

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

ONGEL PHILLIPS AND ROLANDO PHILLIPS,  
ON BEHALF OF AND AS PARENTS AND  
NATURAL GUARDIANS OF JORDAN PHILLIPS,  
A MINOR,

Petitioners,

vs.

Case No. 19-6153N

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, Petitioners, Ongel and Rolando Phillips, as parents and natural guardians of Jordan Phillips, a minor, and Respondent, the Florida Birth-Related Neurological Injury Compensation Association (NICA), have agreed that Ongel and Rolando Phillips are the parents and legal guardians of Jordan Phillips (Jordan), a minor; that Jordan was born a live infant on or about July 28, 2018, at Baptist Medical Center

South, a “hospital” as defined by section 766.302(6) located in Jacksonville, Florida; and that Jordan’s birth weight exceeded 2,500 grams. The Parties have further agreed that Jeannine Mauney, M.D., provided obstetrical services at Jordan'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 Jordan suffered a “birth-related neurological injury,” as that term is defined by section 766.302(2), which was the sole and proximate cause of Jordan's current medical condition.

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, Ongel and Rolando Phillips, as the parents and legal guardian of Jordan Phillips, 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 McBreen and Nowak, P.A., attorneys for Petitioners, an agreed-upon attorney’s fee of \$11,517.50 and expenses of \$7.60, totaling \$11,525.10 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 \$11,525.10 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 24th day of March, 2020, in Tallahassee, Leon County, Florida.



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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 24th day of March, 2020.

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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).