as defined by section 766.302(6) located in Celebration, Florida; and that Leiah's birth weight exceeded 2,500 grams. The parties further agree that Brenda Harris-Watson, M.D., provided obstetrical services at Leiah'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 agree that Leiah suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause of Leiah's current medical condition.

It is ORDERED:

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

2. Petitioners, Amanda Moreno and Israel Sierra, as the parents and legal guardians of Leah, a minor, are awarded one hundred thousand dollars (\$100,000.00), pursuant to section 766.31(1)(b)1., to be paid as lump sum to the parents; 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 the McMillen Law Firm, legal counsel for Petitioners, agreed-upon attorney's fees of \$10,000.00 and expenses of \$109.65, totaling \$10,109.65, 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 \$10,109.65 for attorney's fees and costs, the claims of Petitioners 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 4th day of January, 2019, in Tallahassee, Leon County, Florida.



J. BRUCE CULPEPPER
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 4th day of January, 2019.

ENDNOTE

^{1/} NICA filed an Amended Notice of Filing on December 18, 2018, which included a complete and correct copy of the Stipulation and Joint Petition.

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).