

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CYNTHIA RITTER and JOHN LEROY,
individually and as parents of
CHLOE LEROY, deceased,

Petitioners,

vs.

Case No. 19-2348N

FLORIDA BIRTH-RELATED
NEUROLOGICAL INJURY COMPENSATION
ASSOCIATION,

Respondent,

and

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

Intervenor.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

This cause came on for consideration pursuant to sections 766.304 and 766.305, 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 (Division) on July 19, 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, Petitioners, Cynthia Ritter and John LeRoy, as parents and guardians of Chloe LeRoy, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Cynthia Ritter and John LeRoy are the parents and legal guardians of Chloe LeRoy (Chloe), who is now deceased; that Chloe was born a live infant on or about July 9, 2018, at Intervenor Advent Health System/Sunbelt, Inc., d/b/a Florida Hospital Altamonte, a "hospital," as defined by section 766.302(6), located in Seminole County, Florida; and that Chloe's birth weight exceeded 2,500 grams. The parties have further agreed that Nateya Carrington, M.D., provided obstetrical services at Chloe's delivery and was a "participating physician" in the Florida Birth Related Neurological Injury Compensation Association Plan, as defined by section 766.302(7). The parties have agreed that Chloe suffered a "birth-related neurological injury," as that term is defined by section 766.302(2), which was the sole and proximate cause that led to Chloe's death.

It is ORDERED:

1. The Stipulation and Joint Petition filed on July 19, 2019, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Cynthia Ritter and John LeRoy, as the parents and legal guardians of Chloe, a minor, are 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 parents.

3. Petitioners, Cynthia Ritter and John LeRoy, as the parents and legal guardians of Chloe, are awarded a death benefit in the amount of ten thousand dollars (\$10,000.00), pursuant to section 766.31(1)(b)2., to be paid as a lump sum.

4. NICA will reimburse McMillen Law Firm, P.A., attorneys for Petitioners, an agreed-upon attorney's fee of \$10,000.00 and expenses of \$3,676.98, totaling \$13,676.98 in full, for services rendered in the filing of this claim.

5. Upon the payment of the award of \$100,000.00 past benefit/expenses, \$10,000.00 death benefit, and \$13,676.98 for attorney's fees and costs, the claims of Petitioners shall be deemed fully satisfied and extinguished.

6. The Division 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 30th day of July, 2019, in
Tallahassee, Leon County, Florida.



ROBERT J. TELFER III
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 30th day of July, 2019.

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).