

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

LOGAN FLOUNDERS AND BRITTANY GAETA,
INDIVIDUALLY AND AS NATURAL PARENTS
OF ASHTYN FLOUNDERS, A MINOR,

Petitioners,

vs.

Case No. 19-5147N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

ORLANDO HEALTH, INC. D/B/A HEALTH
CENTRAL HOSPITAL, AND ROSEANNE M.
HENRY, M.D.,

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 (DOAH) on February 17, 2021, 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, Logan Flounders and Brittany Gaeta, individually and as natural parents of Ashtyn Flounders (Ashtyn), a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Logan Flounders and Brittany Gaeta are the parents and legal guardians of Ashtyn, a minor; that Ashtyn was born a live infant on or about July 23, 2017, at Orlando Health, Inc. d/b/a/ Health Central Hospital, a “hospital,” as defined by section 766.302(6), located in Jacksonville, Florida; and that Ashtyn’s birth weight was 3,275 grams. The parties have further agreed that Roseanne M. Henry, M.D., provided obstetrical services at Ashtyn’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 Ashtyn 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 February 17, 2021, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Logan Flounders and Brittany Gaeta, individually and as natural parents of Ashtyn, 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; and payment of all benefits, past and future, as authorized by section 766.31, subject to the provisions of paragraph 19 of the Stipulation and Joint Petition.

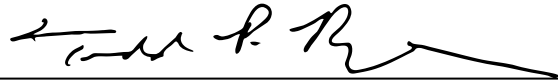
3. NICA shall reimburse Jonathan Gilbert, Esquire, of Colling, Gilbert Wright and Carter, LLC, an agreed upon attorney’s fee of ten thousand dollars (\$10,000.00); and expenses of one thousand five hundred dollars

(\$1500.00); totaling eleven thousand five hundred dollars (\$11,500.00) for services rendered in the filing the claim.

4. Upon the payment of the award of \$100,000.00, past benefits/expenses, and attorney's fees and expenses of \$11,500.00, 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 DOAH 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 March, 2021, in Tallahassee, Leon County, Florida.



TODD P. RESAVAGE
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
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www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 4th day of March, 2021.

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).