

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MARK OSTROVSKIY AND EVGENIA  
OSTROVSKAYA, INDIVIDUALLY AND AS  
PARENTS AND NEXT FRIENDS OF  
VLADISLAV OSTROVSKIY, A MINOR,

Case No. 19-5951N

Petitioner,

vs.

FLORIDA BIRTH-RELATED NEUROLOGICAL  
INJURY COMPENSATION ASSOCIATION,

Respondent.

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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 March 18, 2020, 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 and Joint Petition, Petitioners, Mark Ostrovskiy and Evgenia Ostrovskaya, as parents and natural guardians of Vladislav Ostrovskiy, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Mark Ostrovskiy and Evgenia Ostrovskaya are the parents of Vladislav Ostrovskiy (Vladislav), a minor; that Vladislav was born a live infant on or

about September 17, 2017, at Mount Sinai Medical Center, a “hospital,” as defined by section 766.302(6), located in Miami Beach, Florida; and that Vladislav’s birth weight exceeded 2,500 grams. The parties have further agreed that Jeff T. Moise, M.D., provided obstetrical services at Vladislav’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 Vladislav suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2). It is

**ORDERED:**

1. The Stipulation and Joint Petition filed on March 18, 2020, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Mark Ostrovskiy and Evgenia Ostrovskaya, as the parents and legal guardians of Vladislav, 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; 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, P.A., attorneys for Petitioners, an agreed-upon attorney’s fee of \$12,500.00 and expenses of \$141.76, totaling \$12,641.76 in full, for services rendered in the filing of this claim.

4. Upon the payment of the award of \$100,000.00 for past benefit/expenses, and \$12,641.76 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 26th day of March, 2020, in Tallahassee, Leon County, Florida.



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TODD P. RESAVAGE  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 26th day of March, 2020.

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).