

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

MICHAEL TEAGUE AND MAGEN FAUX,
INDIVIDUALLY AND AS PARENTS AND
NEXT FRIENDS OF KALI TEAGUE, A
MINOR,

Petitioners,

vs.

Case No. 19-6612N

FLORIDA BIRTH-RELATED NEUROLOGICAL
INJURY COMPENSATION ASSOCIATION,

Respondent,

and

ADAM M. CLOSE, M.D.,

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 March 30, 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, Florida Statutes, and a resolution of the exclusive remedy otherwise available as outlined in chapter 766.

By the terms of their Stipulation and Joint Petition, Petitioners, Michael Teague and Magen Faux, as parents and guardians of Kali Teague, a minor, and Respondent, the Florida Birth-Related Neurological Injury

Compensation Association (NICA), have agreed that Michael Teague and Magen Faux are the parents and legal guardians of Kali Teague (Kali); that Kali was born a live infant on or about March 18, 2019; and that Kali's birth weight exceeded 2,500 grams. The parties have further agreed that Intervenor, Adam Close, M.D., provided obstetrical services at Kali'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 Kali 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 Kali's current medical condition.

It is ORDERED:

1. The Stipulation and Joint Petition, filed on March 30, 2020, is hereby approved, and the parties are directed to comply with the provisions of the Stipulation and Joint Petition.

2. Petitioners, Michael Teague and Magen Faux, as the parents and legal guardians of Kali, 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, Michael Teague and Magen Faux, as the parents and legal guardians of Kali, a minor, and NICA, agree that NICA will pay future expenses as incurred, pursuant to section 766.31(2).

4. NICA will reimburse McMillen Law Firm, attorneys for Petitioners, an agreed-upon amount of \$12,500 for reasonable attorney's fees and \$118.84 for expenses for services rendered in the filing of this claim, pursuant to section 766.31(1)(c).

5. Upon the payment of the award of \$100,000.00 for past benefit/expenses, and \$12,618.84 for attorney's fees and expenses, 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.

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 7th day of April, 2020, in Tallahassee, Leon County, Florida.



ROBERT J. TELFER III
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 7th day of April, 2020.

COPIES FURNISHED:
(via certified mail)

Kenney Shipley, Executive Director
Florida Birth-Related Neurological
Injury Compensation Association
2360 Christopher Place, Suite 1
Tallahassee, Florida 32308
(eServed)
(Certified No. 7019 1640 0000 2208 6781)

Allison C. McMillen, Esquire
McMillen Law Firm, P.A.
Suite 105
163 East Morse Boulevard
Winter Park, Florida 32789
(eServed)
(Certified No. 7019 1640 0000 2208 6798)

Henry W. Jewett, II, Esquire
Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A.
15th Floor
201 East Pine Street
Orlando, Florida 32801
(eServed)
(Certified No. 7019 1640 0000 2208 6804)

Amie Rice, Investigation Manager
Consumer Services Unit
Department of Health
4052 Bald Cypress Way, Bin C-75
Tallahassee, Florida 32399-3275
(Certified No. 7019 1640 0000 2208 6361)

Mary C. Mayhew, Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 1
Tallahassee, Florida 32308
(eServed)
(Certified No. 7019 1640 0000 2208 6378)

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).